

TRUSTWORTHY NEWS

FOUR SUITCASES AND A CARRY-ON

HIGHLIGHTS:

- ◆ Story: Four Suitcases and a Carry-On
- ◆ Dead Horses
- ◆ The “New” Power of Attorney Revocation Act—Scary!
- ◆ A Personal Letter from Mr. Focke



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For a **FREE** consultation, call us.

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Try thinking of these suitcases as legal methods to protect and carry your property forward at death or disability.

First “Suitcase”

No Will = State’s “Suitcase” Procedure

This “suitcase” is purchased **after your death** by a family member from a court. The court then controls the lengthy process (one year to 18 months). It determines the estate’s heirs, controls the management, payments and distributions. This “suitcase” costs a lot of time and money.

Second “Suitcase”

The Will Suitcase—Document

The Will “suitcase” is purchased by you from an attorney **prior to death**, which is “empty” at the time of purchase (i.e., does not contain your assets/does not work until death). It remains empty until a probate court approves same, and appoints your named representative who then gathers up your assets and works “out of” the “suitcase”. He or she gathers, manages and ultimately distributes your remaining assets. This “suitcase” is less expensive until death, but then costs time and money.

Third “Suitcase”

The Guardianship “Suitcase” Procedure

This “suitcase” is purchased when you become **incapacitated** as determined by a physician. At the request of almost anyone, the court (remember, you are still alive) brings you and all your property **without your input** (unless you signed a “Guardian Prior to Need”) into its control until death or reinstatement of capacity. This process lasts usually until death, and it requires another “suitcase” to pass on your property, which costs more time and money.

Carry-On Bag

General Power of Attorney Document

The “General and Durable Power of Attorney” (different from your Medical Power of Attorney) allows someone to conduct your business and affairs without supervision. It terminates at death, is abused and misused nationally 64% of the time and is revocable thereby forcing your family to spend more money to purchase a guardianship “suitcase”.

Forth “Suitcase”

(The Management Trust & Will Replacement)



The Revocable Living Trust

The Revocable Living Trust “suitcase” is recommended for everyone by AARP. It is **created today**, is private, holds your property today, works today, as well as tomorrow and all through your life. There is no separate tax return, accounting, and is not necessarily a “wealth” document (contrary to popular belief). It replaces the carry-on bag; avoids State’s and Will “suitcases”, i.e., it is created during your life, takes in all your property today keeping out State/Court involvement, is managed according to your wishes; and avoids the guardianship “suitcase”. It takes your assets out of public inventory, sets up children’s and/or grandchildren’s management trusts and can double estate tax exemption for married couples. It’s costs may be up front, but is cheaper, more efficient, and faster in the long run.

IF THE HORSE YOU’RE RIDING DIES, GET OFF!

The metaphor of getting off a dead horse seems simple and clear, but this fear or procrastination of “change” or “new action” often results in us choosing alternative solutions which include:

- 1) Moving the dead horse to a new, exciting location;
- 2) Riding the dead horse for a longer time;
- 3) Saying “this is the way we’ve always ridden the horse”;
- 4) Appointing a committee to study dead horses;
- 5) Visiting other sites where they ride dead horses;
- 6) Creating a test for measuring our ability to ride dead horses; and
- 7) Blaming the horse’s parents.

Get off the dead horse, i.e., quit doing what does not work, change those habits, substitute a new attitude, action or technique that does work! Get off the dead horse!

FRIENDSHIP

I LOOKED FOR MY SOUL, AND MY SOUL I COULD NOT FIND.

I LOOKED FOR MY GOD AND MY GOD ELUDED ME.

I LOOKED FOR A FRIEND AND FOUND ALL THREE!



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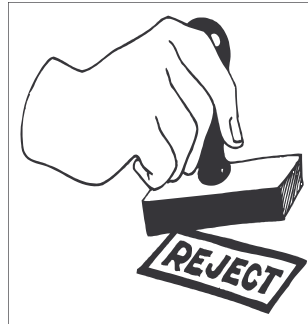
Texas Supreme Court
and US Tax Court
Licensed

Not licensed by the
Texas Board of Legal
Specialization

REVOCATION AND MISUSE OF POWER OF ATTORNEY: SO OFTEN EASY, SO BAD

Effective September 1999, any power of attorney, whether being used properly or not is subject to a process to cancel simply upon notice and proof to a county court that you are "incapacitated." The court appoints its own attorney to confirm such "incapacity", and places you/your property in a court controlled, supervised and bonded guardianship, usually until death.

Unless: You have a previously funded Living or Management Trust, which avoids the guardianship process and the probate



process at death (no courts!).

Note: Under a power of attorney, which national statistics show 64% plus are misused, your holder may be able to do more than you bargained for,

i.e., change beneficiaries on annuities, P.O.D. accounts, life insurance policies, etc.

Solution: Let's discuss your particular options, wishes, family dynamics, i.e., sibling rivalries, "bad" son/daughter-in-law, minors, extravagant children, incapacity, illness, etc.

Call today for a
free consultation

PERSONAL LETTER FROM MR. FOCKE

Recently at church, the sermon started with the comment, "Everyone has an invisible number on their forehead that represents how long that person will continue to live; one day, one month, one year, 30 years, etc." Unfortunately, no one can see it except God. The point was made as to how long can one put off important things such as (1) being kind and loving; (2) improving your spiritual relationship; and (3) taking care of business.

As to number three, have you or are you putting off your Will, Will amendment, investigation into a Will alternative such as the Revocable Living Trust? Only with one of these documents can you effectively protect yourself, your family and save time and money. Yes, by taking care of these items, which takes time and money, you save much more time and money in the long run. What if your number is a small one? Where else can you get a guarantee on saving so much by getting off the dead horse of procrastination and delay.

Call me regarding your options today! It will be the best investment you make to ensure your peace of mind and that of your family.

Sincerely,

ROBERT C. FOCKE