

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

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

SAVE THE DATE

Did I Work My Entire Lifetime Just To Give All My Savings & Property To A Nursing Home?

How Can My Kids Possibly Respect My Values of Hard Work And Thrift When I'm Being Treated As Complete Chump?

Why Do I Allow Myself To Be Treated Like A Sucker At My Family's Expense?

Stop Being A Victim. No Whining. Take Action.

Find Out How At The FREE 3 Secrets LifePlan™ Workshop

Get Answers at Our Live, In-Person, Group Workshops!
 Learn The 3 Secrets They Hope You Never Discover!

Grand Rapids	Holland
Wednesday, September 6	Thursday, August 31
11am	2pm
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BACK TO SCHOOL!

LETTERS TO THE TEACHER

GOODBYE TO THE LAZY HAZY CRAZY DAYS OF SUMMER
 (WARNING: TEECHUR DINT FIX NO MISTEAKS FRUM DESE LETERZ) (AND STILL NOT LEGAL ADVICE)

BAD PEOPLE DO BAD THINGS AND THAT MAKES THEM BAD!

Can we sue someone if papers were forged/falsified to obtain power of attny for someone on hospice. Only to take their house?

Care taker submitted TODs while patient was on hospice without family having knowledge. Come to fine out they put a family home in their name with the intentions to sell it..

WE GOT A WHOLE THEME PARK OF RED DELIGHTS JUST WAITING FOR THIS SCOUNDREL!

This could be a law school exam question: How many crimes and violations of fiduciary duty were committed by this "Care taker" if all the facts alleged are considered true? How do I victimize Thee? Let me count the ways...

- Forgery.** Forgery covers falsification of documents. Technically, we would have to show 4 elements to convict this miscreant of forgery:
 - Bad Guy produces, alters, uses or possesses a "false writing".
 - False Writing must have "legal significance."
 - False Writing must be untrue or materially altered.
 - Bad Guy intends to defraud.

Here, Bad Guy possesses and uses (let's assume a legitimate) a power of attorney to create "transfer on death" documents and deed to acquire ownership of stuff contrary to the owner's intent. These are "false writings". Transfer on death documents and deeds have legal significance in that they can change who owns stuff. Bad Guy is using these documents to give themselves stuff that the owner did not want to give to Bad Guy. Finally, Bad Guy knows that the real owner did not use these writings to give the stuff to Bad Guy, but Bad Guy is taking it anyway.

OK! We got forgery!
- Breach of Fiduciary Duty.** When you are "power of attorney" (you really should say "attorney in fact" but nobody does) for someone else, you are supposed to be acting in that person's best interests. An attorney in fact must have the deepest commitment, the most serious mind. Always his mind on where he is, what he is doing. Hmm? And keeping records, too.

embezzlement.

Bad Guy used the special trust vested in him by Owner through the Power of Attorney to enrich himself at Owner's expense. And that's embezzlement.

- Financial Abuse of the Elderly.** In fact, the law doesn't say elderly and there is no age requirement if over 18. If you have "fraud, deceit, misrepresentation, coercion, or unjust enrichment" of a "vulnerable adult" then you have the enhanced offense that we usually call financial abuse of the elderly. MCL 750.174a. You don't have to be old to be vulnerable. And you can be quite old without being vulnerable. But here, facts indicate that Bad Guy is taking advantage of one who is mentally or physically compromised and isolated from their family. So, if that house is worth \$10,000 or more, say hello to a 5-year prison term; if the value is \$20,000 or over, enjoy a 10-year vacay on the Michigan taxpayers; \$50,000 plus, 15 years; and finally, if the Bad Guy embezzled \$100,000 or more, Bad Guy is going away for up to 20 years. Twenty Years. Seems like a long time to me.

Today's Lesson: Taking advantage of vulnerable people is bad. Very bad. Frowned on. In case you didn't know.

WHAT WE'VE GOT HERE IS FAILURE TO COMMUNICATE PAGING NURSE RATCHET... PAGING NURSE RATCHET

Questions about Skilled Nursing Facility

If a skilled nursing facility management social worker threatened to sue us- take us to court for taking care of our grandma and wanting to take her home. But also if they threaten to sue and report us to the Adult Protective Services if our grandma falls again, in which previously she fell down because of poor balance and poor eyesight due to her being in her 90s in age. What can be done about the management social worker and skilled nursing facility? Because I think they're trying to scare us so that she stays there longer so that they can keep continuing to bill her insurance for both short and long term care..

You have been accused of not caring for your loved one, your grandma. You have been threatened with devastatingly serious consequences. Naturally, you are shocked, your feelings are blasted, and it all seems unbelievable. Perhaps you may not be viewing the situation objectively. Consider that long-term care facilities tend to be understaffed. Their personnel are generally harried and overworked.

Nursing home and assisted living workers have got enough to do without looking for a fight with family members. They are not always right or courteous at all times. Some are bossy and officious. Others are slothful and sloppy. Some are negligent and distracted. But most are good-hearted souls doing their very best in extremely trying circumstances. I wonder if you would do as well.

Frequently family members have a swirling mix of emotions when a loved one is in residential long-term care. Guilt for not taking care of grandma at home. Resentment that it is so difficult to take care of grandma at home. Distress at the high cost of at-home or residential care. Confusion regarding the programs that are available. Grief at the slow and rapid decline of a much beloved and respected family member. Jealousy of the bonds formed with non-family caregivers. Suspicions of evil motives on the part of professionals.

A few observations.

- Even devoted family members with the best of intentions and some experience can be startled to realize just

how crushing a burden it is to provide the unwavering surveillance and comprehensive care required by a loved one suffering from dementia.

"We/I had no idea how much was involved!" is the first comment. Very commonly expressed by family members who eagerly accepted the responsibility at first, or who simply had the burden of care suddenly thrust upon them.

"We/I can't possibly do this!" quickly follows the first comment, and then it is time for residential long term care.

The cold, hard truth of these comments is often difficult for the family member to accept. It gets worse.

- Facility social workers see many cases. Lots. Very few are optimal. And they have little time for each resident. If the social worker has expressed concerns about your loved one, perhaps a little less defensiveness and a little more humility are in order. They have plenty to do without exaggerating a situation. Things that appear normal to you, with your intense, limited focus, may appear as warning signs to an experienced social worker.

It's hard to hear. You're doing your best. You don't like nursing homes. All true. All irrelevant. Suck it up. This is not about you, but your grandma.

- Ultior, financial motives. Searching for explanations, many families accuse the nursing home of greed and milking the insurance companies. Not that it never happens, I guess, but I've never seen it. As a practical matter, such motives are extremely unlikely.

Social Workers are not paid on the basis of head count. There's no bounty or bonus paid to the social worker for keeping grandma as a resident. The idea that "they're trying to scare us so that she stays there longer so that they can keep continuing to bill her insurance for both short and long term care.." is not impossible, but awfully farfetched. Most facilities are at or near capacity. Many have waiting lists. Today, nursing homes are strictly monitored by private insurance companies as well as Medicare and Medicaid to provide the minimum care required. There is very little slack to engage in profiteering.

- Most complaints have to do with neglect, rather than excessive interest. In either case, if you are dissatisfied with your loved one's care, you can call the Michigan Long Term Care Ombudsman Program. Phone: 866-485-9393 Online: <https://mltcorp.org/contact-us> Each county has its local Ombudsman. There's no charge. It's a great place to start. Frequently, by opening up the lines of communication, misunderstandings can be resolved, feelings accounted for, and most importantly, the best possible situation for grandma.

AIN'T GOT NO PLACE TO LAY YOUR HEAD SOMEBODY CAME AND TOOK YOUR BED DON'T WORRY, BE HAPPY

Medicaid and nursing home ?

My sister is in a nursing home - Medicaid covered

She owns a house in Maryland that i live in and pay all expenses (mortgage, utilities etc)

I am her POA

If my sister passes away , can they force me to sell her home? She's the only one on the deed

'CAUSE WHEN YOU WORRY YOUR FACE WILL FROWN AND THAT WILL BRING EVERYBODY DOWN SO DON'T WORRY, BE HAPPY

My recommendation is to start worrying and frowning and whatever else is necessary to shake you out of your idiotic complacency and take care of business. Unless you want to sing the part of the song that goes:

Ain't got no place to lay your head
 Somebody came and took your bed
 Don't worry, be happy
 The landlord say your rent is late
 He may have to litigate

Bobby McFerrin: Don't Worry Be Happy

Sister is allowed to have a homestead outside the State of Michigan, that's where you're living now. Unlike Maryland, and almost all other states, Michigan does not put a Medicaid Mortgage on your homestead when you apply for Medicaid. That part bears repeating.

In almost all states, except Michigan and a few others, when you apply for Medicaid, the State puts a lien on your homestead so it can get the Medicaid Money back. There's a lot of claptrap and palaver that your homestead is protected in Michigan. Nope. No it ain't. Bum steer. Wrong.

Michigan does not (yet) proactively seize your house the way Minnesota, Wisconsin, Illinois, Indiana, Ohio, and most other states do. Michigan waits until your homestead goes through probate. Then... POUNCE!

- Sister gets Medicaid in nursing home.
- Sister's homestead belongs to Sister only.
- Sister dies.
- Sister's house goes through probate.
- State of Michigan shows up to get repaid for the money it spent on Sister's Medicaid.
- Michigan does not care that you "live in and pay all expenses (mortgage, utilities etc)". Totally Irrelevant.
- Probate Court orders sale of home, you are evicted, Michigan paid, you get the meager remains. This is called "Estate Recovery".

How can this Inequity go on? Surely there must be an Answer, a Solution!

Yes, but time is not on your side. Sister could have planned for this possibility. You don't have to go broke in long-term care. But she failed to come to a LifePlan™ Workshop to find out about all that. Too busy, I expect. "That stuff never happens," was her attitude, more than likely. Why oh why did we not listen to that Guru of Grand Rapids? Maven of the Midwest? Middle class Magician? Sultan of Security? Why... and the echo returns, "Why?"

Well, Sister shirked - failed to plan, so what can we do before ultimate disaster strikes... can anything be done at this late hour? The Answer is: Maybe.

Does the Power of Attorney that Sister executed give you the authority to deal with real estate? Do you have gifting powers? How much do you want the house, what is it worth to you?

If the Power of Attorney is sufficient, we can do a Lady Bird or Transfer on Death deed. That will keep the property out of probate and allow Sister to remain qualified for the Medicaid that pays her nursing home bills.

[WARNING: My experience is that 90+% of Powers of Attorney are useless in this situation.]

[SECOND WARNING: Most states don't accept Lady Bird Deeds. But Maryland does. Hurrah!]

If the Power of Attorney can't be used to create a Transfer-on-Death deed, we must go to ask the Probate Court for permission to transfer the real estate after death. Probate Judges are rarely asked to authorize Transfer-on-Death deeds in these situations. Usually the danger of Estate Recovery goes unrecognized until it is too late.

So, if you really want to keep the house, get your rear in gear, and let's ask the Probate Court for permission to move the homestead to you, after Sister dies. You must do this BEFORE Sister dies. After her death, Estate Recovery will kick in and you will lose the house.

Probate judges don't see too many of these and most are receptive when you lay out the facts. By the way, don't let anyone tell you that you have to go through all the rigamarole of guardianship and conservatorship to make this happen. We always use the Petition for Protective Order and that works just fine!

But you really should get thee to a LifePlan™ Three Secrets Workshop while there's still time for you!

HOW LONG DO THEY EXPECT US TO MEEKLY GO BROKE?

SOCIAL SECURITY DOESN'T DEMAND YOUR LAST NICKEL

MEDICARE DOESN'T TOUCH YOUR LIFESAVINGS

SO WHY DO YOU HAVE TO GO BROKE FOR LONG-TERM CARE?

WHEN IS ENOUGH ENOUGH?

Traditional estate planning is concerned with avoiding probate, saving taxes, and dumping 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

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