

Do Not Miss It!

6th Annual
Classic Car Cruise
Friday, Aug. 19, 2022

Carrier's North End
4965 East Beltline Avenue NE
Grand Rapids 49525
Mad Dogz • Refreshments
Register today at DavidCarrierLaw.com
Classics • Hot Rods • Beaters



Upcoming Webinars:
Saturday, June 18 at 10am
Tuesday, June 28 at 6pm
Saturday, July 9 at 10am

GET ANSWERS TO YOUR QUESTIONS:
How do I protect my health, home, lifesavings, family and legacy?
Why is an outdated will worse than no plan at all?
How can I be sure people I trust will make medical and financial decisions for me, if I cannot?
How can I control the care I get (and do not get) in a medical emergency?
How can I protect my kids' inheritance from divorce, bankruptcy, and their own poor decisions?
How do I avoid heavy taxes from the new law on my retirement plans (like my IRA or 401k)?

Join Us
at Our Live, In-Person, Group Workshops!

Grand Rapids Saturday, June 18 10am (616) 361-8400 4965 East Beltline Ave NE Grand Rapids, MI	Holland Tuesday, June 14 1pm (616) 796-9600 12330 James Suites B10 Holland, MI
---	--

www.DavidCarrierLaw.com
email: David@DavidCarrierLaw.com

The Michigan Elder Law Reporter™
JUNE 2022 *32 Years Serving Michigan Seniors* VOLUME 32, ISSUE 6.2

IGNORING GOOD ADVICE FOR 65 YEARS!
BETTER TO REMAIN SILENT AND BE THOUGHT A FOOL THAN TO SPEAK OUT AND REMOVE ALL DOUBT – ABRAHAM LINCOLN
VOLCANOES ERUPT, FAITHFUL READERS WRITE
(NOT EDITED FOR SPELLING OR PUNCTUATION OR ANYTHING ELSE) (WARNING: NOT LEGAL ADVICE!)

QUESTION:
How can I cash a check made out to the deceased?

So a family member passed away around 6 months ago. During this time, there was a car she was paying off that got sent back, and they refinanced it. Despite the fact that we clarified multiple times she was deceased (and knew I was the informant on the certificate), they made out a check in her name. Upon calling my bank I was told even with the death certificate proving I am the informant, I wouldnt be able to cash the check, and that I needed to call the issuer to get another check made. When I called the issuer, they told me they couldnt re-issue the check in my name, and that I needed a power of attorney. They said if I had that i could just bring it to my bank and cash it no problem. Later I looked up power of attorney only to find out it practically does nothing in the case of a death. Is this true? And if so, is there paperwork that I could file to cash the check in my name?

Short Answer: You cannot. In 2022, the cutoff for a small estate is \$25,000. Less than \$25,000, you can use the small estate procedure. More than \$25,000, welcome to the wonderful world of Probate!

Long Answer: It does not matter that you are the Death Certificate informant. That simply means you were the one who filled out the questionnaire for preparation of the Death Certificate.

Powers of Attorney die when the person who issued the power of attorney dies. Powers of Attorney are worthless when the person dies. Cannot be used.

You state that you "looked up power of attorney only to find out it practically does nothing in the case of a death. Is this true?" No. That is not true. The Power of Attorney does not do "practically" nothing, it does ABSOLUTELY nothing. Glad to clear that up!

So, again, welcome to probate. Even when there is relatively little at stake, it is a good idea to have a lawyer.

Here's a fun project: Go to your county website. Review the Probate Court web pages. Almost guaranteed that you will find a letter from the Chief Probate Judge of your county begging and pleading with you to use legal counsel in probating the estate. That's because when regular folks screw up the probate documentation (and sorry to say, they frequently do screw it up) now the Judge must sort out the mess. That is too much like real work. So, use a lawyer. You'll be glad you did. And the judge too.

Question:
What are my mother's rights if she is in a nursing home?

She deeded her property to my husband 10 years ago.

She is unable to take care of herself (cannot walk, unable to bathe herself, unable to use the toilet without assistance) and will likely never return home.

Short Answer: It depends. What does the deed actually say?

Is it crazy to think that a little more effort, care, thought, planning, prudence would have avoided this mess? Will you be surprised if your family loses a big chunk of the value of the house? Unnecessarily? Are you against taking effective action so this does not happen to your kids? Are we all living on the Good Ship Lollipop?

Long Answer: There are several ways this could go. Here are the three most likely. First, your mother-in-law may have fully deeded the house to your husband outright all those years ago. Second, mother-in-law may have used a contingent deed, variously known as a "transfer on death" or "enhanced life estate" or "ladybird" deed. Third, your

hubby's mother may have deeded the house to your better half and retained a life estate.

#1 OUTRIGHT DEED – FEE SIMPLE ABSOLUTE

Mom could have deeded her entire interest in the property to Sonny-boy. Could have used a "warranty deed" or a "quitclaim deed." Either way, your husband has owned the house for the last ten years. This would be unusual.

Mother loves Son. OK! Son never has anything bad happen. Never applies for loan. Never has debt. Mom lives in house until she dies. No problem.

Mom still loves Son. Mom loves Son so much she makes all his favorite dishes. Like bacon wrapped bacon pork chops deep-fried with butter. And ice cream. Wrapped in coconut. Sonny-boy has massive heart attack. Fatal. Dead before dessert.

What happens when Mom gives Son her entire interest in the property and Son up and dies? Uh-oh! Daughter-in-law now owns the entire house. And daughter-in-law's new husband wants a new boat and travel trailer. Bye-bye mother-in-law! Nice knowin' ya! And there is nothing M-in-L can do about it now...

#2 CONTINGENT DEED – PAY ON DEATH, ENHANCED LIFE ESTATE, LADYBIRD

Do you want to give up total control of your homestead? Do you want to live at the mercy of your son- or daughter-in-law? Are you against keeping all the money if you sell your house? Do you have a crystal ball to foretell the future with unerring accuracy?

The pay on death deed is the thing for you! There is no transfer of any interest in the property until you die. Until you die, with a pay on death deed, you can do whatever you please with your property. Because it is still, 100%, all of it, all your property. Until you die. Then it belongs to the person or persons you designated on the pay on death deed.

And no probate! Unless, of course, the person or persons you designated die before you do. Now you are up Probate Creek without a paddle. But hey! That never happens...

#3 RETAINED LIFE ESTATE

What if Mom wanted Son to have and maintain the property? Would you want to take care of Mom's property, then lose it all if Mom changes her mind? Or if one of the other kids changed Mom's mind for her? Are you opposed to being protected? Would it be crazy to make sure your efforts were not wasted?

Mom wants assurances that she can stay home.

Son wants assurances that he eventually gets the home.

Mom gives property to Son, but Mom has the right to live on the property for the rest of her life. That's what we call

a retained life estate deed. Mom retained the life estate. Here's how it works.

LIFE ESTATE

In Michigan, "life estate" means that the person can use and live on the property for their entire lifetime. A life estate is valuable. How valuable? Depends on how long Mom will live. Or might live. Also on the value of the property. Also on the current economic environment. And rates of inflation and interest.

Back in the day, we used to have hearings with expert witnesses and do future value projections based on life expectancy and then present value regression analyses. But in today's modern world, Michigan makes it easy to figure out how much a life estate is worth. Get a copy of the Bridges Eligibility Manual 400, Exhibit II – Life Estate and Life Lease Factor Table (BPB 2022-07) (available online!). This Table lists ages from birth to 109 years old. For each age, there is a 5-digit life estate factor. You look up the life estate factor that corresponds to the age of the person. Multiply the factor by the value of the real estate. Voila! That is the value of the person's life estate.

IMPORTANT POINT: Life Estate values have nothing to do with the actual health of the Life Estate holder. Life Estate Value is all about chronological age. Birth certificate and calendar. Healthy or on hospice? Irrelevant. A few examples. Let us suppose the family home is worth \$100,000.

At age 2, the life estate factor is .99017. So, a two-year old's life estate is worth \$99,017. (\$100,000 X .99017)

At age 109, the life estate factor is .04545. That means that the 109-year-old's life estate is worth \$4545. (\$100,000 X .04545)

At age 70, the life estate factor is .60522. How much is a 70-year-old person's life estate worth? Correct! \$60,522. (\$100,000 X .60522)

What this means is that your "mother in laws lifetime stay rights [sic]" are terminated while Mother-in-law is still alive, then she must be paid the value of the life estate as determined by the BEM 400 Life Estate Factor Table. Easy!

Let's consider the flip side... the remaindermen.

If Mother's life estate is worth \$60,000, what is Son's remainder interest worth? Correct again! \$40,000 (\$100,000 - \$60,000). So simple, a child could do it, no?

Is it a bad idea to figure this out in advance? Is throwing money out the window better and cheaper than getting practical advice from folks who have walked the walk thousands of times for families like yours? Would you rather be "right" or rich? Would you rather cling to old ideas because "It worked for Uncle Charlie!" or be confident that your lifesavings are truly secure?

NO POVERTY. NO CHARITY. NO WASTE.
It is not chance. It is choice. Your choice. Get Information Now.
800-317-2812

HAPPY TALKIN', TALKIN', HAPPY TALK
WHAT, ME WORRY? WHY SO SERIOUS?
DID YOU GO CRAZY OR WAS IT THE WORLD?

RETURN WITH ME NOW TO THE FABLED DAYS OF YESTERYEAR!
Remember a little while ago? Inflation was low. Interest rates were low. Employment was high. Peace in the Middle East, between Israel and Arab countries. Terrorists defeated. Orderly exit from Afghanistan. America had so much oil, we exported the stuff. Border control equals more jobs for U.S. citizens. At higher wages. All races. Both genders. Troops coming home from endless, useless wars. Russia and China suppressed. Our biggest worry: a fat, little tinpot dictator with a starving population. Unfortunately, the chubby guy also had atomic bombs. And rockets.

Read today's paper. War in Europe. Tens of thousands dead. Fighting over territory. History buffs may note parallels with early days of WWI and WWII. American babies need emergency formula supplies from foreign countries. Gas prices higher every time you fill up. Billions of dollars, state of the art weapons to defend Ukraine's borders. U.S. border guards are welcome wagon for illegals with free phones, plane tickets, health care, welfare. Murder rates skyrocket. Major cities unlivable. Again. Consumer inflation at 8+%. Wholesale inflation at 16+%. In 1851, Sojourner Truth asked "Ain't I a woman?" (Spoiler Alert: She was a woman.) In 2022, nobody knows. Not even a female Supreme Court nominee.

Media says long-ago time of peace and prosperity was evil bad. Russian puppet in White House. Shortage of real terrorism so FBI informants must orchestrate phony terrorist plots. Awful.

Media says today's time of riots, inflation, war is super good. Tolerant. Totally fair. Peaceful! And real, non-FBI criminal loads up with guns to hunt Supreme Court Justice. And his family. Understandable.

HUMANS ARE NATURALLY PESSIMISTIC
EVOLUTIONARY PSYCHOLOGY IN A NUTSHELL

Two cavemen. Ug and Og. Ug is optimistic. Og is pessimistic.

Ug eat all kind berries, mushrooms, stuff. Yummy. Ug have no worries. Ug go in deep, dark cave. Fun! Ug say "Here kitty kitty kitty!" to saber-toothed tiger. Ug dead. Ug have no kids. Have no optimistic kids. Have no kids at all. Darwin wins!

Og wait 'til Ug eat berries, mushrooms. Og watch what happen Ug. Og worries. Lots. Og stay out cave. Og stay away saber-tooth tiger. Og live long time. Og have lots kids. Have lots pessimistic, skeptical, suspicious kids. And so on...

You really are nuts. Your brain, at the center, has a couple of almonds. At least they sort of look like almonds. These things, the amygdalae, make sure you worry about stuff. That is why your ancestors didn't die trying to pet saber-toothed tigers. That is why you don't eat green meat. Or go broke in a nursing home.

RIDDLE ME THIS!

When times were objectively good, why did all the smart and powerful people tell us that everything was terrible?

When things are going to hell in a handbasket, why do all the smart and powerful people tell us that everything is wonderful now?

Are the smart and powerful people really that stupid? Are the smart and powerful people looking out for you? Can you trust your life, family, future to the smart and powerful people? Can you believe a single word they say? Asking for a friend...

AVOID PROBATE, SAVE TAXES, GET TO KIDS?
TRADITIONAL PLANNING IS DEATH PLANNING

AND WHEN YOU DIE BROKE, DRAINED BY LONG-TERM CARE, PROBATE IS IRRELEVANT

Traditional estate planning is supposed to avoid probate, save taxes, and dump your leftover stuff on your beneficiaries. After you die. Nobody cares what happens to you while you are alive. How does that help anyone? Stupid.

Traditional estate planning fails because the overwhelming majority of us will need long-term skilled care. 70% of us. For an average of 3 years. And we will go broke paying for it.

Is it surprising that thousands of recreation properties: cottages, cabins, hunting land, are lost to pay for long-term care? Why is your estate planner hurting you and your family? It is evil intent? Or stupidity?

LifePlanning™ defeats Nursing Home Poverty. Keep your stuff. Get the care you have already paid for. Good for you. Good for your family. Good example for society.

When my mother suffered from the dementia which led to her death, over 10 years ago, their estate plan preserved their lifesavings. Mom's months in the nursing home did not mean Dad's impoverishment. Dad spent the last years with security and peace of mind.

IS NOW A BAD TIME FOR A REAL SOLUTION?

Perhaps you think you already have an answer to this problem. Maybe you do not see this as a problem at all. It is possible that you do not believe in the passage of time or its effects on you.

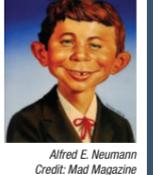
Peace of mind and financial security are waiting for everyone who practices LifePlanning™. You know that peace only begins with financial security. Are legal documents the most important? Is avoiding probate the best you can do for yourself or your loved ones? Is family about inheritance? Or are these things only significant to support the foundation of your family?

Do you think finding the best care is easy? Do you want to get lost in the overwhelming flood of claims and promises? Or would you like straight answers?

Well, here you are. Now you know. No excuses. Get the information, insight, inspiration. It is your turn. Ignore the message? Invite poverty? Or get the freely offered information. To make wise decisions. For you. For your loved ones.

The LifePlan™ Workshop has been the first step on the path to security and peace for thousands of families. Why not your family?

NO POVERTY. NO CHARITY. NO WASTE.
It is not chance. It is choice. Your choice.
Get Information Now.
800-317-2812



THE LAW OFFICES OF
DAVID L. CARRIER, P.C.
ESTATE PLANNING & ELDER LAW

Your Family's Personal Attorney.

Grand Rapids
4965 East Beltline Ave NE
Grand Rapids, MI
(616) 361-8400

Portage
3275 Cooley Ct.
Portage, MI
(269) 350-2323

Norton Shores
131 S. Seaway Drive
Norton Shores, MI
(616) 361-8400

Holland
12330 James Suite B10
Holland, MI
(616) 796-9600



ATTORNEY
DAVID L. CARRIER
40 Years Practicing Law
BA, Notre Dame; JD, Boston University Law
Master of Laws, Tax, Georgetown University Law
Captain, US Army, JAGC (Veteran)

NAELA
Member

BBB
Accredited Business

WOOD 8 13 ON YOUR SIDE