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## GET ANSWERS TO YOUR QUESTIONS:

How do I protect my health, home, lifesavings, family and legacy?

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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)?

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## Get Answers

at Our Live, In-Person,  
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### Grand Rapids

Friday,  
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1pm & 4pm

(616) 361-8400

4965 East Beltline Ave NE  
Grand Rapids, MI

### Holland

Saturday,  
June 3

11am

(616) 796-9600

12330 James Suite B10  
Holland, MI

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# The Michigan Elder Law Reporter™

MAY 2023

33 Years Serving Michigan Seniors

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## IT'S SO EASY TO DEED THE HOUSE

## DIRTY DEEDS DONE DIRT CHEAP

## LOSE THE HOUSE BUT SAVE HUNDREDS!

(NOT EDITED FOR GRAMMAR, SPELLING OR COMMON SENSE) (NOT LEGAL ADVICE... OH MY NO!)

### IF YOUR ONLY TOOL IS A SLEDGEHAMMER MAYBE YOU SHOULD NOT BE WASHING WINDOWS

Everybody likes to save money. Deeds are simple, quick, cheap, and effective. The future does not always work out the way we wish, hope, pray, and expect it will. Deeds are rigid and inflexible. Will your kids outlive you? Will your kids always be nice? Are you OK with losing your house because your kid got divorced or bankrupt? If your kid refuses to deed the house back to you, is that OK? Is the world filled with sunshine and daisies? Is it worth risking your home to save a few bucks? Do bad things ever happen to good people?

Deeds are a blunt force tool. Once the deed takes effect, there's no looking back. Thousands of people go all the way and irrevocably give the house to the kids while they're still alive. Thousands more do "lady bird" or transfer on death deeds that are almost as bad.

Every tool has a purpose. Sometimes you can make one tool do the job of another. Who hasn't used the handle of a screwdriver to pound a nail? But the job is done poorly. Deeds are very useful tools, when used appropriately. Deeds can cause as much damage as using a sledgehammer to wash windows.

### MAMA MIA, HERE WE GO AGAIN!

My mother wants to leave her house to me when she passes.

I need to get my name on the deed. I need help to get it done.

You do not want to "get [your] name on the deed." Bad idea. But there are plenty of folks out there to "help to get it done." These helpful folks will happily help with a quit claim deed or ladybird deed. And when the world turns, they will just as happily step out of the way and blame you for the consequences.

Let's start with what Mom wants. She wants you to get the house when she dies. That's reasonable. Any other kids? You can't just ignore them unless you're begging for a lawsuit. But let's assume you are an only child.

### GIMME THE USUAL - BASIC QUITCLAIM DEED

What if Mom does the usual quitclaim deed... maybe she delivers the house to you right now, entirely. It is now your house. When Mom dies, it's still your house. No problem?

What if Mom needs long-term care in the next 5 years? And she probably will. See, people don't just give away their homes willy-nilly. Most people start thinking about planning when they have a pretty good idea they will need the planning sooner rather than later. There's (almost) always a trigger.

So, Mom quitclaim deeds the house to you. Three years later she needs care. Traditional nursing home now costs \$12,000-15,000 per month. Assisted living rings in at \$6,000-9,000 per month. When Mom is broke, Medicaid will pay for her care and let her keep the homestead. But she gave the homestead to you. So now

Medicaid will not pay. The nursing home will sue Mom because the nursing home needs to get paid. Mom will explain that she gave the house to you, which is why she doesn't qualify for Medicaid. The nursing home will now sue you.

If you have tens of thousands of dollars to pay for all the months of Medicaid Mom will not get, great! Pay and keep on paying.

Or you can give the house back to Mom. And then the house gets sold to pay the back bills. Mom gets the extra money. And because she has the extra money from the sale of her house, she doesn't qualify for Medicaid because she is not "broke" anymore. Until she has spent every nickel on the nursing home, then Medicaid will step back in and pay. I exaggerated about the "every nickel". Mom gets to keep \$2000! Feel better now?

Whose genius idea was this brilliant strategy? Nobody's stepping up to take credit for this disaster. After all, who brags about losing everything by straining to save a few bucks on proper planning? Why do you only hear about deed situations that "worked perfectly"? Do you have a friend with a "system" for winning at the casino? Does this friend have a nonstop series of stories about his big wins? Does this friend with a system brag about his losses? Have you ever heard about the losses? Gee, why not?

Same thing here. Blunt force deed planning can work. You just have no reason for thinking it will, other than luck. But the only stories that get repeated are the Big Wins. Families that lost the homestead, the cottage, the business... those folks tend not to shout it from the roof tops.

### GIMME A SPECIAL - LADY BIRD DEED

The transfer on death deed is often called the "ladybird deed". It appears that U.S. President Lyndon Baines Johnson's wife, Lady Bird Johnson, won a court case thereby establishing the "transfer on death deed" in Texas. You can look it up.

In Michigan, the "transfer on death deed" has been part of Michigan law almost since statehood back in the early 1800's. So there!

The ladybird deed transfers property when the person giving the property dies. Until then, the giver can reclaim the property for any reason or no reason at all. This leads to some hilarious consequences!

Setup: Mom ladybirds the house to you. You put all kinds of improvements into the house.

Payoff #1: Mom sells the house and pockets the money. But, but, but Mom would never do that!

Payoff #2: Mom's new boyfriend, who has Mom's power of attorney, sells the house. Romeo pockets the money, goes to the dog track, loses all the money, and invites you to sue him.

Payoff #3: Your brothers and sisters convince Mom that it is unfair that you should get the house all by yourself since all you did was pay off the mortgage, fix the house up, pay the taxes, utilities, maintenance, and insurance for the last 15 years and otherwise support Mom in the family homestead. Mom agrees, revokes the 1st ladybird deed, and does a second ladybird deed that includes all the kids! Try explaining this to your spouse. Good luck.

Payoff #4: Your brothers and sisters cannot convince Mom to revoke and re-deed the homestead. Your brothers and sisters wait

until Mom dies and then sue you for undue influence. Rather than rupture the family and pay lotsa dough to those nefarious lawyers, you sell the house and divvy up.

Payoff #5: Mom needs nursing home care. Mom screws up her Medicaid application and loses benefits for a few months. Nursing home sues Mom and takes her house. You get nothing.

What if only 20% of deed-based planning fails? (I think it's much higher than that, but let's be conservative.) That means you have an 80% chance of not losing the homestead! Do you like those odds? If each time you got behind the wheel, you had a 20% chance of dying in a flaming car wreck, would you ever get in a car again? Why are folks so nonchalant about losing their largest investment? Why are you? Why not take 60 minutes to find out what is really going on? Take 60 minutes at the LifePlan™ Workshop to discover the Three Secrets. What could it hurt?

My mother and father died and it's 5 kids. My brother and sister sold the house without telling the other 3. What can we do?

After my father died my mom lived alone in the house until she got sick. She ended up being in the hospital not knowing she's in this world. So my sister ended up with keys to the house while our mom was in hospital went in her house and found papers to home and after she died about 2 years later because my dad and brother has same name because my dad name was on deed some kind of way they sold the house

### FIRST ROUND, NINTH CIRCLE OF HELL RESERVED FOR TRAITORS TO THEIR FAMILY AND IT IS WORSE FOR THOSE WHO FIGHT OVER INHERITANCES

Seven hundred ten years ago, in 1314, Dante described the fate of those who betray their families. Such traitors are banished to the lowest level of the Inferno, the Ninth Circle, which they share with other traitors and Satan himself. These sinners are frozen in a vast lake, up to their necks, in constant torment from the icy, stinking wind created by Satan's wings.

Don't you think it would be bad enough, encased in the ice up to your neck for all eternity, your tears freezing immediately? It gets worse. Dante meets two brothers whose hair is interknit and whose foreheads are frozen together. They argued and quarreled while living and eventually murdered one another over an inheritance. Now they'll beat heads through eternity while their sufferings are multiplied forever without end.

Did you want to leave your kids butting heads for eternity in a frozen lake next to the Great Satan, Beelzebub, Lucifer? Might it be a good idea to do some planning that would encourage the better angels of their nature? Just as one bad act leads to other bad acts, so too, one good thing leads to other good things...

### WHAT HAPPENED HERE?

Mom and Dad owned a house.

Mom and Dad have 5 kids.

Son #1 has the same name as Dad.

Dad died.

Mom now owns the house by herself, legally. But Dad's death certificate was not recorded.

Mom got sick. Mom went to hospital. Daughter #1 got the keys to the house.

Mom died.

Two years later.

Son #1 and Daughter #1 file Mom's death certificate.

Son #1 claims to be Dad. And proves it with his driver's license and other identification.

Son #1 goes to the closing and signs his name to the new deed, selling the house to unsuspecting Buyer.

Son #1 and Daughter #1 split the money.

The other 3 kids find out and are not happy.

These facts are my guesses based on the email. The house was sold only because: **my dad and brother has same name because my dad name was on deed some kind of way they sold the house**.

Son #1 had no legal right to sell the house. Mom and Dad (probably) owned the house as husband and wife. That means that Mom owned the house when Dad died. But not if Dad's death certificate was not recorded. Then, when Mom died, Son #1 took Mom's death certificate to the title company and asserted that he, Son #1, was actually Dad. We call this "FRAUD".

### WHAT CAN WE DO?

Open a probate estate in Mom's name, since Mom was the one who legally owned the house, not Son #1, not Dad. Subpoena the closing documents. Determine the sequence of events. Join Son #1 and Daughter #1 as defendants. Sue them for embezzlement and fraud.

The problem here is that Son #1 and Daughter #1 have (probably) already spent the money. Do they have any money of their own? Do they own their own homes? Do you want to see them prosecuted in criminal court?

Review the facts and sequence with an attorney who has been down this road before. Weigh the costs and benefits. Then decide.

IT'S EASY TO GET STARTED, COME TO A FREE WORKSHOP  
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Easy!

## YOU OVERPAID YOUR EMPLOYMENT TAXES

## EMPLOYEE RETENTION TAX CREDIT

## AND YOU DON'T WANT YOUR OVERPAYMENT BACK?

During COVID, Congress offered small businesses a deal: keep your people employed. Keep paying them. Keep paying their benefits. Even if they don't work. Even if governmental orders shut down your business. Even if your revenue falls off the cliff and crumbles.

Congress said if you do these things, we will adjust your employment taxes.

And, if you already overpaid employment taxes under the new law, you can have the extra money back.

### CONGRESS TURNED SMALL BUSINESSES INTO AMERICA'S UNEMPLOYMENT AGENCY

Hundreds of thousands of small businesses went bust during the COVID. Millions of Americans were thrown out of work. Millions of Americans applied for government unemployment benefits. They broke the system. Congress wanted you to be the new national unemployment agency.

Does Congress ever give anything away for free? Does Congress ever make anything easy? You overpaid your employment taxes because Congress changed the rules. Your tax advisors did not notice and so you paid too much. Should Congress keep the extra money?

All small business owners know that their biggest tax nightmare is Employment Taxes. But now the shoe is on the other foot. Congress changed the rules and you paid too much. Period.

If you do not ask for your money back, they will keep it. You must claim your overpayment quickly, by their rules, or your opportunity will be lost forever. The time to get your money back, your overpaid taxes under the new tax rules, is quickly running out.

Do you like to overpay?

Do you enjoy being cheated?

Do you like deals where you perform and the other guy scrams?

Can you stay in business by allowing others to walk all over you?

Can you thrive, grow, serve your clients, your customers, your team members and overpay your taxes too?

Why would you let your business be their doormat? Why would you leave your hard-earned money to a bully because you couldn't be bothered to pick it up or even ask for it back?

Imagine the return of a few hundred thousand up to several million dollars of tax overpayments. Could that make a difference in your personal or to your business life? Do you think the government knows better than you do how to spend your money?

### A SAFE, SECURE, RELIABLE SOLUTION

Over 5000 small businesses who overpaid. About \$1.5 billion of overpaid taxes claimed. More companies everyday have benefited from tax preparation services provided by a company created to serve this need of small businessmen and women. Carrier-Robins. Tax Preparation Services from coast-to-coast.

Most of our overpaying taxpayers relied on CPA advice to keep them informed. They counted on payroll tax services to let them know what was happening. Based on this advice, thousands of tax paying businesses overpaid millions in employment taxes

Our exhaustive methods leave no stone unturned. Make sure you get every penny back that you overpaid by error or by mistake because you were told to do so.

Find out quickly and easily just how much you overpaid. How much of your money is still in the IRS vault right now? It is simple and easy to get started. Simply call. "Rough and ready" estimates can be determined promptly.

And then, when we have analyzed your payroll records, your profit and loss statements, Payroll Protection Plan and other records, and most importantly interviewed you to determine your unique facts, we will reach the precise overpayment amount. Not a penny more, not a penny less. Is a good idea to leave money on the table? Are you happy to overpay your taxes and not get the refund? Is it fair for the government to hold on to your money?

### IT'S EASY TO GET STARTED, CALL TODAY

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[david@davidcarrierlaw.com](mailto:david@davidcarrierlaw.com)

Easy!

## GET ALL YOU NEED: ESTATE PLANNING IS LIKE FLYING

If you want to fly to Florida, you have many choices. Even among the least expensive airlines. Fly to Florida, direct from home, with no connecting flights. Nonstop! \$59 round trip! Amazing. The seat doesn't recline. No free soda. No free peanuts. There are no movies. You pay extra for everything, but you only pay for the things you want.

You can still get dressed up if you want. If you really like getting a box lunch with rubber chicken at 40,000 feet, go first class. And if you really want to burn through your life savings, fly in a private jet. \$59,000 round trip from Miami to Grand Rapids. Cheap!

### GET WHAT YOU NEED AT A PRICE YOU CAN AFFORD

Air travel is safe. Super safe. You are safer in the airplane way up high in the sky than when you are driving home from the airport. True fact.

You are as safe with your \$59 ticket as you are with a \$59,000 private jet. Plus, both options will get you to Orlando to visit the Mouse. And safely back home again. Just the facts.

Schedule, price, amenities... you get to work this out with the airlines. What do you value? Make your decision. That's the American Way!

All these choices can be confusing. But do you want to surrender? Do you really want to go back to the old way of doing things? I didn't think so.

### DON'T PICK AND CHOOSE... GET EVERYTHING

PRICE REDUCED BY 50-66%

What if you could have it all? Asset Protection. Long-term Care Protection. Full funding of your trust. Access to live counsel. Secure assets for yourself, your spouse, your family. Avoid Probate. Save Taxes. Protect Leftovers for the kids.

If you want the old-fashioned, more expensive one-on-one process... great! We are not giving that up.

On the other hand, if you want all the results, at drastically reduced fees, perhaps you might consider a series of live and video meetings with other folks just like you.

1. In person: The LifePlan™ Workshop - No change; Stick with what works.
2. In person: The Blueprint Design - Together with the other folks from your LifePlan™ Workshop, you complete a confidential workbook with detailed information about yourself and your family. Your hopes and dreams. You commit and pay 1/2 of the reduced fee.
3. Zoom Meeting: One-on-one Review Meeting with Your Counsel - Freely and confidentially discuss options and make decisions.

4. Email Delivery: Receive and Review Documents. Expert videos step you through each document. Note any questions or concerns you may have to discuss with your Counsel.

5. In person: Signing and Initial Funding Meeting - Transfer assets to your trusts. Payment of the balance of the fee.

6. In person: Follow Through Funding Meetings - Finish the Job!

7. In person/Zoom/Video: Ongoing support and Assistance

8. Cost: One-third to one-half of current fees, plus \$119/month for ongoing funding and other services. Drop at anytime.

Do you want to fly first-class to Florida? Safe, Secure, Comfortable. Some folks do. And they are willing to pay the additional costs.

Do you just want to get to Florida? Safe, Secure, Some Inconvenience. Drastically reduced fee?

Either way, the process is safe and secure. You get every bit of security and asset protection.

As you continue as a member, you can add optional trusts and features. Membership has its privileges.

### GET EVERYTHING YOU NEED, EVERYTHING YOU WANT

You do not have to settle for the disappointing failure of traditional estate planning. You can get the LifePlan™ Advantage at no greater cost to you.

### 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.

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