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Introduction

As a California estate planning attorney, I advise my clients to develop an estate plan that meets their personal needs. Estate planning at any age is an essential and crucial step in protecting your assets and your loved ones. With a comprehensive estate plan, you prepare for your retirement and the possibility you may become incapacitated.

In short, estate planning allows you to maintain control over personal and emotional decisions about your health, finances, and legacy. Without an estate plan, you give up that control to the state of California, doctors, and family members who may not respect the wishes you expressed when you could speak for yourself.

In this *Ultimate Guide to Estate-Planning at Any Age*, I focus on creating estate plans during each phase of life. With this guidebook, you learn about some of the important ways to protect yourself and your family throughout your lifetime.

At the end of this guide, you'll find a helpful checklist to get started on your own estate planning journey, regardless of your age and stage in life.

Now, let's begin.

Cagla Basar

Cagla Basar, Estate Planning Attorney

- CHAPTER 1 -

The Importance of Estate Planning

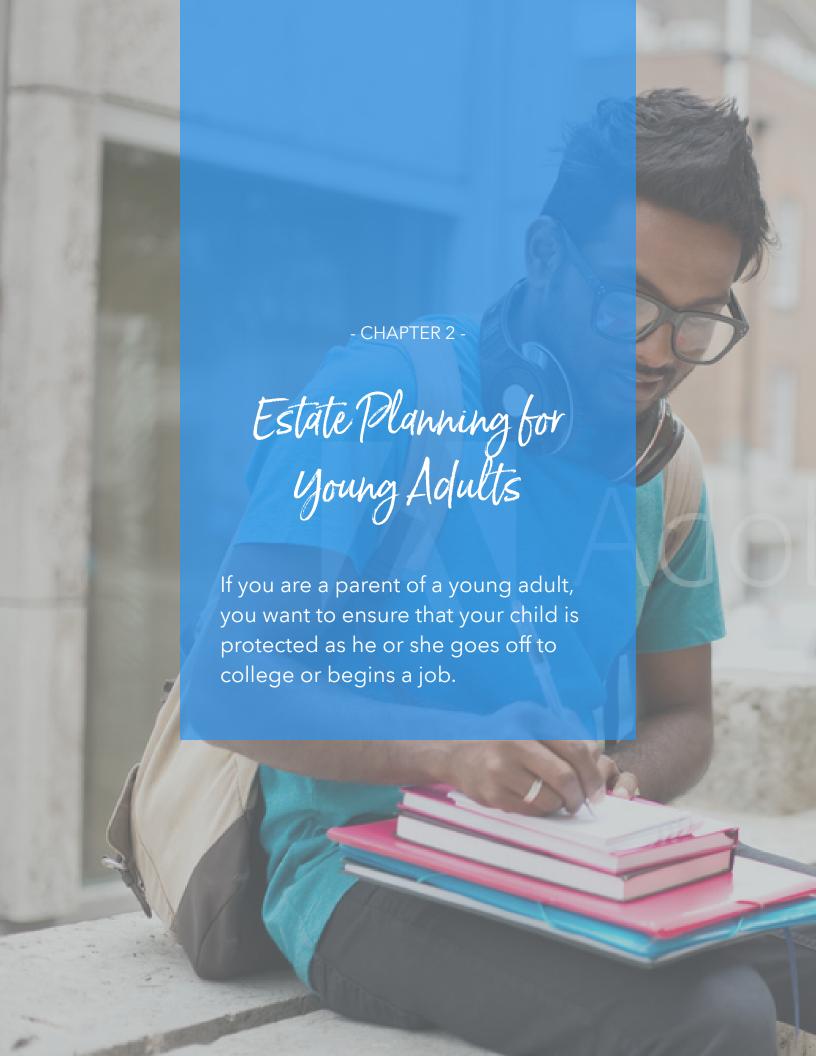
Estate planning is important for protecting yourself and your family. In this chapter, we'll discuss what happens if you do not have a will when you die.

The Importance of Estate Planning

Without a will, California's intestate laws control your estate. Intestacy laws dictate who can inherit your property. They also determine the amount of your estate each person may receive. Beyond forfeiting any share they may receive, your family members have no control over the percent of your estate distributed to each person.

Intestate estates--those that are not governed by a will-can take longer to complete and cost more to probate compared to estates involving a will. Without a will, people who are important in your life, such as friends or an unmarried partner, cannon inherit from your estate because intestacy succession does not recognize these individuals as your legal heirs. Intestate laws do not recognize charities as heirs either. If you want to support a cause that is important to you or a favorite charity after your death, you must have a will or other estate planning mechanism in place.

Avoiding intestacy is just one of the many reasons why estate planning is important. As we go through each of the following chapters, I highlight additional reasons a comprehensive estate plan is important during all stages of life.



Estate Planning for Young Adults

If you have a recent high school graduate or college student in your family, you may not believe they need an estate plan. This could not be further from the truth. As we learned in Chapter One, everyone should have a will, if for no other reason than to ensure your wishes are carried out after your deathinstead of allowing the state to dictate decisions for you. However, a will is only one document you should have in your estate plan as a young adult.

If you are a parent of a young adult, you want to ensure that your child is protected as he or she goes off to college or begins a job.

Estate planning documents for everyone 18 years or older:

- Will
- Durable Power of Attorney
- Healthcare Power of Attorney
- Advance Healthcare Directive or Living Will
- HIPAA Designation

Let's look at each of these in more detail.

Basic Estate Planning Tools

If you have a modest estate with specific recipients of your assets in mind, a basic living trust with a pour-over will along with a financial and healthcare power of attorney are sufficient.

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Durable Power of Attorney

A Durable Power of Attorney (Durable POA) is a document that grants an agent the authority to act on your behalf regarding financial matters. The "durable" section of a power of attorney means that the powers granted to the agent are not affected by incapacitation. This clause is crucial, as it allows parents to take care of financial matters for their child should their child become incapacitated for any reason. A Durable POA can avoid the need for a court-appointed trustee or conservator.

Health Care Power of Attorney

Everyone should have a
Healthcare POA to ensure that
someone we trust has the
authority to make medical
decisions for us if we are unable to
speak for ourselves. For example,
if your son is in a car accident and
is in a coma, a durable power of
attorney will enable you to talk to
his doctors and make decisions on
his treatment and care.

Basic Estate Planning Tools

A healthcare directive allows you to designate an agent to make medical decisions for you in case you cannot speak with a doctor yourself.

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Advance Healthcare Directive or Living Will

An Advance Healthcare Directive or Living Will allow us to make our endof-life decisions known to others. No one, including young adults, wants to think about end-of-life decisions. However, making our wishes known about life-sustaining or lifeprolonging treatments (i.e. feeding tubes, ventilators, etc.) is the only way to ensure we are not placed on life support if that is not our wish. In both documents, you can appoint someone as your agent to speak on your behalf and demand that doctors carry out your wishes if your condition meets the specifications within the Living Will or Healthcare Directive.

HIPAA Designation

A HIPAA designation allows certain individuals to receive information about your health and your medical treatments. It also allows certain individuals to obtain copies of your health records. It is a good idea for everyone to have a HIPAA designation, but especially for college students or young adults so that their parents can access their medical records in an emergency.



Estate Planning for Millennials (20s-30s)

By the time most people are in their late 20s-30s, they are married and have children. Perhaps you've even amassed some sizable assets--nice! If you haven't created an estate plan yet, now is the time.

If you have created an estate plan, be sure to review it periodically (generally every three to five years) with a California estate planning attorney, especially after major life events such as marriage, the birth of a child, or the purchase of a large asset, such as a home.

Building on the list above, I would urge Millennials to consider adding several documents to their estate plan:

- Testamentary Trust for Minors
- Guardianship Provisions
- Beneficiary Designations
- Trust Agreements

Let's look at our estate planning documents in more detail.

Estate Planning Tools for Parents

Although contemplating the possibility of your early death can be difficult, it's important to address it early and adopt the best options for the care of young children.

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Testamentary Trust for Minors

You need to add a testamentary trust if you have children. A testamentary trust allows you to appoint a trustee to manage your child's inheritance until they reach a specific age.

Without this clause in your will, your child receives his or her entire inheritance at 18 years of age, even if he or she is still in high school.

Many parents choose to hold the inheritance in trust until the child is 21 or old enough to have completed college. A trustee manages the inheritance and uses the funds for the benefit of the child.

Guardian Provision

Update your will to include a guardianship clause. If something was to happen to you and your partner, you need to name a trusted person to care for and raise your children. Without a testamentary trust and a guardian clause in your will, the probate court appoints someone to these roles. The person appointed by the court may or may not be your first choice. With that in mind-keep the power to choose in your hands by updating your will.

More Estate Planning Tools

Check your beneficiary designations for every account to ensure you named a person as your beneficiary--and don't forget to review annually or whenever a significant event happens in your life.

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Beneficiary Designations

Many people in their 30s have also purchased life insurance, have a retirement account through their employer, and have financial accounts. These accounts pass directly to beneficiaries outside of probate, which means they (generally) aren't subject to creditor claims and do not need court approval for payout. Make sure to check your beneficiary designations for every account to ensure you named a person as your beneficiary. If there is not a beneficiary, the funds are paid to your probate estate and distributed according to your will or California's intestacy laws.

Trust Agreements

Three trust agreements that might apply in your 30s are:

- Revocable Living Trusts
- Special Needs Trusts
- Pet Trusts

Let's look at each of these in more detail.

Estate Planning Tools: Trusts

A living trusts takes the place of a will for those who own real property and other significant assets. It makes the administration of an estate easier in that the assets that are included in a living trust are transferred to beneficiaries without the need to open a probate.

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Revocable Living Trust

A Revocable Living Trust is a tool that enables you to set down how you want your assets handled when you die. It is similar to a will with one exception - the assets held by the revocable trust do not go through the probate process, while those in a will, do. The trust is revocable while you are alive and irrevocable once you die.

Special Needs Trust

A Special Needs Trust is a specific type of trust that allows you to provide supplemental income for a person who is disabled or has special needs without interfering with the person's ability to receive government benefits. Parents of a special needs child should have a Special Needs Trust in place to protect their child and to ensure their child is cared for if they pass away or become incapacitated.

Estate Planning Tools: Trusts

A Pet Trust allows you to name a trustee to manage and use funds within the trust for the care and upkeep of your pet.

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Pet Trusts

Pets are like members of our family. However, what would happen to your pet if you died? You cannot leave money or property in your will directly to your pet. You can leave your pet to another person because California recognizes pets as property, but you have no control over the pet's care after your death. A Pet Trust allows you to name a trustee to manage and use funds within the trust for the care and upkeep of your pet.

If you have small children, a Pet Trust can ensure that the pet remains with them and there are enough funds to care for the pet until the children are old enough to do so themselves.

Losing a parent can be very difficult, but losing a parent and a beloved pet at the same time does not need to happen.





Estate Planning During Your 40's

Ah, the forties. Time seems to fly by so fast. Not only do you have new aches and pains developing, you may also be dealing with new issues like divorce, career changes, and retirement planning. With all of these new (and not always exciting) changes taking place, there is no time like the present to create, modify or revamp your estate plan.

Divorces & Estate Planning

Divorce can occur at any stage of life, so it is always wise to be prepared with a comprehensive estate plan.

As soon as you contemplate a divorce action, you should meet with your California estate planning attorney to discuss how to change your estate plan in anticipation of a divorce action. Your spouse may be entitled to one-half of the marital assets, but you want to take steps to protect non-marital assets in your estate and prevent your one-half of the marital assets from being distributed to your soon-to-be ex-spouse should you pass away before the divorce proceeding is finalized.

Your attorney can help you modify your estate plan and create new estate planning documents to provide as much asset protection as possible.

Retirement & Estate Planning

Even if you're over 40 with no retirement savings, it's still possible to reach your \$1 million retirement goal.

To retire with \$1 million in 25 years, a 40-year-old with no savings should invest \$800 a month —slightly less than 20% of the average \$50,000 income.

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If you have not started planning for retirement, the time is now. The sooner you begin planning for retirement, the more time you have to accumulate enough money in your retirement accounts to pay your expenses and live the lifestyle you desire during your retirement years.

Your 40s are an excellent time to integrate your estate plan and your retirement plan. The plans should complement each other because many of the goals of estate planning are the same goals of retirement planning – asset protection, accumulation of wealth, and providing for dependents.

A California estate-planning attorney can help you identify your goals and needs, evaluate your retirement plan, and develop an estate plan that helps you achieve your retirement planning goals.





Estate Planning During Your 50s

Your 50th birthday is an excellent milestone to trigger a review of your estate plan. If you have not met with your estate planning attorney recently to review your plan, use your 50th birthday as a reminder to make an appointment with your attorney in the very near future.

Revocable Living Trusts

Most individuals in their 50s continue to plan for retirement and accumulate wealth. During this phase in your life, you may want to consider adding a Revocable Living Trust to your estate plan. A Revocable Living Trust can be established at any age; however, many people in their 50s are searching for ways to maximize asset protection and avoid probate. A Revocable Living Trust can accomplish both goals.

Once you establish a trust, you must transfer title to your property to the trust. The trust holds title to the property as a separate entity so that it is not subject to your personal debts or obligations. You can serve as the trustee during your lifetime to maintain control over the assets within the trust. Because the trust is revocable, you can modify the trust or revoke the trust during your lifetime.

Upon your death or incapacitation, the trust becomes irrevocable. At that time, a successor trustee that you name within the trust document assumes the responsibility of managing the trust, according to the terms of the trust.

You may use the trust to provide income for dependents, pay for college tuition for your grandchildren, or manage a child's inheritance who may be in financial trouble or who might make questionable life decisions.

Revocable Living Trusts are extremely flexible. However, you may also want to consider other types of trusts that can help you reduce your taxable estate and provide additional asset protection.

Estate Planning: More Trusts

Because trusts typically avoid probate, your loved ones may access these assets quicker than if assets are transferred with a will.

In the case of irrevocable trusts, they may not be considered part of your taxable estate, so fewer assets may be lost to taxes when you die.

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Examples of trusts that you may want to discuss with a California estate planning attorney include:

- Special Needs Trusts
- Pet Trusts
- Irrevocable Trusts
- Qualified Personal Residence Trusts
- Irrevocable Life Insurance Trusts
- Charitable Trusts
- Land Trusts
- Qualified Terminable Interest Property Trust
- Generation Skipping Trust
- IRA Trust

The type of trust you choose for your estate plan depends on numerous factors.

The recent change in estate tax laws under the Tax Cuts and Jobs Act (TCJA) may change how some high-net-worth individuals use trusts in their estate plans. By increasing the exception for federal estate taxes, the tax law eliminates the need for some individuals to use complicated trust agreements and gifting strategies to reduce or eliminate federal estate taxes.



Estate Planning During Your 60s

As we enter our 60s, retirement is still a top priority for many individuals. Another review of your estate plan and retirement plan is in order to ensure that your current plans are designed to meet your goals and needs throughout your 60s and into your retirement.

Nursing Home Planning & Long-Term Care Planning

No one wants to consider the possibility that we may become incapacitated and require long-term personal and medical care. However, as we age, the possibility that we may need some type of assisted living increases. The cost of nursing home care or assisted living care is extremely expensive. The average cost of a semi-private room in a nursing home in California is \$8,365 per month. The average cost of a private room in a nursing home is \$9,817 per month. Yearly, you would need between \$100,380 and \$117,804 per year to cover the cost of nursing home care in California.

If you experienced "sticker shock" reading the above figures, you are not alone. The cost of nursing home care is often a surprise for many individuals and families. Medicare does not pay for long-term nursing home care, so unless you have long-term care insurance, you may be forced to use your personal assets to pay for care.

For far less than the cost of a month's stay in a nursing home, you can have an estate planning attorney work with you to come up with a long-term plan that maximizes your hard-earned dollars and keep you in the style of living to which you have become accustomed. Having an experienced estate planning attorney work with you on long-term care planning can be the difference between living in your children's basement and being actively engaged in a vibrant

Medicaid Planning

DID YOU KNOW?

California's Medicaid Look-Back Period is a period of 30 months that dates back from one's Medicaid application date.

https://www.medicaidplanningassistance.org/medicaid-eligibility-california

Medicaid can help you pay for nursing home costs, but you must meet the income and resource eligibility requirements to receive Medicaid. In other words, if you own property or have income that exceeds the limits for Medicaid, you cannot receive assistance.
Unfortunately, you cannot give away your property to loved ones just to qualify for Medicaid when it is time for you to enter a nursing home.
However, you do have options.

Medicaid planning is a detailed strategy that helps you prepare to qualify for government assistance to pay your nursing home bills. A typical Medicaid plan may include gifting strategies that are outside the lookback period for Medicaid eligibility and the use of one or more trust agreements to protect assets. With careful planning, you can create an estate plan that also helps you maintain eligibility for Medicaid should you or your spouse ever need nursing home care.

The key is to begin planning in your 50s or 60s so that you decrease the chance that you might lose property if you or your spouse requires nursing home care or other long-term care in the future. You also want to work with a California estate planning attorney who has experience with Medicaid planning.

Estate Planning: More Tools

By making business succession arrangements early, owners help ensure a smooth transition and minimize negative effects their departure may have on the company.

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Long Term Care Insurance

For individuals who are unable to reduce their resources and property to amounts below the Medicaid eligibility requirements, long-term care insurance may be an option. Depending on your situation, long-term care insurance could be expensive. Your attorney can help you review other options you may have available for planning for long-term care.

Business Succession Planning

A business succession plan is another key estate planning issue that many people in their 60s begin to tackle. I advocate for developing a business succession plan long before you reach your 60s, but that is not always possible.

A business succession plan is a roadmap for transferring ownership and operation of a family business to another family member. The plan assists you and the future owner by setting up a timeline and addressing important issues, such as retaining key employees, learning the business operations, becoming familiar with the business financial records, and determining how the business will provide for other family members. A business succession plan may also include a detailed outline for liquidating the business and selling the business as an ongoing venture.

In addition to your death, a good business plan also considers issues related to your retirement and withdrawal from the business and the possibility that you could become incapacitated.

Leaving a Legacy and Avoiding Probate

Knowing what you want your legacy to be will allow you to make better use of your time and other resources.

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Another estate planning matter to review during your 60s is the legacy you leave your family members. If you have not utilized trust agreements in the past, this might be the time to do so. Using trusts and beneficiary designations can remove assets from probate, thereby allowing your heirs to receive their inheritance upon your death instead of waiting until the probate case is complete.

You want some of your money to pass outside of probate so your dependents have immediate access to the funds they need to pay bills and living expenses until your probate estate is complete. You may want to do this through life insurance policies, annuities, retirement accounts, trusts, and other assets that may pass outside of probate.

Healthcare and End-of-Life Decisions

Your 60s are also a time when you want to review the portions of your estate plan that deal with medical decisions, personal care decisions, and decisions for end-of-life treatment. We highly recommend everyone to execute a Living Will, Advanced Healthcare Directive, and Healthcare Power of Attorney as young adults.

The simplest, though not always the easiest, way to talk about end-of-life care is before an illness begins. Discussing your thoughts, values, and desires will help people who are close to you to know what end-of-life care you want.

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However, as you have grown older, your views on medical treatment and life-prolonging or life-sustaining treatments may have changed. If so, you may need to revise your estate documents to reflect your current wishes and desires. You may also need to appoint a new agent who agrees to carry out these wishes, especially if your wishes contradict the wishes of your family.

You must also ensure that you have the necessary estate planning tools in place to avoid the need for a court-appointed guardian, trustee, or conservator. By developing an estate plan to include certain documents, you choose who makes decisions for you regarding your money, health, and end-of-life care.



Step One: Gather Information for Your Estate Plan

Let's Get Started

The first step is to gather the information and documentation you need to develop and execute an estate plan. It does not matter how much money you have or how little money you have. You should begin the process of preparing an estate plan with an inventory.

Inventory Everything You Own

This includes your home, real estate, vehicles, financial accounts, investments, business interests, jewelry, artwork, and household goods. If you own an interest in something, it should be on this list. Your estate planning lawyer may have an asset inventory list you can use to make this process easier. If not, the attorney can guide you to a list available online.

Collect Important Financial Documents

Put together copies of all deeds, titles, financial records, account statements, and other documentation related to your income, assets, and debts

Inventory the Contents of any Safe Deposit Boxes

Make sure your attorney or designated friend or family member knows these exist.

Inventory Digital Assets & Insurance Policies

Describe in detail any cryptocurrency or other digital assets you own and their current value. Create a list of all insurance policies you own covering your life or the lives of other individuals, including the company name, policy number, beneficiary name, cash value, and face value.

Create a List of all Personal Liabilities

This list should include lines of credit, house loans, car loans, credit card bills, medical debts, and other debts.

Step Two: Prepare to Meet with a California Estate Planning Attorney

Schedule Your Meeting

Once you have your information ready, meet with an estate planning lawyer to review your current financial situation, your financial goals, your needs, and your estate planning goals. Your attorney helps you define your goals by asking you several questions. You may want to think about the answers to the questions in advance so that you are prepared to discuss your reasons for your answers.

Be prepared to ask questions about issues such as:

- 1. Who should manage my financial affairs and personal care if I become incapacitated?
- 2. Who should be responsible for managing my trusts and my probate estate?
- 3. Who do I want to care for my minor children if I die?
- 4. How much money would be needed to care for my children and provide for their education if I died or became incapacitated?
- 5. Who do I want to receive my property after my death, and in what percentages?
- 6. What is my plan for nursing home care or long-term care?
- 7. What is my plan for retirement? How do I plan on accumulating enough funds for retirement?
- 8. What is my intention regarding the family business?
- 9. Do I have any dependents with special needs or disabilities?
- 10. What happens to my pet after my death?

The answers to these questions and other questions like these give the attorney a healthy understanding of what types of documents you need in your estate plan.

Step Three: Draft and Executing Your Estate Plan

Your attorney handles drafting the various estate planning documents you need to protect yourself, your property, and your heirs.

Let's summarize the basic estate planning documents that everyone needs:

- 1. Will
- 2. Durable Power of Attorney
- 3. Healthcare Power of Attorney
- 4. Advance Health Directive or Living Will
- 5. HIPAA Designation
- 6. Beneficiary Designations
- 7. Retirement Plans or Accounts
- 8. One or More Trust Agreements (optional as needed)
- 9. Life Insurance (optional as you can afford)
- 10. Medicaid Planning / Long-term Care Planning
- 11. Information Related to Digital Assets (if applicable)
- 12. Business Succession (if required)

Once your attorney drafts your estate planning documents, you must execute the documents according to California laws for the documents to be valid. Using an experienced attorney to draft your estate planning documents can reduce the risk that someone could successfully challenge your estate or trust.

Step Four: Fund Your Plan & Finalize Details

Fund Your Plan

If your estate plan includes one or more trusts, you must transfer title to property into the trust name for the trusts to be funded and functioning. Some individuals overlook this step only to discover later that the protection they thought was in place is not valid. Your attorney can help you with transferring funds and property to your various trusts.

Additional Steps in Developing an Estate Plan

The following steps may not have a legal implication on your estate. They are a matter of choice that some people want to include in their estate plan to make it easier and less stressful for their heirs after their death.

- Include a letter to explain your choices for end-of-life care so that your loved ones understand that you truly wanted to leave this world on your terms.
- Make final funeral arrangements and leave a detailed list of all arrangements. Some individuals pre-pay funeral costs, so their heirs do not need to bear this financial burden.
- Include a letter explaining why you want certain property distributed to specific people. It can be very comforting to understand a loved one's sentiment for a special bequeath.
- Include instructions for accessing digital currency and where to find sensitive, protected information needed to access the accounts. You should not include keys or other information in the letter - those should be kept in a secure place that may only be accessed by your agent. Explaining the value of cryptocurrency may also be appreciated by family members who are not familiar with Bitcoin.
- Gather important documents such as birth certificates, real estate deeds, titles, insurance policies, financial account information, retirement account information, and other important information that an agent may need. Include the location of the documents in a letter to your personal representative.

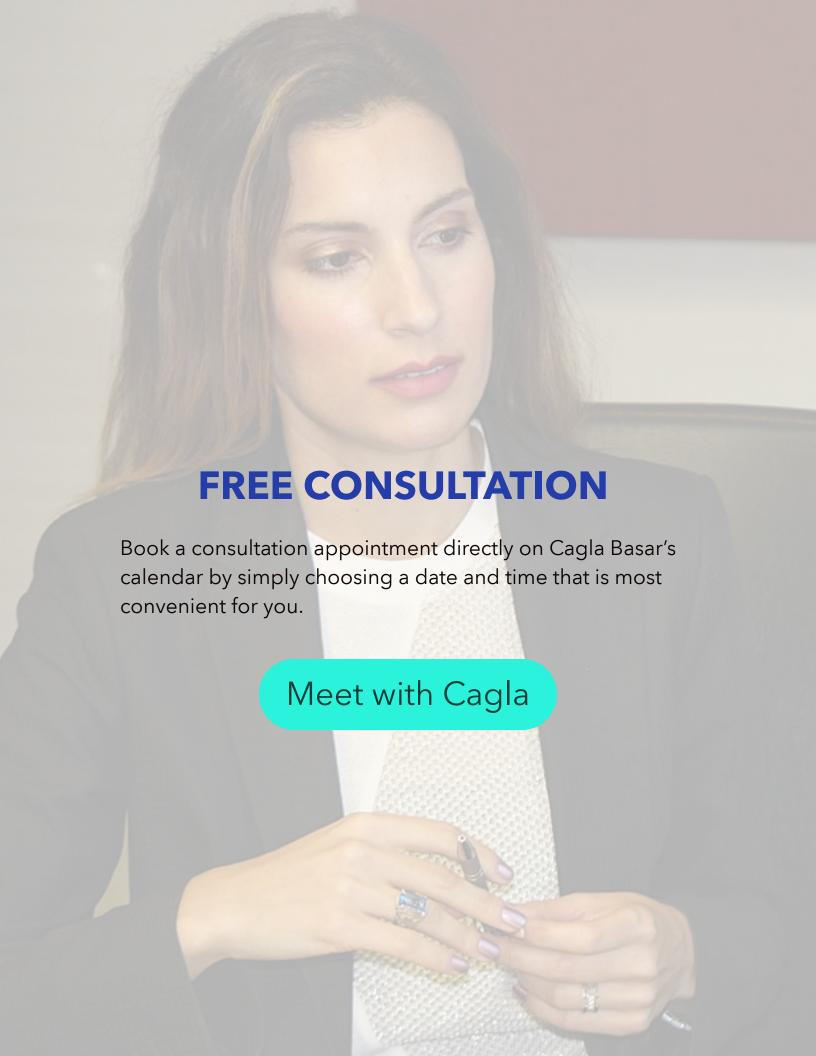
Step Five: Review Your Estate Plan Often

As mentioned at the beginning of this ebook, you need to have an estate plan, and you should review it often. Life events often require changes to your estate plan. Make it a point to review your estate plan with your attorney at least once every year, after changes in the tax laws, and after each major life event. If you are in doubt whether you need to review your plan, give it a read and check with your attorney if there are outdated items.

Final Thoughts...

I hope that the information in the guide has given you some insight into why you need an estate plan and the steps you can take to develop an estate plan designed for your specific situation. If you need assistance, please contact me.

As an experienced California estate planning attorney, I am here to help you identify your needs and goals and develop an estate plan that meets those goals while keeping you, your family, and your property safe from creditors, courts, and others.



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Cagla received her law degree from Southwestern Law School and her bachelor's degree from California State University, Long Beach, where she majored in Political Science. Cagla serves clients throughout Southern California in the counties of Orange and Los Angeles.

Cagla strives to become a trusted advisor and source for her clients through the complex and often confusing financial and legal decisions to create plans that protect their estates and businesses. Cagla's office is located in Huntington Beach, where she calls home. Prior to becoming an attorney, she lived in Istanbul, Turkey and is fluent in Turkish

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