

# Estate Planning

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A SPECIAL ADVERTISING SUPPLEMENT



Palm Beach Daily News

Contents contributed by members of the Palm Beach  
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## A Message from the President



Matthew Thibaut

By Matthew N. Thibaut

President, Palm Beach County Estate Planning Council

On behalf of the Palm Beach County Estate Planning Council, I am thrilled to present to you the 23rd annual edition of the Estate Planning Supplement. All of the informative content has been provided by members. The Palm Beach County Estate Planning Council is a multi-disciplined organization made up of over 200 professionals in our local community knowledgeable in the estate planning area.

This is the Council's second publication during the COVID-19 pandemic, and we collectively suggest and assume that "now" is an ideal time to review one's estate planning needs. Everything has changed in the past 2 years from where we go; where we dine, shop, work and play; as well as who we interact with and how. These changes and challenges may significantly impact your pre-pandemic estate planning needs; thus, now more than ever is probably an opportune time to develop and/or revise your estate plan, when most of the work can be done from home! Certainly wills, trusts, health-care proxies, etc. form the bedrock of an estate plan, but what about the sale of a business, a succession plan, the divestment of a real estate holding (particularly a commercial space) may all lend itself to immediate review in this pandemic environment.

We hope that you find the following articles thought provoking and informative. For more information and follow-up, please visit our website at [www.pbcepc.org](http://www.pbcepc.org) and consider following us on our Facebook and LinkedIn pages, which are regularly updated with useful and relevant content. Finally, our website contains our membership directory where you can retrieve the contact information for any of the authors who have submitted the enclosed articles, who will gladly provide you any additional guidance.

On behalf of the Council, we wish you a healthy and safe Happy New Year!

The Palm Beach County Estate Planning Council, Inc. is the resource for estate planning professionals in Palm Beach County. The two key purposes of the Council are to increase the overall knowledge of its membership and to enhance the professionalism and interaction of the members for the benefit of their clients and the public via academic exploration of specific topics of common interest.

Professionals seeking membership information should contact Administrative Director Jacqueline S. Farina at 561-714-2360.



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## AUTHOR AND ADVERTISER INDEX

<b>What it Means to Act as Fiduciary (And How to Choose the Best One for You)</b> ..... 5
Gina M. Nelson, Chilton Trust Company, N.A. See ad page 32
<b>Caveat Donor: Estate Planning and the Importance of a Qualified Appraisal</b> ..... 6
Terrel J. Laverigne, CPA/ABV, CVA, BCG Valuations and Matthew R. McCranor, ASA See ad page 6
<b>Effective Planning to Officially Become a Florida Resident</b> .....7
Sarah Gaymon, CPA and Michael L. Kohner, CPA, AEP, CAP, HBK See ad page 7
<b>Five Questions to Guide Family Discussions on Charitable Giving</b> ..... 8
By Stephen Zaloom, J.D., LL.M., CAP®, Jeck, Harris, Raynor and Jones, PA See ad page 8
<b>Navigating the Medicare Maze</b> ..... 9
Valerie J. DeSalvo-Bahlkow, Medicare Supplement Specialist See ad page 9
<b>Proposed New Tax Laws under the Biden Administration</b> ..... 10
Patricia A. Giarratano, CPA, EisnerAmper See ad page 10
<b>As the Balance of Wealth Trends Towards Women, the Face of Philanthropy Will Change Dramatically</b> .....11
Suzanne S. Weston, The Glenmede Trust Company, N.A. See ad page 11
<b>Florida's New Community Property Trust Act</b> ..... 12
Lisa A. Schneider, Chair of Gunster's Trusts and Estate Practice and Joshua N. Goldglantz, Shareholder at Gunster See ad page 12
<b>Portability, an Often Overlooked Way to Save Estate Tax for Married Couples</b> ..... 13
Cliff S. Gelber, CPA, Partner, Gerson /Preston/ Klein/ Lips/ Eisenberg/ Gelber See ad page 13
<b>Estate Planning Considerations for Unmarried Couples</b> ..... 14
Joseph C. Pauldine, SVP, Cypress Bank & Trust See ad page 14
<b>10 Tips to Prepare Your Heirs</b> ..... 15
Syndie T. Levien, CFP®, CEPA, UBS Financial Services Inc. See ad page 15
<b>A Primer on Elder and Vulnerable Adult Financial Exploitation</b> ..... 16
Darlene A. Dzuba, U.S Bank Private Wealth Management and Debra Moler, RN Life Care Advocates See ad page 16
<b>Tax Law Changes Impact on Your Charitable Giving</b> .....17
Irv Geffen, MorseLife Foundation See ad page 17
<b>Incorporate Today's 'Hot' Collectibles in Your Estate Plans</b> ..... 18
Andrew Kravit, President, Kravit Estate Appraisals See ad page 18
<b>Minimizing Estate Tax on Vacation Homes and other Out-of-State Personal Assets</b> ..... 19
Lisa Rispoli, CPA, AEP, TEP, Partner, Trust & Estate Services Leader, Grassi Advisors & Accountants See ad page 19
<b>Bueller? Bueller? On the Importance of Finding Your Cameron</b> ..... 20
Jarrett Bostwick, JD, LLM and David Reynolds, CFP®, CLU®, Spearhead See ad page 20
<b>Realizing the Value of Your Grandmother's Gems</b> ..... 21
Collin Albertsson, Doyle Auctioneers & Appraisers See ad page 21
<b>Common Estate Planning Oversights</b> ..... 22
Bryan Doane, Doane & Doane, PA. See ad page 22
<b>Tax-Free Compounding with Split Dollar Loans</b> ..... 23
Marshall Jones, Principal, Jones Lowry See ad page 23

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# What it Means to Act as Fiduciary

## (And How to Choose the Best One for You)

**By Gina M. Nelson**  
Chilton Trust Company, N.A.

For most people, when it comes time to have your estate planning documents drafted, the majority of the time and attention is spent on determining how your assets will pass on your death. You have considered at what age you want your heirs to receive money, which beneficiaries may need the protection of assets staying in trust, and any other special considerations your situation may warrant. Often though, the decision as to whom to name as trustee – i.e., the person responsible for managing all aspects of your trust(s) – and executor (or personal representative in some states, including Florida) – i.e., the person responsible for managing all aspects of your estate – does not get the same amount of thought. However, choosing your fiduciary can have a substantial impact on your overall estate plan.

The duties of a fiduciary are governed by state law and the terms of the will/trust, and include the following:

- Interpreting and following the terms of the document
- Collecting and administering assets
- Investing assets
- Filing federal and state income tax returns for the trust/estate
- Making initial and ongoing tax elections
- Exercising discretion over trust distributions
- Keeping beneficiaries informed
- Obtaining appraisals for any unique assets

Consequently, the choices made by the fiduciary may impact:

- Timing and amount of distributions beneficiaries receive
- How assets are taxed
- Investment allocations and returns
- In certain cases (generally, when a beneficiary is disabled), whether a beneficiary continues to qualify for

government benefits

All of these decisions, made by the trustee, will determine how your estate plan will be fulfilled.

Oftentimes people default to naming a family member or close friend to serve as their fiduciary. One of the advantages of that arrangement (and why it is often done) is that this person will have personal knowledge of your family situation, important family dynamics, and will likely be familiar with your financial values and wishes. They may know if you have a beneficiary who is less financially responsible, who has special needs, or any other unique needs of your beneficiaries. This puts them in the best position to make decisions as you would have done yourself.

On the other hand, it may be difficult for someone close to you to be objective when it comes to making decisions for distributions to beneficiaries. They may have a hard time saying no to that beneficiary who overspends due to an emotional connection or end up feeling like they're torn between their fiduciary duty and their personal/familial relationship. Individual trustees will likely need to hire outside experts to assist in carrying out their duties, either as it relates to investments, interpreting the terms of the governing documents, or preparing tax returns. Moreover, individuals may lose competency over time, or may make mistakes that, without the benefit of checks and balances, cannot be prevented or caught; in such cases, there is no guarantee that the trust will be able to recover all or even a portion of the lost funds.

As an alternative, some people choose to appoint a professional trustee, such as a trust company or lawyer. Estate and trust administration can be time-consuming, and professional trustees have the expertise, knowledge and technology to be able to administer them efficiently and effectively.



Gina M. Nelson

Particularly in complex estate planning, where complicated tax elections or other trustee/executor decisions have important ramifications, professional fiduciaries are well suited to understanding how to make these determinations. Additionally, professional trustees may be better situated to act impartially, outside of the

constraints of familial relationships and dynamics. Trust companies can provide continuity in the fiduciary role, maintaining relationships over multiple generations and seamlessly continuing administration over the life of the estate/trust. They also have controls in place to ensure the trust is properly administered throughout its existence and are appropriately insured if an issue is discovered.

One approach that works particularly well is pairing a family member or friend with a trust company as co-trustees. In these situations, the burden of day-to-day administration, record-keeping, tax preparation, etc. can be handled by the corporate trustee, while distribution and/or investment decisions can be made jointly by the co-trustees. This balances the advantages of an individual trustee who has close personal knowledge of the family, its dynamics and goals, with the strengths of a corporate trustee who can act impartially and help guide (and in some cases, serve as a buffer, for) the individual trustee during difficult decisions. In situations where the family member or friend is uncomfortable saying no, the corporate trustee can take that on, allowing the individual trustee to maintain a comfortable relationship with the beneficiary.

Acting as a fiduciary entails great responsibility and has a significant impact on the implementation of any estate plan. As a result, choosing the right fiduciary is a key component of having a successful estate plan that

should not be overlooked.

*Gina M. Nelson is Senior Vice President and Head of Fiduciary Services with nearly 20 years of experience in the trusts and estates field. Ms. Nelson began her career as an estate planning attorney and has since worked for trust companies both domestically and internationally.*

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# Caveat Donor: Estate Planning and the Importance of a Qualified Appraisal

By Terrel J. Lavergne,  
CPA/ABV, CVA, BCG Valuations and  
Matthew R. McCranor, ASA

Often, a significant portion of an individual's net worth is derived from an ownership interest in a closely held business, partnership, or LLC. Therefore, an important element of estate planning is the valuation of that interest. If the estate plan includes a transfer of such interests, it is critical that a qualified business appraisal be performed by a qualified professional.

The purpose of an appraisal is to determine and present an opinion of *fair market value*, which is defined as the price at which an asset would change hands between a willing buyer and a willing seller, when the former is not under any compulsion to buy and the latter is not under any compulsion to sell, and both parties are able, as well as willing, to trade and are well-informed

about the asset and the market for such asset.

Techniques available to reduce estate taxes include the gifting of minority interests in private entities to other family members. Such non-controlling and illiquid interests can be discounted for both lack of control and lack of marketability. Transfers of these discounted interests reduce taxable estates and shift future appreciation to the recipients of the gift; i.e., the next generations. A gift tax return should be backed by a qualified appraisal and if it satisfies adequate disclosure rules, filing of the return begins a three-year statute of limitations. Using a qualified independent appraiser should help in satisfying these rules and in avoiding penalties for underpayment of estate or gift taxes because of a valuation understatement.

A qualified appraisal is prepared by a qualified appraiser in accordance with



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**Matthew McCranor**

generally accepted appraisal standards. The IRS regulations generally define a qualified appraiser as an individual who has earned an appraisal designation from a recognized professional organization or who has met certain minimum educational and experience requirements. In both cases, the individual must regularly prepare appraisals for compensation.

Generally accepted appraisal standards mean that the valuation has been prepared in accordance with the substance and principles of the Uniform Standards of Professional Appraisal Practice ("USPAP"), as developed by the Appraisal Standards Board of the Appraisal Foundation. USPAP, one of the more important developments in the valuation world over the past few decades, was promulgated "to promote and maintain a high level of public trust" in the profession. Prior to USPAP, both full-time appraisers and part-time novices often would refer to "generally accepted valuation standards." The trouble is, there were none. Today, USPAP is a fact of life for appraisers of every discipline, and attorneys and others who retain them should have a solid awareness of what that means. Here's a thumbnail sketch of USPAP:

- USPAP's detailed set of standards, statements and advisory opinions affect the development and communication of real estate, machinery and equipment, personal property and business appraisals.

- Each of these four primary disciplines has at least two standards dealing with how a valuation should be developed and then reported.

See Donor, Page 24



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# Effective Planning to Officially Become a Florida Resident

By Sarah Gaymon, CPA and  
Michael L. Kohner, CPA, AEP, CAP, HBK

Harold and Wilma recently left their home state of New York to retire early in the state of Florida. They spent the last two weeks making numerous appointments with doctors, lawyers, accountants, financial advisors, and various local government offices to get their affairs in order. The past few weeks may be a bit of a blur as all of this was done while familiarizing themselves with local restaurants and making new friends. In addition, Harold and Wilma just learned that their oldest daughter will be delivering their first grandchild soon, back home in New York. Situations like my clients, Harold and Wilma, are becoming more common as the winters become colder and longer, and many states find themselves attempting to make up budget deficits with new tax proposals intended to significantly increase both income and estate taxes for residents.

The time that Harold and Wilma spent getting their affairs in order was time well spent as it will protect them in the event New York later tries to argue that they never gave up their residence. As many individuals continue to leave high tax jurisdictions for bright, sunny, and income tax free Florida, more states are starting to audit income tax returns and challenge domicile and residence. These audits can be costly, especially if the timing of the move coincides with a significant taxable event, such as an exercise of stock options, a sale of significant securities or investments, or the sale of a business. For an individual to be successful if challenged by a state, proper planning must be done to ensure the timing and documentation of the change in residency and domicile coincides with the physical move south.

For many states, domicile is a key consideration in determining one's residency status for tax purposes. Domicile is all about intent. Does the taxpayer intend to make Florida their



Sarah Gaymon



Michael L. Kohner

permanent home? Is it where they intend to return after temporary absences? Domicile generally changes once a taxpayer demonstrates specific intent to abandon the old domicile and to acquire a specific new domicile, and the taxpayer is physically present in the new domicile.

We generally recommend that an individual moving to Florida take the following actions to substantiate their change in residency and domicile:

See HBK, Page 24

*Sarah Gaymon (Senior Manager) and Michael L. Kohner (Principal in Charge) work in the West Palm Beach office of HBK CPAs & Consultants. They both specialize in family wealth planning for both domestic and international ultra-high net worth families. In addition, they frequently advise on income, family wealth and business succession planning.*

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# Five Questions to Guide Family Discussions on Charitable Giving

By Stephen Zaloom,

J.D., LL.M., CAP®

Jeck, Harris, Raynor and Jones, PA

Making a charitable plan is often a large task that takes thoughtful preparation. Family members may have diverse perspectives and varied philanthropic priorities and interests, making the task more challenging. Here are five important questions families should ask themselves as they make charitable plans together.

**1. Should we engage a professional advisor to start the conversation?** While most advisors believe that discussions on family philanthropy are important, statistics show that as few as one-sixth of advisors initiate these discussions with their clients. Families with charitable objectives shouldn't hesitate to open this important conversation.

Ultimately, it matters less who brings



Stephen Zaloom

the focus to philanthropy, but rather that it is raised in a meaningful way early in the dialogue. Families should internally discuss what their philanthropic

goals are so they can be brought to the attention of professional advisors at the beginning of a relationship. This, along with the clients' personal and financial goals, community interests and activities, will help advisors understand the full scope of a family's aspirations.

**2. Should we involve the next generation?** Families should take steps to involve children and grandchildren in their philanthropy. This can establish family traditions, personal values and promote cooperation among family members. Charitable planning can also be part of a wealth transfer plan between generations, so educating family members on the estate planning tools being used can lay the groundwork for the next generation of philanthropists.

Families should also be aware of generational differences in societal norms, technology, economics and culture which may create different interests among members of the five living generations—Traditionalists, Baby Boomers, Generation X, Millennials and Generation Z. Embracing and incorporating these perspectives into charitable planning can only strengthen multigenerational philanthropy.

**3. Should we incorporate estate planning tools into our philanthropy?** Sometimes the outright giving of cash or appreciated assets is the simplest and most expedient way for donors to make a lasting impact. However, families should consider planned gifts—those that incorporate financial or estate planning. This requires skilled examination of the family's assets and giving goals to apply the right technique, which can create lasting philanthropic impact, as well as a tax benefit. Some planned giving options include partnering with a foundation or establishing charitable gift annuities, a donor advised fund or a split-interest charitable trust.

In our current low interest rate environment, the charitable lead trust (CLAT) is particularly attractive. These trusts operate for a set term, during which payments are made to one or

more designated charitable beneficiaries. At the expiration of the trust term, the remainder of the trust is distributed to non-charitable beneficiaries (typically family members). The CLAT can provide income tax savings that are ultimately passed to the remainder beneficiaries and mitigate estate taxes, all while serving a charitable purpose during the trust's term.

Establishing a relationship with a local foundation that has a mission in alignment with your family's philanthropic goals can make planned giving easy. Foundation staff will match your interests with appropriate giving opportunities and manage all the work for you, providing regular updates on the impact of your gift, and allowing the family to be as involved or hands-off as they want to be.

**4. What will be the impact of our family's philanthropic efforts?** An engaged donor is one who is invested in the impact of their philanthropy. When giving to a non-profit, for example, it's important to assess the gift outcomes. Evidence of success offers both the donor and the non-profit the opportunity to attract other donors and expand the cause's reach.

Family discussions should lay the bedrock for a dialogue with the non-profit that is ultimately accountable for making a tangible impact. Be sure to select an organization that is transparent in communication and provides regular impact reports on your giving.

See Giving, Page 24



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Stephen Zaloom, J.D., LL.M., CAP® is a partner with the law firm of Jeck, Harris, Raynor and Jones, PA, where he advises clients on estate planning, probate and trust administration and charitable planning. He also serves on the board of trustees at Palm Health Foundation, a fundraising and grant-making organization that exists to improve health in Palm Beach County.



# Navigating the Medicare Maze

By Valerie J. DeSalvo-Bahlkow,  
Medicare Supplement Specialist

Medicare is health insurance provided by the government with a small premium that will either be billed to you, or if you are collecting social security, it will be deducted from your check. During your life, if you worked, you paid into Medicare each paycheck. Medicare Part A is no charge, but Medicare Part B is a minimum of \$148.50 per month, per person, unless your combined income is more than \$176,000 for a couple or \$88,000 for a single person. The premium goes up depending on your income. Once on Medicare, your health insurance is individual, meaning there are no family plans or husband and wife plans, etc.

The health insurance, referred to as Part A and Part B, covers a portion of your hospital and medical expenses. As it is partial coverage, it is not enough on its own. You will need a

supplemental plan or a Medigap to make the coverage complete.

Medicare Part D is your prescription drug coverage. This is comprised of about 40 different companies that contract with Medicare to offer you coverage for your medications.

When you are ready to enroll in Medicare, you must do so by contacting your Social Security office either by phone, in person or online. You do not need to be collecting your Social Security benefits in order to obtain Medicare. You are eligible for Medicare by virtue of turning 65, being on disability under 65 or being an End Stage Renal patient.

Some people wonder if they should stay on their Employer Plan once they turn 65. The answer is different for everyone. If you are paying a large premium for your Employer Plan, the answer is no. If it is fully covered, then you may want to stay for a while.

Medicare is the best coverage option because it can be used anywhere in the country and is accepted by approximately 99% of doctors and hospitals in the country. No referral is ever needed. There is no network of doctors to work around. You can see a doctor in Florida and then go to New York to see a doctor there.

Another option when you turn 65 is obtaining a Medicare Advantage Plan. These plans are more like the plan you had while working. They include the prescription drug benefit and sometimes offer perks like dental cleanings or a pair of eyeglass frames. These plans have networks and must be used in their coverage areas. So you cannot use it in one state and then another as in the earlier example unless it is a medical emergency.

When you are ready to enroll in Medicare and a supplement, it is wise to give a call to someone educated in this arena.



Valerie J. DeSalvo-Bahlkow

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# Proposed New Tax Laws under the Biden Administration

By Patricia A. Giarratano, CPA  
EisnerAmper

*The following article outlines proposed changes at the time it was written. Please note that legislative proposals can be changed, removed or approved during the negotiation process.*

As negotiations continue in Washington, DC, we are anticipating some tax law changes outlined in two proposed laws under the Biden administration, the Build Back Better Act (BBBA) and the Bipartisan Infrastructure Bill (BIB), also known as the Infrastructure Investment and Jobs Act.

## Proposed Tax Provisions for Individual Taxpayers

The current version of BBBA includes several provisions that may affect the tax liability of individual taxpayers. These provisions include increasing the individual tax rate, imposing a

surcharge on high-income taxpayers, raising the capital gains and qualified dividend tax rate and subjecting trade or business income of high-income taxpayers to the net investment income tax (NIIT) and eliminating the Qualified Small Business Stock exclusion. The proposal would raise the top marginal rate from 37% to 39.6% for married couples who report taxable income that exceeds \$450,000 and for single taxpayers who report more than \$400,000. In addition, the proposal includes a 3% surcharge on modified adjusted gross income above \$5 million for married taxpayers filing jointly and \$2.5 million for married individuals filing



Patricia Giarratano

separately. The capital gains and qualified dividend tax rate would increase from 20 % to 25% for those taxpayers in the 39.6% tax bracket. Currently trade and business income is not subject to the NIIT and a taxpayer in the highest bracket would pay a maximum rate of 37%. However the BBBA proposes that the income earned by high income

taxpayers actively participating in their business would be subject to the NIIT in addition to the increased income tax rate of 39.6% and the 3% high income surcharge. As a result a taxpayer in the proposed 39.6% income tax bracket may ultimately pay a maximum rate of 46.4%, an increase of almost 10%.

The proposal would also prevent taxpayers from contributing to their IRAs, if the value of their IRA and other retirement account balances exceed \$10 million and their taxable income exceeds \$450,000 for married couples or \$400,000 for single filers. The BBBA is recommending that taxpayers would also be required to take required minimum distributions equal to 50% of the value of the account that exceeds \$10M and 100% of the account over \$20 million. The BBBA would also prohibit certain taxpayers from making non-deductible IRA contributions and then converting it to a ROTH IRA. These provisions would apply to married taxpayers with income above \$450,000 and \$400,000 for single taxpayers.

## Proposed Tax Provisions for Businesses

The BBBA and BIB may also bring significant changes to the tax provisions for some businesses. These changes may include replacing the flat corporate tax rate of 21% with a graduated rate structure whereby the \$400,000 of income would be subject to an 18% tax rate, with the 21% rate retained

for income between \$400,000 and \$5,000,000. The graduated rate would increase to 26.5% for those businesses with income in excess of \$5,000,000. The BBBA would also set permanent limits on excess business losses from pass-through entities and sole proprietors can use to offset ordinary income to \$250,000 or \$500,000 for married taxpayers filing jointly.

## Proposed Estate Tax Provisions

Finally and most significant, the BBBA would change the gift and estate taxes and related planning strategies. The current lifetime estate tax exemption for 2021 is \$11,700,000 and the BBBA would reduce the exemption to \$5,000,000 in 2022. This will have a significant impact on taxpayers with estates greater than \$5,000,000. Equally significant will be the treatment of grantor trusts outlined under the BBBA provisions. Prior to the proposed BBBA, grantor trusts were excluded from a taxable estate if there was a completed gift for gift tax purposes or a sale to the grantor trust between the grantor taxpayer and the trust. The BBBA proposal provides that if the taxpayer at their time of death is deemed the owner of the trust for income tax purposes, the assets of the trust would be includible in the decedent's estate. Furthermore, a sale between a taxpayer and their grantor trust would be taxed as if the sale was between the taxpayer and a non-related party subjecting the sale to income tax where previously it was disregarded.

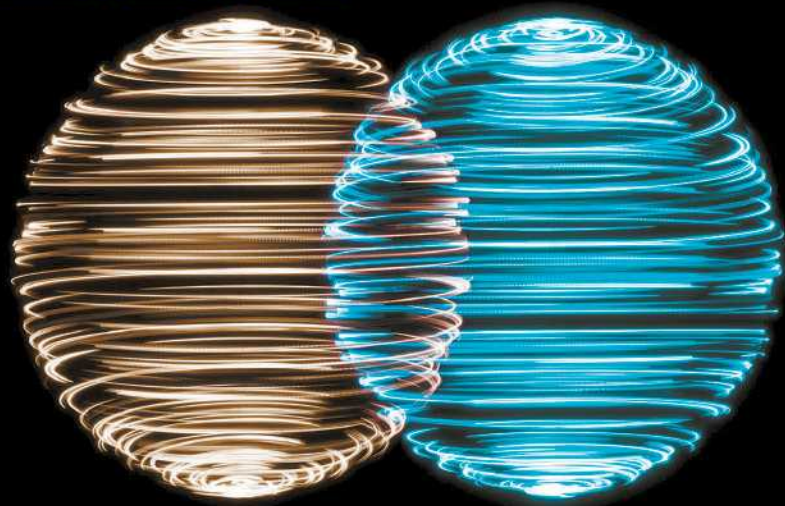
One of the long-standing planning tools estate planners were able to use were valuation discounts on family owned entities. The BBBA provides that taxpayers can no longer use discounts for gift and estate tax purposes on transfers of interests in entities that hold nonbusiness assets.

*Patricia A. Giarratano, CPA, is a Tax Director at EisnerAmper located in West Palm Beach.*

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# As the Balance of Wealth Trends Towards Women, the Face of Philanthropy Will Change Dramatically

## Talk about coming a long way.

By Suzanne S. Weston  
The Glenmede Trust Company, N.A.

Women have a rich history of philanthropy, gaining respect and social agency along the way. To appreciate just how much philanthropy has shaped women's role in society, one must travel back to the 17th century.

In 1643, Lady Ann (Radcliffe) Moulson donated £100 for the first scholarship fund at Harvard College. She did this on her own, which was highly unusual at a time when a woman's philanthropic endeavors were typically tied to her husband's or family's wealth.

Women's involvement in philanthropy surged in the late 19th and early 20th centuries, when they began engaging in philanthropy behind the scenes through volunteering, such as helping soldiers during war times. By organizing volunteer associations and working together, women began to shape the types of philanthropic causes they favored and gain decision-making power beyond the constricts of their husband's or family's wealth influences.

In the 1960s, women's philanthropy began to rapidly evolve and accelerate with the growing number of women entering the workforce and seeking higher education. This resulted in an increasing number of women accumulating their own wealth and the rise of economic and social equality. According to the Lilly Family School of Philanthropy Women's Philanthropy Institute (WPI), women now hold about 40% of global wealth. It has been estimated that by 2023 women's global wealth will rise to at least \$81 trillion versus \$34 trillion in 2010. As the U.S. is in the midst of the largest transfer of wealth in its history, the Boston College's Center on Wealth



Suzanne Weston

and Philanthropy estimates women will inherit 70% of the "Great Wealth Transfer," which means women will possess two-thirds of our country's wealth by 2030.

Along with the immense wealth accumulation among women, WPI research also shows women are more likely than men to give at all income levels. This is causing a

major swing in philanthropy, with women being their own philanthropic decision-makers using their individual resources. With this shift, it is important to understand the research delineating

See Glenmede, Page 24

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# Florida's New Community Property Trust Act

By Lisa A. Schneider,  
Chair of Gunster's Trusts and Estate Practice and  
Joshua N. Goldglantz,  
Shareholder at Gunster

Effective July 1, 2021, Florida enacted the "Community Property Trust Act" (the "Act") which now enables married couples to take advantage of certain planning benefits not previously afforded to Florida residents. The Act allows married couples to "opt-in" to community property treatment for assets held in a Florida Community Property Trust, provided the trust meets certain statutory requirements. So, what is the benefit of owning community property?

Florida, like a majority of states, is a separate property state with regard to ownership of property by married couples. Alternatively, there are nine community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. In community property states, all property owned by a married person is either deemed community



Lisa Schneider

property or the separate property of one spouse. In addition, any property acquired during marriage is presumed to be community property unless there is clear and convincing evidence that the



Josh Goldglantz

property is the separate property of one spouse. Although Florida, and some other states, permit married couples to own property as "tenants by the entirety," this form of property ownership has vastly different characteristics than property categorized as community property. Two of the main differences between tenants by the entirety property ownership in Florida and community property ownership is that tenants by the entirety provides rights of survivorship and asset protection benefits. With respect to rights of survivorship, with tenants by the entirety, when one spouse dies, the legal title to the property automatically passes to the surviving spouse. Alternatively, with community property, in general, spouses have the right to devise their shares of the property as they wish by will or trust. With respect to creditor protection, Florida law provides that tenants by the entirety property is protected from a creditor of either spouse. In general, with community property, one-half of the community property may be exposed to one spouse's creditors.

However, community property has a significant income tax benefit that is not afforded to tenants by the entirety, or any other jointly owned property. Section 1014(b)(6) of the Internal Revenue Code provides that all community property assets, including the

surviving spouse's interest in community property, receives a full step-up in basis upon the death of the first spouse. This income tax treatment is specific to property held by a decedent and a surviving spouse under the community property laws of any state. As such, the principal benefit to establishing a Florida Community Property Trust is to obtain this "full step-up in basis" treatment upon the death of the first spouse.

Florida Statute §736.1511 specifically provides that for purposes of the application of Section 1014(b)(6) of the Internal Revenue Code, as of January 1, 2021, a Community Property Trust is considered a trust established under the community property laws of the state. In addition, Florida Statute §736.1503 sets out the following specific requirements in order for a trust to qualify as a Community Property Trust under the Act: (1) the trust expressly declares that the trust is a Community Property Trust within the meaning of the Act; (2) the trust has at least one

See Trust Act, Page 25

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# Portability, an Often Overlooked Way to Save Estate Tax for Married Couples

By Cliff S. Gelber, CPA, Partner

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We begin by understanding that every US person has a lifetime allowance for the transfer of wealth (either during lifetime or at death). This allowance is the Applicable Exemption Amount, but we will refer to it here as the lifetime exemption. In 2021, the lifetime exemption is \$11.7 million. The lifetime exemption is indexed for inflation and usually increases annually.

However, at the time this was written, there were proposals in Congress to return the lifetime exemption to its 2011 level of \$5.0 million (adjusted for inflation). This reduction and the ability to transfer wealth without incurring transfer tax (gift or estate tax) would significantly change the landscape for wealth transfer planning. This has since been removed, however, with all the back and forth tax legislation, we are still recommending that you stay the course with estate planning.

This brings us to the question, what is Portability? And how can we use this fairly new technique to minimize or eliminate transfer taxes?

Portability came into the law with the Tax Relief, Unemployment Reauthorization, and Job Creation Act of 2010, and was introduced as a temporary measure set to expire at the end of 2012. The American Taxpayer Relief Act of 2012 made the law permanent.

Before Portability each taxpayer had their own discrete lifetime exemption. So for example, take our taxpayers, Fred and Ethel, in 2011 each have their own individual lifetime exemption of \$5.0 million. Fred has an estate valued at \$3.0 million and Ethel has an estate valued at \$7.0 million. If Fred was the first to die, he would have unused exemption of \$2.0 million. If his executor elected Portability, his estate would



Cliff Gelber

"port" or transfer his unused exemption to add to Ethel's \$5.0 million lifetime exemption. Ethel would in that moment have a new lifetime exemption of \$7.0 million. Without Portability Fred's unused lifetime exemption would have been wasted. At Ethel's death she would have Fred's DSUEA (Deceased Spouse Unused Exemption Amount) plus her own lifetime exemption.

And if Ethel made taxable gifts after Fred's death, the DSUEA received

See Gerson, Page 25

*Cliff S. Gelber, CPA has been serving clients in the areas of income, gift, estate, trust, accounting, consulting, mergers and acquisitions, as well as comprehensive strategic planning. He works with high net worth individuals and owners of closely held businesses. Cliff also helps businesses owners develop succession planning that minimizes income and transfer taxes.*

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# Estate Planning Considerations for Unmarried Couples

By Joseph C. Pauldine, SVP  
Cypress Bank & Trust

Proper estate planning is an essential consideration for everyone and particularly important for unmarried partners. While Florida law can protect the interests of a surviving spouse in the event the decedent did not have a valid will, unmarried couples do not have that same support. Florida does not recognize common law marriages, and as such, those provisions do not apply in cases of people in a committed relationship that are not married. Similarly, without the basic essentials of an estate plan in place, unmarried partners could also be left out of medical decisions and end-of-life directives for one another.

With a little bit of thought and communication, most of these issues can be addressed by simply taking the time to complete the basic components of an estate plan. Throughout this article,



Joseph Pauldine

we will be looking at a sample couple named Roger and Elizabeth. Both are widowed for several years and in their 70's with adult children from their

respective marriages. They have been together for three years and recently decided to live together in Roger's house, which he owns outright in his name only, after the passing of his wife.

**Update Your Will** – Whether never married, widowed or divorced, a simple will for each partner in a domestic relationship is the easiest and most straightforward way to direct individual legacies. Without specific direction in a will, neither partner in our example would inherit from each other under the simple language of "I leave everything to my spouse". Since they are not married, spousal rights don't apply and, in this case, Elizabeth would inherit nothing if Roger were to pass away and his assets would go to his own children. Obviously, every relationship is unique, and our sample couple may be completely fine with this scenario. However, to avoid the unpleasantness of a surprise, an updated will and a little communication will go a long way.

**Titling of Assets** – Consider appointing beneficiaries to your respective banking and investment accounts. Pay-on-Death and Transfer-on-Death accounts go straight to the named beneficiaries and avoids the delay of processing that portion of your estate through probate. Roger and Elizabeth have done just that – naming each other as beneficiaries on only their respective checking/savings accounts. They have decided that bulk of their individual resources should pass directly to their respective bloodlines. The decision to appoint each other as a beneficiary on the banking accounts was to provide short-term coverage for the survivor to pay for the responsibilities of their life without worry that there wouldn't be enough money.

**Living Trust** – Roger and Elizabeth have each elected to create a revocable living trust. As mentioned, they feel very strongly that each of their legacies should be inherited by their individual bloodlines. Neither of them is considered as a "high net worth individual", but each partner can maintain an

independent lifestyle with their own resources. The living trust provides for clear direction on the transfer of assets upon death, and in Roger and Elizabeth's case, these assets flow directly to their respective children.

**Decision on the House** – As we stated at the beginning, Roger and Elizabeth live together in Roger's house, which is titled in his name only. Since the house represents a significant part of Roger's assets, he wants to make sure his children inherit the property or its equivalent value. Should Roger pass away first, Elizabeth would find herself with no legal right to remain in the house, even for a short-term period, if Roger's children were looking to sell the home as soon as possible. The most beneficial way to address this would be to have Roger to place the house in his trust. A provision within the trust could be written to grant Elizabeth the right to live in the house for a period of time, say twelve months from Roger's passing. After that initial period, the trust would direct the trustee to sell the property and distribute the proceeds to Roger's children, per his instructions.

Finally, make sure your powers of attorney, health care proxies and medical directives are updated. In some

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# 10 Tips to Prepare Your Heirs

## Family Money Conversations

By **Syndie T. Levien, CFP®, CEPA**

Marie, art collector, businesswoman, and philanthropist, passionately supports entrepreneurship of underrated women artists. Her splendid collection represents 15% of her total wealth, but more importantly, reflects her personal conviction.

Addressing the range of collector skills, conversations turned to holistic wealth management and next generation transfers. Marie whispered, *“as hard as this is, I’m not ready to talk to my family about my money”*. Prepared or not, this can be a difficult conversation.

Let’s shift this paradigm to *“my relationship with my money”*. Updated intentional dialogue guides the affluent to prepare heirs and communicates their individual and family’s interconnected success.

Family dynamics are complicated. Does lack of money clarity split families?

In “Prepare Your Heirs - Why it is so important for families to work together as a Team”, California-based Williams Group’s\* shared 60% of the time, generational wealth drawdowns are due to *trust and communication breakdown* amongst family members. “Family relationships are built on trust — trust that each individual will be heard, trust that they can speak up for themselves and others will listen, and trust that other family members will “have their back.” That does not mean anyone has to give up control. It means they will have to learn to listen, be explicit about how and why decisions are made and communicate openly and honestly. Open and honest communication is the hallmark of trust. That happens only if the family team builds, implements and manages a communication process that cultivates trust.” When trust is not nurtured, relationships disintegrate.

See Levien, Page 26



**Syndie Levien**

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# 10 Tips to Prepare Your Heirs

## Family Money Conversations

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# A Primer on Elder and Vulnerable Adult Financial Exploitation

By Darlene A. Dzuba,  
U.S. Bank Private Wealth Management and  
Debra Moler, RN Life Care Advocates

More than 334,000 scams and financial abuse cases targeting the elderly are reported to authorities every year with an estimated \$6.3 billion in damages. However, it is estimated that only 1 in 44 people ever get to the point of reporting the exploitation or abuse. The number of cases and damages are, therefore, exponentially higher. Given that Florida has the highest percentage of senior citizens, where many reside far away from the watchful eyes of children and other relatives, it is also home to one of the highest estimated number of elder fraud reports.

## What is financial exploitation and what is the profile of a typical perpetrator?

Elder financial exploitation is the illegal, unauthorized, or improper use of

an older person's (60 years or older) property or financial assets. They may be susceptible to exploitation due to isolation, cognitive decline, physical disability, health problems, or the recent loss of a partner, family member or friend. Vulnerable adult exploitation is the illegal, unauthorized, or improper use of property or financial assets of a person 18 years of age or older who lacks enough understanding or capacity to make or communicate responsible decisions concerning themselves or their affairs. They may also be unable to perform or obtain services necessary for their financial welfare.

Perpetrators typically fall into three categories - familiar to the victim, a



Darlene Dzuba



Debra Moler

professional or a stranger. They can include family members, caregivers, scam artists, financial advisers, service providers and fiduciaries (agents under a power of attorney and guardians of property). Exploitation can occur from unknown sources such as telemarketing/phone, email, those claiming to be from the IRS or Social Security or even a knock on the door from a vendor. Importantly, the exploitation, does most often emanate from someone who is known to the victim. Older persons are targeted as they typically have accumulated assets, equity in their homes and a regular source of income.

The victim consequences are significant financial losses (life savings), loss of trust, inability to provide for long term care needs, depression, feelings of guilt and shame (a contributing reason why there is a high number of unreported cases) and even death.

## What are some of the cues and signs that exploitation may be occurring?

There are two types of signs, behavioral and transactional. Behavioral red flags include: An individual who demonstrates interest in the victim and is reluctant to leave a victim's side, those historically close to the victim are unable to speak directly with the victim, a new caretaker, relative, or friend suddenly begins conducting financial transactions on behalf of the victim without proper documentation, the victim transitions away from existing relationships and toward new associations with other "friends" or strangers, the victim appears to neglect or experiences a decline in appearance, grooming, or hygiene, they may lack knowledge about his or her financial status, or may show a sudden reluctance to discuss financial matters. Transactional red flags may include frequent large cash

withdrawals, sudden non-sufficient fund activity, disregard for penalties, inconsistent debit transactions, excessive numbers of payments or payments of large sums and debit transactions that are inconsistent for the older adult.

## What can be done to protect an individual from exploitation?

The elderly and family caregivers for the vulnerable, should start the conversation as to how finances are to be handled if circumstances change and who will take over those responsibilities should the current party be unable to do so. Ensure those who are trusted, remain in close contact so as to pay attention to changes in behavior or transactions. Never provide identifying information (social security number, date of birth, financial account information, etc...) to a stranger, via email, phone or in person to an unknown party. Ensure there is a plan in place, whether you have family or are alone, comprised of a team of professionals surrounding the elderly or vulnerable person. That team may include a trust and estate attorney, certified public accountant, a credentialed and reputable fiduciary financial team, and a certified Care Manager, also known as an Aging Life Care Professional®. (The organization Aging

See Financial, Page 26

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# Tax Law Changes Impact on Your Charitable Giving

By Irv Geffen  
MorseLife Foundation

Study after study confirms that tax savings are mainly a secondary donor goal for charitable giving. More importantly, in a gifting decision, the donor believes that the gift will have the desired impact and that the beneficiary charity's mission is a good one worthy of support. Still, taxes and notably tax savings should be considered when planning charitable gifts. **The good news is that the current federal tax proposals offer donors the opportunity for increased tax savings and thereby the chance to reduce the net cost of their giving.**

Lately, our attention has been focused on the proposed changes to the U.S. Tax system. As a result, we can expect tax rates for ordinary income, capital gains, corporate and estate **taxes to increase substantially this year.**

Few of us like the idea of paying more in taxes, and most are keen to find ways to reduce our tax burden. Fortunately for the philanthropically-minded and the charities they support, **deductions for charitable gifts to qualified non-profits are not going away.** Simultaneously, charitable deductions offer donors an effective way to reduce taxes and do good deeds. Overall, **rising tax rates make charitable giving more attractive financially.** Following are a few examples:

How does a rise in the ordinary income tax increase the tax savings produced by a charitable donation of \$100,000 in cash?

Tax Bracket	Charitable Gift Amount	Tax-Savings	Net Cost-of-Gift
37%	\$100,000	\$37,000	\$63,000
39.6%	\$100,000	\$39,600	\$60,400

In the example above, the donor **reduces the net cost-of-gift by an**



Irv Geffen

**additional \$2,600 thanks to the higher tax bracket.**

The good news is that any increase in an individual's marginal tax bracket will generate an equal increase in the charitable deduction available to them.

The proposal to increase the **capital gains tax** on assets held over 1-year is significant. But, how does a rise in the capital gains tax increase the tax savings produced by a charitable

donation of \$100,000 in appreciated assets with a zero tax basis?

Tax Bracket	Charitable Gift Amount	Tax-Savings	Net Cost-of-Gift
20%	\$100,000	\$20,000	\$80,000
28%	\$100,000	\$28,000	\$72,000

In the example above, thanks to the combination of ordinary income and capital gains tax savings, the **donor reduces the net cost of the gift by an additional \$8,000 thanks to the higher capital gains tax bracket.**

Perhaps the most significant tax proposal impacts the **estate taxes.** For example, how does eliminating the stepped-up basis for inherited appreciated assets increase the tax savings on a charitable donation of \$100,000 in appreciated assets with a zero tax basis from one's estate?

See Geffen, Page 26

*Irv Geffen is the Senior Vice President of the MorseLife Foundation. The Foundation supports the charitable work of the MorseLife Health System which provides comprehensive living and healthcare solutions for seniors. Irv has worked with non-profits for over 30 years designing charitable gifts to accomplish the donors' charitable, personal and financial goals in coordination with their professional advisors.*

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# Incorporate Today's 'Hot' Collectibles in Your Estate Plans

By Andrew Kravit

President, Kravit Estate Appraisals

Since spring 2020, the COVID-19 pandemic has brought dramatic changes to the collectible assets market. Comic books, video games and sports cards have suddenly jumped in value, along with more traditional collectibles like fine art, coins and watches. The drivers include nostalgia for one's youth, stay-at-home lifestyles, and the deep human desire to collect things.

"Collectibles are a booming market and an asset class," said Mark Salzburg, founder and chairman of Certified Collectibles Group. "Spurred by our Internet-driven economy, a broad range of collectibles, including coins, banknotes, comic books and trading cards, have become more accessible, liquid, fungible and high profile — as demonstrated by headlines in the Wall Street Journal, Forbes and other

mainstream publications."

## Appraising your collection

If it's been a few years since you last reviewed your estate plans, you should contact a professional to understand the current value of your collectibles. Otherwise, you run the risk of disposing high-value assets for a song. You might also touch off a court fight among your heirs because you conveyed your collectibles in an unfair manner.

A professional appraisal is very important for valuing your total estate, as well as updating your planning documents. A big jump in your collectible assets could make a significant difference in your net worth and affect your potential tax liabilities.

It's also a good idea to engage a professional appraiser if you are thinking about buying or selling collectibles to avoid over-paying or selling at

below-market values. An appraiser can help you determine authenticity, current market prices and potential for appreciation (or depreciation) in the future. After all, you certainly don't want to pay top dollar for a collection only to see the value plummet in the next few years.

You should also have your collectibles appraised regularly for insurance purposes. In the event of a hurricane, fire, theft or other calamity, an appraisal documenting the current value is vital when filing a claim. Otherwise you could be losing out on thousands of dollars.

## What's hot today

If you have a collection of Pokeman cards or video games, don't toss them out the door. A recent study by PriceCharting.com, found that the price of an average retro videogame has increased by 33 percent since March 2020 because so many people took up game collecting during the pandemic lockdowns. For example, Pokemon Emerald for Gameboy Advance increased 145 percent and Pokemon HeartGold for Nintendo DS increased 133 percent. "Videogame collecting became a very popular pandemic pastime" said PriceCharting owner JJ Hendricks. "Game collecting is nostalgic, indoors, and isolated."

SOURCE: <https://www.prnewswire.com/news-releases/retro-video-game-values-increase-33-since-the-start-of-covid-lockdowns-301263836.html>

Collections of vintage comic books and original comic book art have also climbed dramatically in value, based on recent auction sales. For example, Heritage Auctions sold a collection of high-grade collectible comics in June for \$22.4 million, following a \$16.5 million sale in April.

Source: <https://www.forbes.com/sites/robsalkowitz/2021/06/23/what-the-hell-is-going-on-in-the-collectible-comics-market/?sh=314f8df7307c>

Sales prices of traditional collectibles like fine art, watches, jewelry and coins



Andrew Kravit

have also risen during the pandemic. So, if it's been more than two years since your last appraisal of jewelry, artwork or coins, for instance, you should engage a professional for an evaluation of the current value.

## Steps to consider

If you have a collection of assets you would like to include in your estate plans, here are six steps to consider.

1. Inventory your collection. Make a list of the artworks, coins, comic books or jewelry, and take photos of each item. If possible, track down your original purchase receipts and any other documentation provided by the seller, such as the provenance of a painting or sculpture.

2. Engage a professional appraiser to review your collection and provide a value on individual pieces or the entire group of assets.

See Kravit, Page 25



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*Kravit Estate Appraisals (KEA) is a professional appraisal and liquidation firm that offers assistance to grantors, beneficiaries and fiduciaries regarding the valuation and representation of tangible personal property assets. Our comprehensive services, across all collecting categories, include confidential advice and assistance.*



# Minimizing Estate Tax on Vacation Homes and other Out-of-State Personal Assets

**By Lisa Rispoli, CPA, AEP, TEP**  
Partner, Trust & Estate Services Leader  
Grassi Advisors & Accountants

*You have moved from a high-income-taxed state but left a vacation home behind.* If you're like most taxpayers with homes in multiple states, you've strategically planned with your advisors how to mitigate income tax obligations during your lifetime. But if this planning does not consider non-resident estate taxation upon the estate owner's death, your beneficiaries may be faced with unintended and very surprising consequences.

New York State is a prime example. It is not uncommon for wealthy New York residents to move to Florida and still maintain a home, vacation home, Manhattan apartment or other secondary residence in their former state. Their tax advisors will counsel them on how to establish primary residence in Florida

and minimize income tax bills from New York State, New York City and other jurisdictions.

Upon death, however, the rules change.

Consider the following real-life scenario: A New York resident moved to Florida and maintained her \$17 million home in the Hamptons as a vacation home. The homeowner passed away, and New York sent the estate a tax bill of more than \$2.1 million.

Even though it was considered a secondary residence for all other tax purposes, the property's value exceeded the New York State exemption amount of \$5.93 million for estate tax, leaving the asset wide open for an estate tax obligation.



**Lisa Rispoli**

This hefty non-resident estate tax of up to 16 percent in New York is imposed on any non-business real property located in the state and valued above the exemption amount, but it does not apply to intangible assets. It is based solely on the location of the asset, without regard to the primary residence of the decedent.

With no estate tax in Florida, this tax bill came as just as much of a surprise to the estate owner's attorney as it did to the estate beneficiaries. Fortunately, there are proactive strategies that can be employed to prevent this from happening to you and your estate.

One of the most effective tax mitigation strategies in New York is to put the asset into a multi-member limited

liability company (LLC), which would convert the asset from real tangible property (subject to NY non-resident estate tax) to intangible property (excluded from New York non-resident estate tax). A single member LLC will not work for this purpose. An S Corporation could work for this purpose; however, the S Corporation is typically not the best option for ownership of real estate assets.

See Jump Rispoli, Page 25

*Lisa Rispoli leads the Trust & Estate Services group at Grassi Advisors & Accountants. With more than 30 years of experience in trust and estate planning, gifting and taxation, she helps clients develop effective estate plans and transfer maximum wealth to the next generation and charitable organizations.*

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# Bueller? Bueller? On the Importance of Finding Your Cameron

By **Jarrett Bostwick**, JD, LLM and  
**David Reynolds**, CFP®, CLU®  
Spearhead

The 1986 John Hughes-directed comedy, Ferris Bueller's Day Off, chronicles a day in the life of a fly-by-the-seat-of-his pants teenager, Ferris. A high school senior confronting the final days of his living-at-home adolescence, he ditch-es a day at school and proceeds to lead his best friend, Cameron (as well as girlfriend, Sloane), on a series of wayward adventures across greater Chicago - with Cameron serving as his abiding, if not occasionally combative sidekick.

From evading a sleuthing Principal Rooney - to his momentary dalliance as Abe Froman, the famed "Sausage King of Chicago" - Ferris's ability to seize the moment, to take risks, and to challenge the status quo all help to define him as a character. Indeed, these same attributes are also shared by many

successful business owners and entrepreneurs.

Coupled with this, we are fortunate to live in a system and society in this country that rewards risk takers and those who have the courage to bet on themselves. That's what makes America great! And yet, what insights can we glean from Ferris's cavalier attitude and freewheeling ways throughout the movie?

Many founders face a litany of decisions when confronting the sale of a business that they have spent years, if not decades, sacrificing their time and resources to build. How do I obtain a proper valuation for my business? Have I engaged appropriate counsel? Will I



**Jarrett Bostwick**



**David Reynolds**

require the services of an investment bank? And yet, when facing an exit, too many founders tend to over-allocate time and resources to prepping the asset for sale,

while overlooking their own personal planning.

Unfortunately, this can produce real and negative consequences on a founder's ability to maximize the net-of-tax proceeds they take home from any sale. As the much-repeated saying goes, "It's not what you earn. It's what you keep." Thoughtful pre-sale estate and balance sheet planning, as well as post-sale legal structuring, can help to amplify what a business owner takes home as well as limit the dilutive effects of taxation. Further, these strategies are considered straight-down-the-fairway, legally blessed, and have precedent. Over the long term, proper planning can magnify a founder's ability to support themselves, their loved ones, as well as their legacy.

In Ferris Bueller's Day Off, time and

again Ferris's freewheeling, self-abandoned behavior is buoyed by Cameron's at times equally-bizarre, yet balanced judgement to help him avoid trouble. Perhaps most notably, during the film's famed "Sausage King of Chicago" scene, a defiant Cameron comes to Ferris' rescue as he attempts to secure a table at a famed Chicago eatery by calling into the restaurant, and impersonating Sergeant Peterson of the Chicago Police Department. End result - table secured.

Just as the loyal Cameron comes to Ferris's aid time and again- we would submit that an advisor's role likewise is to look out for their client's best interests, to educate them on all of their options, occasionally to challenge them, and ultimately help them to make informed decisions. A proactive advisor also knows when to step up to the plate and go on "offense" for their client when circumstances dictate.

As the film closes, a reflective Ferris remarks, "Life moves pretty fast. You don't stop and look around once in a while, you could miss it." For a business owner, there is something to be said for that. Before you make that big decision to sell, don't forget to stop. And look. And explore ALL of your options.

And while you are at it, don't forget to find your Cameron.

*Jarrett Bostwick, JD, LLM, is Partner, General Counsel, and Co-Founder of Spearhead. David Reynolds, CFP®, CLU®, is Director of Business Development. Spearhead is a privately held financial services firm exclusively focused on providing premier wealth management and administration solutions to ultra-high net worth investors, family offices, and private placement markets. The firm strives to provide long-term value to clients on an after income and estate tax basis by combining balance sheet risk management techniques with investment strategies. Spearhead has offices in Florida and Massachusetts.*

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# Something Old is Something New: Realizing the Value of Your Grandmother's Gems

By Collin Albertsson  
Doyle Auctioneers & Appraisers

Whether you have inherited a single piece of jewelry or an entire collection, there has never been a better time to sell at auction. Driven by client demand and limited supply, the prices of high quality colorless and fancy diamonds, rubies, sapphires, and emeralds have increased significantly over the past two years. Pieces by Harry Winston, Graff, Bulgari, Tiffany, Verdura, and Cartier, the worlds most luxurious and exclusive jewelry houses, are in great demand and bring enthusiastic bidding at auction.

Buyers are particularly excited by jewelry and watches that come from estates and private collections. Fresh to the market pieces create buzz and generate extremely spirited bidding. The history of a piece, also known as the provenance, gives buyers confidence when bidding and maximizes value for the seller. In January 2021, Doyle was honored to sell the Estate of Mrs. Henry Ford II. This landmark auction showcased furniture, art, books, gentleman's accessories, and costume jewelry from the Ford's Palm Beach mansion. Amid frenzied international bidding, the sale totaled \$1,123,857, more than tripling the pre-sale estimate of \$242,480 – 371,820! Other Palm Beach estates have had similar results. Barbara Wainscott's extraordinary jewels were estimated at \$1,275,450 – 1,855,650 and sold for a staggering \$2,663,156; the Estate of Aileen Mehle, also known as society columnist Suzy, sold for \$903,362 with a pre-sale estimate of \$346,095 – 509,760.

The market for colorless diamonds is currently very strong at auction. One of the leading factors in rising diamond prices is the disruption Covid-19 caused in India. Although Russia, Australia, and Botswana hold the world's largest diamond reserves, over 90% of the world's diamonds are cut and polished in India. The diamond industry suffered from multiple lockdowns, curfews, and workforce shortages. As the pandemic ravaged India, many diamond industry workers returned to their rural hometowns and have not returned. Meeting demand is

further hindered with the rise of lab-grown diamond manufacturers. These newer firms are luring vital cutters and polishers away from the natural diamond industry. Although salaries have risen; there is still a significant labor shortage. These market conditions have converted retail buyers into auction enthusiasts and pushed diamond prices upwards at auctions.

Colorless diamonds may be the most popular at auction, but colored diamonds command the highest prices. Colored "fancy" diamonds can be yellow, orange, pink, blue, green, purple, brown or black. Unlike a colorless diamond which is priced according to its absence of color, the value of a colored diamond is determined by the intensity and purity of color. Recently, Doyle was honored to sell several blue diamonds for very high prices. A Fancy Blue, 1.80 carats, sold for \$975,000 and a smaller Fancy Blue, 1.52 carats sold for \$855,000. Natural red, green, purple, and orange diamonds are exceedingly rare and attract competitive bidding from gem connoisseurs and investors.

High quality rubies, sapphires, and emeralds often bring the most attention at auction. Apart from colored diamonds, rubies command higher prices per carat than any other gemstone. Burmese rubies are considered the very best and are among the most coveted gemstones. Stones exhibiting the highly desired "pigeon-blood" color can bring \$1 million per carat. Historically, sapphires have symbolized truth, faithfulness, nobility, and romance. They are a popular alternative to diamonds for bridal jewelry. The most prized sapphires are mined in Kashmir, Burma, and Ceylon and prices are determined by origin and treatment. Kashmir sapphires are the rarest and prized for their velvet "cornflower" blue color. They bring the highest price per carat at auction. Burma sapphires are also rare and characterized by an intense blue color with a slightly violet hue. Ceylon sapphires are an electric blue color. Although



Collin Albertsson

not as valuable as Kashmir and Burma stones, high quality Ceylon sapphires have significantly risen in value. Emeralds are also sought after by collectors. Value is determined by size, purity, color, and brilliance. The most valuable emeralds are found in the Muzo mines of Colombia.

Perhaps the most profound impact on buying and selling jewelry at auc-

tion is the convenience. Auction house websites have evolved and become increasingly dynamic and user-friendly. Clients can easily submit photos for valuation by Doyle's specialists and bid through our online platform. Bidders can also buy through alternative websites such as LiveAuctioneers or Invaluable. High-value art and jewelry can be confidently sold online, and we expect this

trend to continue. Strict auction categories are evolving as auction houses are mixing genres to encourage both seasoned and new bidders to think outside their traditional buying habits.

*Collin Sherman Albertsson is Senior Vice President and Florida Regional Director for Doyle Auctioneers & Appraisers, a full-service auction house headquartered in New York City with a gallery in Palm Beach. She received her B.A. in Art History and History from Southern Methodist University and her M.A. in European Decorative Arts from Parson's School of Design. She is a candidate for the Graduate Gemologist Degree from the Gemological Institute of America. Ms. Albertsson regularly travels throughout Florida to provide private collectors, heirs, families and fiduciaries advice on the sale of a single item, estate or collection.*

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# Common Estate Planning Oversights

By H. Bryan Doane,  
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Various factors are considered in developing an estate plan. What are the client's goals? What is the family situation like? Which types of assets does the client hold, and what is the value of each asset? While there are many ways to structure an estate plan, a number of oversights are commonplace. Below are some estate planning considerations that are oftentimes overlooked.

## Mandatory Pay-Outs

One common oversight is when trusts have staged, mandatory pay-out provisions. A typical example is as follows: Single dad sets up a revocable trust directing, upon his passing, a distribution of assets equally to separate trusts for daughters. When a daughter reaches age 25, distribute one-third of her trust. When she turns 30, give her one-half of what is left. Finally, when she reaches 35, give her the remainder. The rationale

is reasonable enough: if a daughter squanders the first third, she will be more responsible with the later distributions.

The downside is that these mandatory pay-outs defeat the significant protections and estate tax benefits trusts provide. Oftentimes, children will already be 35 when parents pass away, meaning their entire inheritance is received outright. If a child is later sued due to an automobile accident, for example, or if he or she gets a divorce, the inheritance may be at risk. When a child later passes away, what is left will likely pass to his or her spouse, rather than grandchildren as intended by the settlor.

If instead, each child's inheritance continues in trust throughout his or her lifetime, with discretionary payments



H. Bryan Doane

made as needed, a better outcome is oftentimes achieved. If there is a subsequent lawsuit or divorce, the inheritance will be protected. When a child later passes away, what is left will pass to grandchildren in accordance with the terms of the trust, free of estate and generation-skipping tax in most cases. Some worry that a continuing trust will be burdensome for their children, but that does not have

to be the case. Each child can be his or her own trustee, providing the best of all worlds. They can spend as needed and invest their inheritance how they wish, while retaining the protection from lawsuits, divorces and transfer taxes.

## Clients as Sole Trustee

One significant benefit of a revocable trust is that it makes it much easier for someone else to manage your business affairs in your old age or incapacity. Many name themselves to be trustee and provide that during their lifetime, if they are ever incapacitated, their spouse or children step in. This is a good set-up for younger clients. For older clients, this trustee succession may work smoothly if, for instance, the client falls into a coma. A doctor normally will declare incapacity in such situations, allowing the successor trustee to take over. Many people, however, experience a slow cognitive decline as they get older. They may have some good days, where they appear fully competent, and some not so good days, where perhaps they write a \$10,000 check to the paper boy.

Doctors are hesitant to declare patients incapacitated in such situations, which can cause significant difficulties for loved ones. Older clients suffering from beginning stages of dementia tend to become paranoid and can be resistant to relinquishing the trusteeship, even when it clearly becomes necessary. If, at that point, they are unwilling to resign, there is no easy resolution for concerned family members.

A good solution to this issue is to add a co-trustee to serve from the get-go, well before any cognitive issues begin. If their faculties begin to decline, their loved ones avoid the struggles of replacing them as trustee, as there is already a co-trustee with authority to act. Often, this co-trustee will be the spouse, one or more children or a trusted advisor. In some situations, a trust company is the best solution.

## Unfunded Trusts

The main benefit of a revocable trust is avoiding probate: the expensive, time-consuming, and publicly noticed court process whereby assets are dispersed from the decedent to the beneficiaries. Many clients are led to believe that simply setting up a revocable trust allows loved ones to avoid such hassles. In fact, this is only the first step.

Probate avoidance is only achieved if you follow through and completely fund the trust during your lifetime. For real estate, that means executing a new deed. For bank and brokerage accounts, that means retitling accounts into the trust. For annuities, retirement plans, and life insurance, that means updating beneficiary designations. For LLC interests and other closely held entities, that means executing transfer documents such as assignments or stock powers. Each asset should be properly dealt with, otherwise probate will likely be required.

## Final Thoughts

The foregoing are only some of the more commonly encountered estate planning oversights. These are by no means the only oversights. Every estate plan should be reviewed every few years (or more frequently) to assure that the best possible plan is in place.

*H. Bryan Doane is an associate attorney at the estate and tax planning law firm of Doane & Doane, PA. He is a graduate of Northwestern University's joint JD-Tax LLM program and a certified public accountant, having extensive experience in the areas of wealth transfer and legacy planning.*

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# Tax-Free Compounding with Split Dollar Loans

By R. Marshall Jones, Principal  
Jones Lowry

**Overview.** Tax-free compounding can be amazing, especially when (1) tax-favored Grantor Trusts use (2) tax-favored split-dollar loans to fund (3) tax-free life insurance. This article discusses how the following results could occur at life expectancy with a \$1,000,000 income tax-free loan by a parent for the benefit of an adult child:

- \$8,000,000 tax-free with a 6.0% crediting rate.
- \$12,000,000 tax-free with a 7.2% crediting rate.
- \$16,000,000 tax-free with an 8.0% crediting rate.

We used a math concept known as the "Rule of 72" to illustrate a hypothetical split-dollar loan arrangement. It does not require a calculator unless you want to confirm that the "Rule of 72", described below, is useful for estimating future values.

**Grantor Trusts.** Since 1985, attorneys have been drafting estate tax-free trusts with special provisions that allow their clients, the grantors, to make loans to their trusts at non-taxable loan interest rates. Recommendation: consult your attorney or tax advisor to confirm the law has not changed regarding Grantor Trusts.

**Split-Dollar Loans.** Since 2003, split-dollar loan arrangements have been governed by final Treasury Regulation Sec. 1.7875-15. The regulations allow the loan interest to accrue at a fixed rate for the life of the insured. In this example, a \$1,000,000 split-dollar loan accrues interest at 2% annually and will be non-taxable throughout the life of the grantor. Note: when this article was written, the fixed non-taxable loan rate was less than 2%.

**Permanent Life Insurance.** When \$1,000,000 is paid into a life insurance policy with multiple investment options, the Trustee can invest in selected equity accounts, including managed



Marshall Jones

accounts and index accounts. The equity in the policy will grow income tax-free as life insurance cash value. The increasing cash value funds the tax-free insurance death benefit. The proceeds will be income tax-free because they are payable as life insurance. They will be estate tax free because the insurance is owned by a Grantor Trust.

**The Rule of 72.** The "Rule of 72" is a simplified formula to estimate how long an investment will take to double based on the selected fixed rate of interest. For example, with a 2% rate, it will take 36 years for \$1,000,000 to double to \$2,000,000 (72 divided by 2 = 36). With a 6% rate, \$1,000,000 will double every 12 years (72 divided by 6 = 12). \$1,000,000 grows to \$2,000,000 in 12 years; to \$4,000,000 after 24 years; and to \$8,000,000 after 36 years.

**The Case Study Example.** The grantor's child is assumed to be an adult with a 36-year life expectancy. The parent creates a Grantor Trust for the benefit of the child and his/her descendants. The parent makes a \$1,000,000 Grantor Loan to the Trust. The Trustee uses the

loan to fund the insurance policy and agrees to repay the loan with a portion of the death benefit proceeds. Here are the expected split-dollar planning results:

1. The Grantor pays zero (-0-) loan interest because it accrues annually.
2. The Grantor pays zero (-0-) income tax because this is a Grantor Trust loan.
3. With a 2% loan rate, the loan balance will be approximately \$2,000,000 in 36 years.
4. With a 6% crediting rate, the income tax free and estate tax-free death benefit will be approximately \$8,000,000.
5. a. The Split Dollar Loan Agreement requires the Grantor Trust to repay the loan balance when the death benefit is paid.
6. b. \$6,000,000 remains in the Grantor Trust to be invested for the benefit of the descendants of the insured.
7. The Trust can continue for multiple generations of descendants with zero estate tax and zero Generation

Skipping Transfer taxes.

**The Rest of the Story.** There are many planning options with these plans. For successful results, use qualified, experienced advisors who will work together to accomplish their clients' goals. This is complicated. Successful results also require efficient policy design and a lifetime of policy management. Select an insurance planner who will under-promise and over-perform when designing, installing, and maintaining your split-dollar life insurance plan.

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# Donor

Continued from page 6

- Rather than specifying particular methods, USPAP requires that the appraiser be familiar with all applicable methods and apply those that are appropriate to the valuation at hand.
- To comply with USPAP, a valuation report should be error-free and self-contained, enabling the user of the report to

replicate all of the steps taken in the appraisal process. Even though the reader may disagree with the judgment calls that are an inevitable component of every appraisal, he or she should have access to the data necessary to recreate the valuation.

- All *extraordinary assumptions* and *hypothetical conditions* should be clearly delineated, and there are workpaper retention requirements and ethics provisions that must be adhered to.

Adherence to USPAP is perhaps the best of the best practices in the valuation world, so expect nothing less than full compliance from the appraisers you retain.

Business valuation therefore plays a key role in the estate planning process. An incorrect valuation of a business interest can not only result in missed opportunities to employ tax-savings strategies during the development of an estate

or succession plan, but can also lead to unforeseen tax obligations and possible penalties should the IRS challenge the valuation (which it may do even several years after a transfer has been made). Obtaining a qualified appraisal from a qualified business appraiser can help to mitigate these risks and provide peace of mind for both the taxpayer and his or her counsel during any stage of the estate planning process.

# HBK

Continued from page 7

1. Transfer state drivers' licenses or state identification cards to Florida
2. Transfer car registration, title, insurance, and license plates to Florida
3. Transfer voter registration to Florida, and vote in upcoming elections
4. Bank and investment accounts should be updated with a Florida Address
5. File a formal declaration of domicile with the clerk of circuit court's office in the county where Florida property is owned
6. Near and dear items: treasured artwork, family heirlooms and pictures should be located in their Florida residence
7. Estate planning documents such as

wills and trusts and other legal documents should be updated listing Florida as the location of domicile.

8. Safety deposit boxes should be moved to a Florida location
9. Pets should be physically moved to Florida, and they should visit a local veterinary office
10. Local charities in Florida should be supported
11. Florida country clubs should be joined
12. Accountants, attorneys, and advisors should be used that are in Florida

In addition to establishing domicile in Florida, an individual should also be sure that they will not meet the definition of a resident under another state's laws, which

typically depends on the number of days spent in the other state. For many states, spending 183 days (6 months) or more in that state would create residency in that state (even if domicile is not met), but the test can be as high as 274 days (or 9 months) depending on the state. Some states also require a permanent abode in the state in addition to the day count. We generally recommend that an individual who is changing their residence to Florida spend at least 183 days in Florida in the initial year of the change in residency and domicile. In subsequent years they should avoid spending 183 days or more in any other state.

Clear and precise documentation is important as states can be very aggressive

when challenging residency and/or domicile. States are known to request phone records in addition to bank and credit card statements, pull tolls, including interviewing both doormen and neighbors to determine if and how long an individual was present in their state.

Individuals looking to make a permanent move to Florida should take the time necessary to understand the domicile and residency requirements applicable to their specific situation. While the documentation required to be successful in transferring domicile and residency to Florida can be tedious and time consuming, failure to maintain proper documentation and keep accurate records of travel days can prove to be extremely costly.

# Giving

Continued from page 8

**5. Should our family's giving be public or anonymous?** Aside from recognition, giving publicly can lend credibility to a cause and perhaps encourage other donors to follow. On the

other hand, one might feel that impact is best achieved if attention is focused on the cause rather than the donor. Anonymity also avoids any public scrutiny of the charitable gift. Many are simply more comfortable conducting their charitable activity with privacy, and the public recognition may feel

more like a burden.

Whether to give publicly or anonymously is a very personal decision for which there is no right answer, and reasonings may vary significantly between families and circumstances. As a family, have an open conversation weighing the pros and cons before coming to a

decision that suits you.

The most effective donors are those who are engaged in their philanthropy. These questions can guide family discussions, ignite engagement and ensure that the impact of your charitable giving is meaningful, rewarding and builds a lasting legacy.

# Glenmede

Continued from page 11

how women's and men's philanthropic behaviors are different to effectively advise women in philanthropic planning.

In short, according to WPI, women typically display the following characteristics in their giving:

- motivated to give based on their empathy for others while men often give based on their self-interest.
- tend to give smaller amounts across a number of organizations, while men tend to concentrate their giving.
- often unconsciously look for

high-impact volunteer roles over high-profile ones.

- are more likely to volunteer more hours than men.
- need more time and information to make gifting decisions and expect to be engaged before they are asked for a gift.

Lastly, women are more inclined to work with others when supporting a charitable cause. WPI research found that collective giving circles in the U.S. tripled between 2007 and 2017, and women dominate collective giving circle membership, making up 70% of all members. Collective giving circles provide an avenue for multiple individuals to pool their money to give large

grants to make a greater impact in the community. Through these groups, women tend to discuss their charitable wishes and inspire others to give, resulting in a rising philanthropic women's movement. Melinda Gates said it best during a WPI Symposium: "This is our strength as women — we cooperate, we collaborate, and we innovate to amplify our voices and accelerate change."

With their mounting individual wealth and desire to work with others, women are generating philanthropic change on their own terms and are likely to be the leading philanthropic teachers to future generations. They will give more, inspire

more and increasingly instill their philanthropic values in others, escalating them to the forefront of the philanthropic landscape. Through their estate plans, women are instilling their individual philanthropic values by creating donor-advised funds, charitable trusts and family foundations where they name their children and grandchildren as trustees. Meaning, for advisors, it is crucial they listen to and understand their client's motivations and goals to implement an effective philanthropic plan. Dr. Mesch of the WPI said, "Gender matters in philanthropy. Men and women engage in philanthropy differently. One is not better than the other. They're just different."



## Trust Act

Continued from page 12

trustee who is a "qualified trustee" (defined in Florida Statute §736.1502 as a resident of Florida or a company authorized to act as a trustee in Florida), provided that both spouses or either spouse also may be a trustee; (3) the trust is signed by both settlor spouses consistent with the formalities required for the execution of a trust under Chapter 736; and (4) the trust

contains substantially the following language in capital letters at the beginning of the Community Property Trust agreement: THE CONSEQUENCES OF THIS COMMUNITY PROPERTY TRUST MAY BE VERY EXTENSIVE, INCLUDING, BUT NOT LIMITED TO, YOUR RIGHTS WITH RESPECT TO CREDITORS AND OTHER THIRD PARTIES, AND YOUR RIGHTS WITH YOUR SPOUSE DURING THE COURSE OF YOUR MARRIAGE, AT THE TIME OF A DIVORCE, AND UPON THE DEATH OF YOU

OR YOUR SPOUSE. ACCORDINGLY, THIS TRUST AGREEMENT SHOULD BE SIGNED ONLY AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS TRUST AGREEMENT, YOU SHOULD SEEK COMPETENT AND INDEPENDENT LEGAL ADVICE. ALTHOUGH NOT A REQUIREMENT, IT IS STRONGLY ADVISABLE THAT EACH SPOUSE OBTAIN THEIR OWN SEPARATE LEGAL COUNSEL PRIOR TO THE EXECUTION OF THIS TRUST.

The "opt-in" feature of the Act permits Florida residents (and potentially residents of other states) to establish a Community Property Trust and qualify the assets held therein as community property. This could be a powerful income tax planning tool for the right clients and situation. Married couples interested in income tax planning with a Community Property Trust should speak with their tax advisor about the benefits and limitations of such planning.

## Gerson

Continued from page 13

from Fred would be exhausted first, before reducing her lifetime exemption. If Ethel remarried and husband number two pre-deceased her, Fred's DSUEA would be lost to her. Ethel is entitled to the DSUEA of her most recently deceased spouse. However, if Ethel divorced spouse number two, and she died before he did, Fred would still be considered Ethel's most recent deceased spouse.

To obtain the benefits of Portability, an election has to be made with the Internal Revenue Service. The election for Portability is made by filing a Form 706, United States Estate (and

Generation-Skipping Transfer) Tax return. The Form 706 must be timely filed, that is nine months after date of death, (or within 15 months from date of death if a six-month extension was timely filed) by the executor of the decedent's estate.

If an executor is filing a Form 706, for Portability, i.e., a return which would not otherwise be filed because the value of the decedent's gross estate is below the decedent's lifetime exemption, the IRS does permit the estimation of asset values to be reported, provided those estimates are in good faith and due diligence can be demonstrated.

Since the introduction of Portability and because of its utility, many estates have wanted to make the election. But were

precluded from doing so, because the nine-month filing window (of within 15 months with a timely filed extension) had closed. In response to demand for late filing relief for estates not otherwise required to file Form 706, and to eliminate the need to petition the IRS by Private Letter Rulings (a significant user fee required), the IRS issued Revenue Procedure 2017-34 which provides for an additional extension of time to file to the second anniversary of the decedent's death, for decedents dying after January 2, 2016.

If the surviving spouse is a non-US citizen, the DSUEA can become available to the non-citizen surviving spouse, when that surviving spouse becomes a U.S. citizen (provided the executor of the most recent

deceased spouse made a Portability election). Special rules apply to a Qualified Domestic Trust (QDOT), which permit a marital deduction for trust assets benefiting a non-citizen surviving spouse.

With the lifetime exemption in jeopardy of being reduced by current proposals in Congress or the 2025 roll back already on the books, married couples, surviving spouses and their advisors should not overlook this technique to maximize the utility of a married couple's combined lifetime exemptions, and thereby eliminate the need to pay gift or estate taxes on wealth transfers, which could be transferred tax free. Portability has the potential to simplify estate planning considerations for moderately wealthy couples.

## Cypress

Continued from page 14

cases, incapacity is more challenging than death. Appointing a durable power

of attorney to manage your affairs if you are incapacitated is one of the most important things you can do. In terms of healthcare and medical decisions, spousal rights do not automatically apply for

unmarried couples and consequently, doctors may not take direction from or even provide updates to your significant other.

Some simple planning and

communication can go a long way in providing clarity to the people closest to you. Make sure to spend some time with your trust and estate attorney to make sure your plan is reflective of your intentions.

## Kravit

Continued from page 18

3. Provide the appraisal to your estate planning advisor, along with current information on the value of traditional assets in your portfolio.

4. Be sure to consider the personal

feelings of your heirs when planning to convey a valuable collection. For instance, one child or grandchild might have a strong sentimental connection for vintage comics or Pokeman games, while other heirs might prefer to receive an equivalent value in stocks or bonds.

5. Alternatively, you might want to sell

your collection or some of the pieces at a time when values are high and allocate those funds to other categories. This could reduce the risk of a future downturn in collectible values. Timing the top of the market is extremely difficult, don't be greedy!

6. Keep copies of the professional appraisal for your records. This will provide

valuable documentation for your heirs, as well as your insurance company.

Regardless of the nature of your collection, incorporating current market appraisals into your estate plans will go a long way to reducing potential conflicts among your heirs, so you can feel confident about your personal legacy.

## Rispoli

Continued from page 19

In some states, such as Connecticut and Massachusetts, non-resident estate tax is levied as a percentage of the entire asset value, not just the portion owned by the decedent, making gifting

strategies during your lifetime that much more important.

Connecticut takes it one step further and will look through an LLC or S Corporation if it is being used for a non-business purpose, and the proportionate percentage owned by the non-resident decedent will be taxed.

Due to the nature of this calculation, an asset (even if left entirely to a surviving spouse) would incur estate tax.

A gift of this same asset may not suffer the same fate. There appears to be a loophole in Connecticut law that may allow gifts of the same property to escape gift tax.

Non-resident estate tax applies to all tangible personal property and real estate in a non-resident state that has an estate tax. After making your move to Florida, it is important to revisit the tax laws in the states where you left assets behind in order to fulfill your tax-savings and wealth transfer objectives.



# Levien

Continued from page 15

Organizing this initial meeting process may be daunting. Here are some basics:

1. What do family “heads” want to communicate? How do they wish to convey their goals, values, and concerns?

Trained advisors recognize the obstacles of many common, unspoken, emotional, or financial reasons behind conflicting values. Laura Chooljian, Senior Wealth Strategist for UBS Advanced Planning Group\*\*, shares in “Family Meetings”

- “We value establishing and abiding by budgets to manage spending, savings and sharing.”
- “We value transparency and will strive to make available information and instruction to promote a clear understanding of our financial position among age-appropriate family members.”
- “We value formal education as a

foundation for emotional and educational maturity.”

- “We value philanthropic endeavors - financial support as well as active participation.”

2. Invite immediate family to communicate together *outside* holiday and celebratory gatherings. Avoid required attendance. Understand not all will come.

3. Select a date, time, and place. Consider a rented home, public place, Country Club, or a resort. Keep it neutral. Sidestep family homes or businesses (emotional undertones; distractions).

4. Begin gathering information. Inquire how family current issues will be addressed to the group. What are the educational needs? Who prepares the agenda and written materials for this meeting? Time + Effort = Investment over generations.

5. Emphasize Ground Rules. Give your full attention. Listen. Be open and honest with your views. Be respectful. Stay focused on the subject being addressed.

Cell phones off.

6. Establish Family Governance and Mission Statements. Allow for joint decision-making based on shared values and a common purpose. Like family councils, which oversees the collective family vision or a successful family business’s use for succession planning, provide a forum for constructive discussion, promote family action accountability, and prepare the next generations’ leadership.

7. Create a written chronical/ agenda/ list of goals with prioritized values for this first meeting. Ultimately, this leads to electing or formulating appointed family committees focused on specific family interests.

8. Commit to “Next” Meetings. They often *re-introduce the family meetings concept*. The objective is to build trust. Develop buy-ins. Avoid dictating. Promote a disciplined structure around objectives. Provide supportive dialogue, follow-up, and family unit next

steps. Next meetings define the benefits and challenges of wealth.

9 Elect a dedicated, committed family council or delegate. Newly created family committees require time and preparation for recurring issues and new subjects. Eventually include spouses, successive generations, and professional advisors.

10. Educate with topic variety. Wealth Management. Debt. Tax efficiency. Security. Technology. Property Ownership. Philanthropies. Investments. Family Traditions.

Ultimately, Mary conceded and engaged her legacy with renewed family ties. Yes, some wealthy families continue to carry their wealth and vision over multiple generations while, unfortunately, others do not.

\* Prepare Your Heirs: Why it’s so important for families to work together as a team © 2019 - The Williams Group

\*\* Family Money, Laura Chooljian Original Publication December 2013

# Financial

Continued from page 16

Life Care Association at [aginglifecare.org](http://aginglifecare.org) is a good resource to find a certified Aging Life Care Professional.) Each of these parties, while charged with independent roles and responsibilities work in concert with one another. These

professionals provide a check and balance, even amongst one another, and are often the first to notice the signs of decline, changes in behavior, etc...

**What resources are available if you believe you or someone you care for is the victim of exploitation?\***

There are situations that require reporting and public resources are available

within the State of Florida including the Department of Children and Family Services Adult Protective Services can be reached via 1-800-96-ABUSE (1-800-962-2873) or <https://reportabuse.dcf.state.fl.us/Adult/AdultForm.aspx>. Ideally, however, the victim’s trusted team is the first line of defense toward avoidance and resolution. This approach

may also provide for privacy and discrete handling of the matter on behalf of the victim. Many times, these parties work together to mitigate the issues, remove a bad actor(s) and/or solve for a favorable resolution.

\*It should be noted that any form of immediate danger should always be reported via 911.

# Geffen

Continued from page 17

Step-up Basis	Charitable Gift Amount	Tax-Savings	Net Cost-of-Gift
Yes	\$100,000	\$40,000	\$60,000
No	\$100,000	\$56,800	\$43,200

In the example above, thanks to the combination of estate tax savings and the loss of the stepped-up basis, the **donor reduces the net-cost-of gift by an additional \$16,800.**

Regardless of what one thinks about the proposed tax increases, it is clear

that they can enhance the value of the charitable deduction as a tax management strategy. Donors may incorporate sophisticated charitable gift techniques such as the Charitable Lead Trust to maximize benefits. In addition, professional advisors should be consulted now

about how the new tax law changes may impact one’s tax and estate planning. You may save thousands of dollars by carefully planning your next gift.

*This article is for educational purposes only. Legal and tax advice should be sought from qualified professionals.*

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The Nation behaves well  
if it treats the natural  
resources as assets  
which it must turn over  
to the next generation  
increased and  
not impaired in value

Theodore Roosevelt

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