

7TH ANNUAL CARRIER'S CLASSIC CAR CRUISE



BRING YOUR FAMILY AND JOIN US FOR CARRIER'S 7TH ANNUAL CLASSIC CAR EVENT. COOL CARS, PRIZES AND GREAT FOOD!

HAVE A CLASSIC CAR YOU WANT TO SHOW OFF? REGISTER NOW AND LET US KNOW.

RSVP TODAY!
FRIDAY, AUGUST 18th
4:00PM to 7:00PM

CALL: (616) 361-8400
OR GO TO: www.davidcarrierlaw.com

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Why is an outdated will worse than no plan at all?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)?

Come to the LifePlan™ Workshop!

Get Answers at Our Live, In-Person, Group Workshops!

Grand Rapids	Holland
Wednesday, July 5 1pm & 4pm (616) 361-8400	Wednesday, July 5 1pm & 4pm (616) 796-9600
4965 East Beltline Ave NE Grand Rapids, MI	12330 James Suite B10 Holland, MI

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

The Michigan Elder Law Reporter™

JUNE 2023 33 Years Serving Michigan Seniors VOLUME 33, ISSUE 6.4

LIKE SANDS THROUGH THE HOURGLASS

STEP RIGHT UP! GETCHER RED HOT ANSWERS RIGHT HERE!

SO ARE THE LETTERS OF OUR LIVES

(GRAMMAR + SPELLING = RULES; OUR LETTER WRITERS DON'T NEED NO STINKING RULES!)
(AS ALWAYS, UN-CORRECTED, UN-SANITIZED & UN-LEGAL ADVICE)

Since I am the POA, why won't the bank put my name on her account?

My sister in law is in assisted living with Alzheimer's. Her sister is in her checking account and she wants me on it also, because I am the POA. I have the documents. The bank is saying we need a lawyer to put my name on the bank account.

WHAT'S IN A NAME? THAT WHICH WE CALL A ROSE BY ANY OTHER NAME WOULD SMELL AS SWEET

SHAKESPEARE, ROMEO & JULIET

Why are people always looking to be putting other people's names on things? Parents want to put the kids' names on the house, on the land, on the investments. People who are given authority under a power of attorney want their names on things, too. I guess it's the fashion.

BASIC LEGAL TIP: Do Not Put Anybody Else's Name On Your Stuff. Do Not Put Your Name On Anybody Else's Stuff. Unless you are giving that stuff to that person and would be A-OK if that person took that stuff and threw it into a dumpster fire.

When you "put their name on" your land, account, other stuff, you are giving that land, account, other stuff to that person. Without restrictions. There's a restaurant chain that advertises "No Rules, Just Right!" Well, OK. If your vision of dinner is a huge whole battered and deep-fried onion, a slab of steak, and "shrimp on the barbie", you may as well throw out the rules, you're heading for cardiac arrest anyhow.

But if you'd like to preserve what you have and allow for sensible management – "More of this delicious boiled broccoli, please!" – then using trusts and powers of attorney makes a whole lot more sense. And since you've saved plenty of room for dessert...

ANSWER TO QUESTION: Why won't the bank put your name on the account? Because a power of attorney is not a gift. Powers of attorney only allow you to act for your sister-in-law on the terms and conditions expressed in the power of attorney. What does the document say? How does it read? You very likely have authority to write checks and pay bills. But the only reason you are given this authority is to help out your sister-in-law, not to give her stuff to yourself.

That's why the bank is refusing to "put [your] name on the bank account." What the bank will (or at least should) do is note that you are an authorized signatory on the account. Your name should be associated with the power of attorney and linked to the account. That way, you can write checks, get the bills paid, do all the other things that are necessary to help. But the account is not yours, it remains your sister-in-law's.

The idea that you need a lawyer, comes (probably) from the idea that if you were trying to get full ownership of sister-in-law's account, then you would need court approval. Which you won't get.

It is also possible that you have a lousy power of attorney. Surprisingly common. It is possible that sister-in-law did not check the box for banking powers on the free, download, Internet-is-the-free-source-of-all-wisdom, power of attorney. It happens. I've seen it.

If the power of attorney is defective, now you are heading for probate court, to be appointed guardian and/or conservator. That's why you need the lawyer. "But I saw a YouTube® video that said this stuff was easy. It sure looked easy! Rotten lawyers..." I sympathize. Everything looks easy on YouTube®. But most probate courts have a web page. On that web page, most chief judges of probate courts have a letter. In that letter, most chief judges warn regular folks that appearing in probate court without an attorney is a fool's game, unmitigated disaster, idiocy, asking for trouble, whistling past the graveyard not as great an idea as it may seem at first.

MORAL OF THE STORY: Don't put people's names on stuff. Make sure your power of attorney is done correctly. Get to the LifePlan™ Workshop and save yourself the bitter tears of freebie disappointment.

What happens if I die before my son finishes making installment payments on house I sold him, and I have medical/medicaid debt?

I sold my son my home using a land contract. He will be finished paying in 14 years. My concern is what will happen if I die before the land contract is completed, and I have extensive medical debt or owe medicaid for nursing home care. Since the home is still owned by me until the terms of the contract are completed, upon my death will he have to immediately pay a lump sum, have to be able to keep making payments or possibly be forced to sell the home to cover my debt? He is my only child, so if he had not purchased the home, he would have inherited it.

BE STILL PREPARED FOR DEATH: AND DEATH OR LIFE SHALL THEREBY BE THE SWEETER.

SHAKESPEARE, MEASURE FOR MEASURE

BACKGROUND BASICS

LAND CONTRACT: Selling a house on land contract is like putting something on layaway (do they still have layaway?) at the department store (do they still have department stores?). Basically, you want to buy but don't have enough money right now. So, you the Buyer pay some money right now. Seller agrees to hang on to the item until you have enough money to pay it off. When you do pay it off, you get the item. That's layaway. Land contract is not so different.

Land contract is a relatively simple way to sell real estate without paying the full price in cash and without using a bank. Seller agrees to sell. Buyer agrees to buy. Buyer has little cash. Seller doesn't need the cash right away. Seller would like to receive that sweet sweet interest that Bank would otherwise get.

Seller says: You can move in right now if you pay me \$XX,XXX to get started and then \$XXX per month plus interest until it is all paid off. I'm keeping the deed and title to the house until you have paid in full. And if you do not make your payments, I'm kicking you out, keeping your money, and you forfeit your rights under the land contract.

Buyer says: I need a place to live. My credit is terrible. Bank interest rates are crazy. I have \$XX,XXX to get started and I can make the monthly payments. Besides, even if I miss payments and the Seller tries to kick me out and forfeit the land contract, I have months to make up those payments and reinstate the land contract in full. Whatta deal!

LEGALLY/TECHNICALLY: Buyer gets "equitable" title. Seller keeps "legal" title. Seller's name stays on the deed. Buyer files a "Memorandum of Land Contract" with the Register of Deeds. Buyer gets Principal Residence Exemption to reduce annual property tax bill. And other tax benefits, too.

OBSERVATION: Buyers frequently pay off the Land Contract and do not get the deed from Seller. Buyer just forgets! Seller just forgets! What if Seller dies? Buyer has no legal title. Buyer must now probate Seller's estate. Whig problem! Mega-hassle!

PRO TIP: If you are buying on Land Contract, tell Seller to pony up the deed and title insurance when you've got about 6 months or so of payments left. If they refuse, don't pay until they perform. Otherwise you'll be chasing a paid-in-full, "Why are you hasslin' me?!" Seller. Human beings operate based on incentives. Give your Seller a reason, an incentive to perform. No deed – No dough!

MEDICAID: Medicaid is how America pays for long-term care. About 75% of all long-term care is paid for by your tax dollars. Medicaid takes your tax dollars and gives some of them back. When you need long-term care. By paying for long-term care. If you meet their complex rules and requirements. Social Security and Medicare

work much the same way. You pay. And pay. And pay. You meet all their rules and requirements. They pay you if it's Social Security. They pay the doctors and hospitals if it's Medicare.

DIFFERENCE BETWEEN MEDICAID AND SOCIAL SECURITY OR MEDICARE: When you die, Social Security and Medicare leave you alone. Social Security and Medicare do not come sniffing around, looking to make sure you died totally broke. Social Security and Medicare are not trying to get their money back. Social Security and Medicare didn't loan you the money. Medicaid thinks and acts as if it did.

MEDICAID ESTATE RECOVERY: Michigan is one of just a few states that does not put a "Medicaid Mortgage" on your homestead. Almost all other states do put a Medicaid lien on your property when you apply for Medicaid benefits for long-term care. Michigan waits until you go through probate. You die. You leave stuff. Dead people's stuff goes through probate. Bills get paid. Heirs waiting for inheritance. Heirs can keep waiting. Before heirs receive a nickel, Medicaid steps in. Medicaid wants its money back. And gets it. Before your family members inherit anything. Simple as that? No, there are all kinds of rules and exceptions, but that is basically it.

BASIC LEGAL TIP: If you avoid probate, Medicaid gets nothing. So avoid probate. D'uh. If you don't, Medicaid gets your "protected" homestead. D'oh!

COMFORT: IT COULD BE WORSE: If you don't like it, be glad you don't live in Minnesota, Wisconsin, Illinois, Indiana, or Ohio. In those states (and about 40 more), when you apply for Medicaid, a lien goes on your remaining stuff. Up front. Avoid probate? Medicaid don't care, they already tagged your property. Ha-ha! That's why savvy farm families from Indiana, Ohio, and Illinois pack up the old folks and ship them to Michigan with the Michigan kids when long-term care time rolls around. If mom or dad with dementia stays in Indiana, runs out of money, goes to the Indiana nursing home, goes broke, gets on Indiana Medicaid. Indiana Medicaid slaps a lien on the farm. Mom or dad then dies. Farm sold to repay Medicaid. Farm (or homestead or business or cottage) is gone. But not in Michigan. Yet.

DIRE PREDICTION: IT WILL BE WORSE: For decades, Michigan has avoided the Medicaid Mortgage. It hasn't been pretty. One political party is simply opposed to the idea. The other political party believes that what's theirs is theirs, what's yours is negotiable. So, the parties have been at each other's throats for lo these many years. And you have benefited. Only probate-based estate recovery. The absolute minimum that the federal government will tolerate.

But a new day has dawned. Michigan voters, exercising their inalienable right to do the inexplicable and ill-advised, delivered unified government a few short months ago. ~~One Ring To Rule Them All And In The Darkness BIND Them!~~ One political party controlling the House, the Senate and the Governor's office.

Now everybody's singing from the same hymnal. And they all like the idea of equity and fairness. Meaning getting more money for the government. From you. Surprise! Gridlock broken. The middle class is already broke, but maybe there's a little juice left in those lemons. Let's give 'em a good hard squeeze!

ANSWER TO THE ORIGINAL QUESTION: "[U]pon my death will he have to immediately pay a lump sum, be able to keep making payments or possibly be forced to sell the home to cover my debt?"

No, the Land Contract would remain in effect after your death. Your son could continue to make payments according to the Land Contract. When the Land Contract is paid in full, son gets legal title – a deed. Until the Land Contract is fully paid, all payments go to Medicaid until all benefits are paid back.

ANSWER TO QUESTION YOU DID NOT ASK: I'm guessing that you sold on a 15-year land contract and that only a single year of payments have been made. What if Seller (you) needs long-term care and Medicaid within 5 years of signing the Land Contract? Now Seller will be penalized for giving the property away. But how can this be? You sold on Land Contract! Medicaid has very specific rules regarding Land Contracts and other lending. Which you probably violated. You are guilty of DIVESTMENT! You have at least 4 more years where Medicaid may well impose a "Penalty Period" and deny you benefits.

Then the Long-Term Care Facility sues you. But you have no money and no house. Next the Long-Term Care Facility sues your son. And wins thanks to the doctrine of fraudulent transfer. Whoops! Maybe you should come to a LifePlan™ Workshop and avoid all this mishigas!

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 ½ 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.

TRADITIONAL TRUST PLANNING IS PROFOUNDLY MISTAKEN

WHY DO THEY BANK ON DEATH?

WILLFUL IGNORANCE OR INTENTIONAL SCAM? WHY NOT BOTH?

Traditional estate planning supposedly avoids probate, saves taxes, and safely, efficiently delivers your remaining property and money to your heirs or beneficiaries. After you have passed on. Traditional estate planning is not concerned with you while living, only after death. Nobody cares what happens to you while you are alive. How does that help you?

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.

Are you surprised that thousands of recreation properties: cottages, cabins, hunting land, are lost to

pay for long-term care? Why is your estate planner surprised? Isn't that their job? Or is your estate planner in denial?

You can defeat Nursing Home Poverty. LifePlanning™ empowers you. 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

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)

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

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