

ART PRIZE BUS TOUR
SEPTEMBER 22 - 12:30 PM

Starting at our Grand Rapids Office
 Address: 4965 E. Beltline Ave NE Grand Rapids MI 49525

Join our "step-on" guide, Christine Friedt, for a comprehensive and interactive tour. Christine has been leading groups since the inception of the Art Prize in 2009. She brings her enthusiasm, expertise, and insights to provide commentary throughout the tour.

Contact us to get your tickets:
(616) 361-8400

Recording 12:30PM
 Departure 12:45PM
 Return 3:30PM



SAVE THE DATE

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 Why is an outdated will worse than no plan at all?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, September 6 11am	Wednesday, August 23 1pm & 4pm
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The Michigan Elder Law Reporter™

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YOU CAN TAKE AWAY MY SUMMER ...

AUGUST? HOW CAN IT BE AUGUST?

WHEN YOU PRY IT FROM MY COLD DEAD FINGERS!

[GUARANTEED DEVOID OF EDITING, SPELLING, GRAMMAR, OR LEGAL ADVICE]

A SIGNATURE ALWAYS REVEALS A MAN'S CHARACTER - AND SOMETIMES EVEN HIS NAME.
 EVAN ESAR

I'm trying to find my deceased father's signature
 My father had died when I was 12 and my grandmother, which was his mother basically removed everything and I have nothing of my father. It's a long story, but I only want his signature so I can get it tattooed on myself. Things that my father had gave me were stolen, but I only want his signature.

Very sad that your grandmother confiscated your father's gifts to you. People in pain often selfishly spew pain on others. "Misery loves company." Everyone is worse off. And the passage of time frequently magnifies the psychic damage. Dysfunction echoes down through the generations.

Time supposedly heals all wounds. Not quite. No one repeats a story without making the story "better." Yours is an extreme example, but the phenomenon is very common. Human history is largely an account of one person's evil spawning disaster in ways that no one could foresee. Fortunately, it works the other way too (just not so often). Good works inspire more good works along with positive feelings and consequences. Solid estate planning does not guarantee smooth sailing after death, but failing to plan is a one-way ticket to chaos. Estate planning can defend the deceased person's values from being wrecked by the wicked, avoiding the worst, while laying out a welcome mat for the better angels of our nature. So plan, darn ya!

But I guess you still want an answer to your question. Here it is:

Since colonial times, Americans have kept records of who owned which parts of America. It is difficult to overstate just how important land records have been and still are to the very idea of America. Back in the old countries, royalty owned the land, the land owned the people, the people were tied to the land. Peasants, serfs, commoners. Land was wealth, locked up for generations by the doctrine of primogeniture. In America, however, the people owned the land. And could get more. Or sell it to someone else. Without any stinking prince or princess, duke or duchess,

king or grasping queen to come along and take it away. So instead of dealing with just a few inbred, chuckleheaded nobles, who kept their own records in their own interests, in America, everybody could play the real estate game. Which made keeping records of who owned what and sold what to whom and what happened next, very important. Why build a house, farm a field, establish a factory if you aren't sure you own the land underneath?

Back in the day, before photography, land records were noted by Public Land Registers, which evolved into the current Registers of Deeds. Registers copied deeds verbatim into huge ledger books. Private companies would make notes of these official records and produce Abstracts of Title. Abstracts of Title were common through the 1960's. But sometime mistakes were made. Photography provided the solution. Rather than copy the language of a deed, just take a picture of it.

This led to another problem. What to do with all these photographs of deeds? The answer was to shrink them down, to microfilm (on a spool) or microfiche (like index cards). Back in the day, to research titles, you had to go to the Indexes, Grantor-Grantee, or Grantee-Grantor, depending on whose name you knew. Or you could try using the plat maps. Headache!

Today, all this is done electronically. (We're getting to the good part for our correspondent).

If your father ever bought land, chances are good that he borrowed money to buy the land. Your father's borrowing would have been secured by a mortgage on that property. A mortgage that your Dad signed. With his signature. And unless you are like a hundred years old, there's a photograph of that mortgage on file with the Register of Deeds in the county where the land was. Chances are also good that if your Dad bought property, he probably also sold real property at some point. And signed the deed to convey that property to another person. Once you have done a little digging, it is very possible that you may have several signatures to choose from when designing your paternal tribute tattoo.

The whole process will be quite easy if your Dad lived in one place his whole life. You only have one place to look. Even if he moved around a bit, I am confident you will be up to the task -it's not that hard.

Nowadays, almost all Register of Deeds offices offer free online search services. Look for your Dad's name. If you know where he owned real property, or the address, that gives you more ways to research.

Get that ink done! (Note: "Getting Ink Done" is what the kids call being tattooed these days.) Heal the wound. Then do your own estate planning. End the bad stuff now... lay a hopeful foundation for the future!

AND NO ONE PUTS NEW WINE INTO OLD WINESKINS; OR ELSE THE NEW WINE WILL BURST THE WINESKINS AND BE SPILLED, AND THE WINESKINS WILL BE RUINED.
 LUKE 5:37-38

Uncle made lady bird deed. Can I evict his live in GF after he passes? What if they get married? No deed changes?
 Lady bird deed issued after aunts death. They were married 50 years. Now uncle has live in. BTW it's the caregiver who cared for my aunt for a year. She has totally taken advantage of him, his vulnerability, his financial situation, his grief and her familiarity with the family. I'm the only one close geographically to him and I'm concerned. 20 years younger. Her 56, He's 76. He hasn't even told me she moved in yet. He's hiding her because he knows how I feel about it. She had nothing and I know was struggling financially. And I suspect she's quit her job since moving in 2 weeks ago. He is not in great health. Im very concerned and Leary [I think the writer means "leery", not the guy on Shark Tank] of her motives. I want him to be happy and find someone but she's abusing the situation for her gain.

[NOTE: We all know what happens when we "assume" but let's assume that our correspondent is the same person named on the "Lady Bird" deed to receive the property after Uncle's demise.]

IT'S TOUGH TO MAKE PREDICTIONS, ESPECIALLY ABOUT THE FUTURE.
 YOGI BERRA

Let's recap what a "Lady Bird" deed is, shall we dear reader? Suppose you want to give your house to your only child. You have a few deeding options:

1. No Deed. You could wait until you die and let the house go through probate until it is deeded to your child, pursuant to your will. Sell the house if you want to, it is your house. You live, your house. You die, kid's house.
2. Quitclaim Deed. You could simply straight up deed the house to your loving child yourself, right now, today. Can't sell the house, it isn't yours anymore. Kid can evict you if kid chooses. Kid dies, explain to surviving son/daughter-in-law that you really need a place to live. Maybe he/she will listen. You live, not your house. You die, still not your house. Kid gets house. Right now, today.
3. Joint Tenants With Rights of Survivorship Deed. You deed a joint interest in the house to the kid today with full rights of survivorship. You keep the right to live in the house while you are alive. Kid also has right to live in house. Also, kid's family. Also, kid's friends. Also, kid's biker gang. It's fun to meet new people. In your kitchen. You die, if the kid is still alive, the kid gets the house, 100%. If kid dies first, you get house, 100%. You live, Kid lives, sorta your house, sorta kid's house. Survivor gets all of house.
4. Deed to Trust. You deed the house to a trust. When you die, the trustee reads the trust and gives the house to

kid or whomever else you said in the trust should get the house. If kid dies first, trust has instructions as to who gets it next. And so on. You live, your house. You die, kid's house.

5. Lady Bird Deed. You deed the house to the kid, just like #1. But right after you deed the house to your kid, you take it all back. The Deed says: "I give my house to my kid, UNLESS, before I die, I give it to someone else for any reason or no reason at all." So, if you die and have not given the house to someone else, the kid gets the house. But, if you decide to give the house to someone else, for any reason or no reason at all, the house now belongs to that someone else. Or if you can put a mortgage or other lien on the house. It's up to you. The advantage is that you can do whatever you want with the house while you are alive, but when you die, the kid owns the house without probate or going through the trust. Lady Bird deeds are great except when they are not.

So, dear writer, Uncle can do whatever he wants with his house. The Lady Bird deed does not restrict him at all!

If Uncle named you as Grantee on the Lady Bird deed, and doesn't change it, and dies before you do, and if his Cleopatra remains in the house, you can evict her to your heart's content.

What if they get married? He still deeded the house to you, and since Michigan repealed the almost 200-year old Married Woman's Property Act, a wife no longer acquires dower interest in her husband's real estate. (Note: This is a fairly recent development. Nowadays we have husband-husband and wife-wife married couples, so who gets the dower? Confusing! Plus, since no one can tell what a woman is anymore, repealing the Act eliminated a whole other category of potential litigation. "I'm the wife!" "No, I'm the wife!" Good luck with that! Thankfully, now men

can now own 100% of real estate and leave 0% for the spouse, just as women were always able to do. Justice! Equity!)

Bottom Line: If Uncle changes nothing, you get the house. But Uncle can still boot you off the deed without letting you know. And there is nothing you can do about it.

REMEMBER, THE NINTH CIRCLE OF HELL IS RESERVED FOR TREACHERY AGAINST YOUR OWN FAMILY

What is the statute of limitations for embezzling from parents trust.
 Attorney son had trustee power over his parents finances to pay their bills, invest it wisely and take care of household and personal expenditures. During this timeframe he continuously siphoned money from his parents trust for his personal expenses, vacations and other bills without permission or letting the other bills that monies have been taken out of parents know that monies have been taken out of their account. This went on for several years until other siblings realized what was going on and had him removed as trustee.
 Does this family still have some recourse that can be taken against this brother?

SOMETIMES WE GET AN EASY ONE
 If evil brother trustee was providing reports from which a reasonable person could deduce that he was doing awful things, the statute of limitations is one (1) year from the date of the report. If evil brother trustee was not providing reports, the statute of limitations is five (5) years from the heinous acts.
 It's really more complicated than this, but the price of ink just went up, so...

AFTER 33 YEARS OF DOING THIS STUFF...

BASIC TRUTHS, HONEST OBSERVATIONS, REASONABLE QUESTIONS

IS IT REALLY THIS SIMPLE?

Basic Truth #1 You will need skilled care. Says the government. 70%. Average of 3 years. Please do not believe me, go to the federal government website: www.longtermcare.gov. See for yourself.
Basic Truth #2 Long-term care is extremely expensive. And getting worse. Hourly rates for in-home care are skyrocketing. Assisted living now costs \$5,000 - \$10,000 per month. Traditional skilled nursing - for the basics - is now \$400 - \$500 per day. That's \$12,000 - \$15,000 per month.
Basic Truth #3 Long-term care costs will continue climbing. Baby boomers are reaching their 80's, the age of greatest need. Fewer young people are around to be caregivers. Do the math: Increased Demand for care. Reduced Supply of caregivers. When Demand goes UP and Supply goes DOWN, what happens to PRICE?
Basic Truth #4 Your kids won't help with #2 and #3. Because you didn't have as many kids as your parents did (or any at all). Also because your kids aren't you and just won't do it.
Honest Observation #1 Once upon a time there was a Sandwich Generation. People who took care of their

children and their parents, too. Today, the Sandwich Generation is toast. A thing of the past. Like an Endangered Species, you might, occasionally, still see one in the wild. Rarely. Like the Passenger Pigeon, Sandwich Generation kids used to be everywhere. Pretty soon you'll only be able to find pictures.
Basic Truth #5 You did not save enough for long-term care. Drain the savings. Empty the IRA. Cash in the annuity. Sell the cottage. And the house?
Honest Observation #2 Long-term care insurance doesn't work. Premiums are too high. Benefits are too low. Most big insurance companies have abandoned the individual long-term care insurance market. Prudential? Bye-bye. John Hancock? See ya later.
Basic Truth #6 Long-term care breaks the middle class.
Basic Truth #7 Government programs, mostly Medicaid, pay for 75% of long-term care. The other 25% is paid by folks like you who are going broke. And when you are broke, then Medicaid pays.
Basic Truth #8 Government gets its money from you. Through taxes.
Basic Truth #9 You already paid for long-term care.

Through taxes. Should you pay twice? Why should you pay twice?
Honest Observation #3 Middle class folks who plan ahead do not go broke. Do not pay twice. Qualify for Medicaid while providing well for your spouse and kids (if any).
Basic Truth #10 Cleopatra was not the only Queen of Denial. Most folks hope for the best and plan... not at all. Then they hope some more. And then hope a bit more. That's why most folks wind up with the worst. Wind up broke.
Honest Observation #4 Estate planners claim to avoid probate, save taxes, get leftovers to kids. Most estate planning fails. Most trusts fail. Estate planners fail the middle class by planning for death only.
Honest Observation #5 Estate planners profit from probate. Probate work is well paid.
Reasonable Question #1 Do estate planners who profit from probate really want to avoid probate?
Reasonable Question #2 Do estate planners not know that you will go broke through long-term care? Or do they not care?

Reasonable Question #3 If you suffer nursing home poverty, will your loved ones benefit?
Reasonable Question #4 If you already paid for something, should you have to pay again?
Reasonable Question #5 If caring for yourself and your spouse also meant avoiding probate, saving taxes, and getting the leftovers to the kids, would it be a bad idea to care for yourself and your spouse?
Reasonable Question #6 If thousands of middle class individuals and families already planned to protect hundreds of millions of their lifesavings and thousands more actually received the expected long-term care benefits, over the last few decades, is it likely that this is all tom-foolery?
Reasonable Question #7 Would you rather sacrifice your lifesavings than spend an hour of your time discovering what other families already know?
Reasonable Question #8 Is there any good reason not to go to a free LifePlan™ Workshop?
Reasonable Question #9 Why don't you call 616.361.8400? Or drop me an email: david@davidcarrierlaw.com? Or go to the website: www.davidcarrierlaw.com? How could it hurt?

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