
**ESTATE PLANNING
AND
WILL DRAFTING
IN NEW YORK**

2015 Revision

EDITOR-IN-CHIEF

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TABLE OF CONTENTS

- Chapter 1 Estate Planning Overview**
James N. Seeley, Esq.
- Chapter 2 Federal Estate and Gift Taxation: An Overview**
William R. Dunlop, Esq.
Karin J. Barkhorn, Esq.
- Chapter 3 New York Estate and Gift Taxes**
Michael E. O'Connor, Esq.
- Chapter 4 Fundamentals of Will Drafting**
Philip L. Burke, Esq.
Michael E. O'Connor, Esq.
- Chapter 5 Marital Deduction/Credit Shelter Drafting**
Jonathan P. McSherry, Esq., CPA
- Chapter 6 Revocable Trusts**
Karin Sloan DeLaney, Esq.
- Chapter 7 Lifetime Gifts and Trusts for Minors**
Susan Porter, Esq.
Magdalen Gaynor, Esq.
- Chapter 8 IRAs and Qualified Plans—Tax, Medicaid and Planning Issues**
Robert F. Baldwin, Jr., Esq.
- Chapter 9 Estate Planning with Life Insurance**
Douglas H. Evans, Esq.
- Chapter 10 Dealing With Second or Troubled Marriages**
Willard H. DaSilva, Esq.
- Chapter 11 Planning for Client Incapacity**
Cora A. Alsante, Esq.
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Chapter 13 Practice Development and Ethical Issues

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DETAILED TABLE OF CONTENTS

Chapter 1 Estate Planning Overview

James N. Seeley, Esq.

[1.0]	I.	Introduction	1-3
[1.1]	II.	Principles of Estate Planning.....	1-3
[1.2]	A.	Everyone Has an Estate Plan.....	1-3
[1.3]	B.	An Unplanned Estate Usually Leads to Unintended Results	1-4
[1.4]	C.	An Estate Plan Is Only as Good as the Information on Which It Is Based.....	1-4
[1.5]	D.	Every Client and Every Estate Plan Is Unique.....	1-4
[1.6]	E.	Failing to Plan Is Planning to Fail—Cover All Contingencies.....	1-5
[1.7]	F.	Tax Savings Is Just One of Many Goals	1-5
[1.8]	G.	Plan Administration Should Be Simple	1-5
[1.9]	H.	What the Client Wants May Not Be the Best Plan.....	1-5
[1.10]	III.	Property Ownership and Passage	1-6
[1.11]	A.	Probate Property.....	1-6
[1.12]	1.	Property Owned in Fee Simple	1-6
[1.13]	2.	Tenancy in Common	1-6
[1.14]	B.	Nonprobate Property	1-6
[1.15]	1.	Joint Tenancy	1-6
[1.16]	2.	Tenancy by the Entirety	1-7
[1.17]	3.	Totten Trusts	1-8
[1.18]	4.	Life Insurance.....	1-8
[1.19]	5.	Retirement Plan Benefits.....	1-9
[1.20]	IV.	Initial Client Conference—Information Gathering	1-9
[1.21]	A.	Family Information	1-9
[1.22]	B.	Financial Information.....	1-10
[1.23]	C.	Dispositive Goals	1-11
Appendix A		Confidential Information Form	1-13
Appendix B		Asset Form	1-19
Appendix C		Estate Planning Checklists	1-21

Chapter 2 Federal Estate and Gift Taxation: An Overview

William R. Dunlop, Esq.

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[2.0]	I.	Federal Estate Tax Reform.....	2-3
[2.1]	A.	The American Taxpayer Relief Act of 2012	2-3

[2.2]	B.	2010 Tax Act Federal Transfer Tax Provisions	2-4
[2.3]	1.	Estate Tax	2-4
[2.4]	2.	Gift Tax	2-5
[2.5]	3.	Generation-Skipping Transfer Tax.....	2-6
[2.6]	4.	Summary Chart	2-6
[2.7]	C.	Applicability of the Federal Estate Tax.....	2-8
[2.8]	1.	Citizens and Residents of the United States...	2-8
[2.9]	2.	Nonresident Aliens of the United States	2-8
[2.10]	D.	Determination of the Estate Tax.....	2-8
[2.11]	II.	The Gross Estate.....	2-9
[2.12]	A.	Overview	2-9
[2.13]	B.	Valuation	2-10
[2.14]	1.	Alternate Valuation Date.....	2-10
[2.15]	2.	Valuation of Partial Interests—Mortality Tables	2-11
[2.16]	C.	Family-Owned Business Deduction.....	2-11
[2.17]	D.	Includable Assets—Property Owned by the Decedent.....	2-12
[2.18]	1.	Real Property	2-12
[2.19]	2.	Stocks and Bonds	2-14
[2.20]	3.	Mortgages, Notes and Cash.....	2-15
[2.21]	4.	Insurance	2-15
[2.22]	E.	Jointly Held Property	2-17
[2.23]	F.	Miscellaneous Property	2-18
[2.24]	G.	Transfers During Decedent’s Lifetime.....	2-18
[2.25]	1.	Within Three Years of Death	2-18
[2.26]	2.	Transfers With Retained Life Estate	2-19
[2.27]	3.	Valuation of Transferred Interests.....	2-21
[2.28]	a.	Transfer of Interests in Corporations or Partnerships	2-22
[2.29]	(1)	Valuation Before Enactment of I.R.C. § 2036(c)	2-23
[2.30]	(2)	Valuation Under Chapter 14	2-23
[2.31]	(a)	Definitions	2-23
[2.32]	(b)	Valuation of Applicable Retained Interest	2-24
[2.33]	(c)	Qualified Payments	2-26
[2.34]	b.	Transfers in Trust—GRITs, GRATs and GRUTs	2-26
[2.35]	(1)	Exceptions to Special Valuation Rules	2-28
[2.36]	(2)	Sale of Remainder Interest.....	2-29

[2.37]	(3) Joint Purchase or Split	2-29
[2.38]	c. Options, Restrictions and Agreements	2-30
[2.39]	d. Lapse of Voting and Liquidation Rights ..	2-31
[2.40]	e. Gift Tax Statute of Limitations.....	2-32
[2.41]	H. Transfers Taking Effect at Death	2-33
[2.42]	I. Revocable Transfers	2-34
[2.43]	J. Powers of Appointment.....	2-35
[2.44]	K. Annuities	2-36
[2.45]	III. Taxable Estate	2-38
[2.46]	A. Deductions.....	2-38
[2.47]	1. Funeral Expenses	2-38
[2.48]	2. Administration Expenses	2-39
[2.49]	3. Claims Against the Estate	2-40
[2.50]	4. Post-Death Events	2-41
[2.51]	5. Casualty or Theft Losses	2-42
[2.52]	6. Limitation on Administration Expenses, Funeral Expenses and Debt Deductions.....	2-42
[2.53]	B. Marital Deduction	2-43
[2.54]	1. "Passing Requirement"	2-43
[2.55]	2. Terminable Interest Rule.....	2-44
[2.56]	a. Life Estate With General Power of Appointment	2-44
[2.57]	b. Estate Trust	2-45
[2.58]	c. Qualified Terminable Interest Property....	2-45
[2.59]	3. Disallowed Marital Deduction Where Spouse Is Not a Citizen of the United States	2-47
[2.60]	a. Overview	2-47
[2.61]	b. QDOTs	2-48
[2.62]	(1) Transfer of Property to a QDOT.....	2-48
[2.63]	(2) Property Passing Directly to a QDOT	2-49
[2.64]	(3) Taxation of QDOT Transfers.....	2-49
[2.65]	(4) Determination of Estate Tax	2-50
[2.66]	(5) Exemptions From QDOT Tax	2-52
[2.67]	(6) Other Factors Affecting QDOTs.....	2-52
[2.68]	4. Jointly Held Property	2-53
[2.69]	5. Nonresident Alien Decedent	2-53
[2.70]	C. Charitable Deduction	2-53
[2.71]	1. Qualification for Deduction	2-54
[2.72]	2. Bequests	2-55
[2.73]	IV. Computation of Estate Tax.....	2-57
[2.74]	A. Adjusted Taxable Gifts	2-58

[2.75]	B. Estate Tax Rates	2-58
[2.76]	C. Credits—Applicable Credit Amount.....	2-58
[2.77]	D. Portability Provision.....	2-59
[2.78]	E. State Death Tax Credit	2-59
[2.79]	F. Foreign Death Tax Credit.....	2-60
[2.80]	G. Credit for Tax on Prior Transfers.....	2-60
[2.81]	V. Determination of Federal Gift Tax.....	2-61
[2.82]	A. Gifts in General	2-61
[2.83]	B. Taxable Gifts	2-62
[2.84]	1. Exclusions	2-63
[2.85]	a. Annual Exclusion	2-63
[2.86]	b. Exclusion for Payment of Tuition and Medical Expenses	2-64
[2.87]	2. Marital Deduction	2-65
[2.88]	3. Charitable Deduction	2-66
[2.89]	C. Computation of Gift Tax	2-66
[2.90]	D. Applicable Credit Against Gift Tax	2-66
[2.91]	E. Disclaimers.....	2-67
[2.92]	1. Qualified Disclaimers.....	2-67
[2.93]	2. Effects of the Qualified Disclaimer.....	2-68
[2.94]	VI. Conclusion.....	2-68

Chapter 3 New York Estate and Gift Taxes

Michael E. O'Connor, Esq.

[3.0]	I. Historical Overview	3-3
[3.1]	II. New York Estate Tax—2014 Act	3-5
[3.2]	III. Estate Tax Planning Guidelines	3-6
[3.3]	A. Residency	3-6
[3.4]	1. Domicile	3-6
[3.5]	2. Taxability	3-8
[3.6]	B. Tax Apportionment	3-9
[3.7]	C. Spouse's Elective Share	3-11
[3.8]	1. Disclaimer	3-12
[3.9]	2. Limited Size of Credit Trust.....	3-13
[3.10]	3. QTIP Trust.....	3-13
[3.11]	4. Clayton QTIP	3-14
[3.12]	5. Relocation to Florida.....	3-15
[3.13]	IV. Gift Tax	3-15
Appendix A	Instructions for Form ET-706.....	3-17
Appendix B	Form ET-706—NYS Estate Tax Return	3-23
Appendix C	Form ET-14—Estate Tax Power of Attorney	3-27
Appendix D	Form ET-117—Release of Lien of Estate Tax.....	3-29

Appendix E	Form ET-113—Application for Extension of Time.....	3-31
Appendix F	Form ET-141—NYS Estate Tax Domicile Affidavit	3-33

Chapter 4 Fundamentals of Will Drafting

Philip L. Burke, Esq.

Michael E. O'Connor, Esq.

[4.0]	I.	Overview	4-3
[4.1]	II.	Role of the Attorney-Draftsman.....	4-4
[4.2]	A.	Introduction	4-4
[4.3]	B.	Ascertaining Estate Assets	4-6
[4.4]	C.	Counseling the Client, Generally	4-7
[4.5]	D.	Implementation	4-10
[4.6]	E.	Drafting Considerations	4-10
[4.7]	1.	Limitations on Dispositions	4-11
[4.8]	2.	Guidelines for Describing Gifts	4-11
[4.9]	3.	Guidelines for Describing Beneficiaries	4-12
[4.10]	III.	Types of Testamentary Bequests.....	4-13
[4.11]	A.	Specific Bequests	4-14
[4.12]	B.	Demonstrative Bequests.....	4-15
[4.13]	1.	Generally	4-15
[4.14]	2.	Revocation of Totten Trust Accounts by Will.....	4-16
[4.15]	C.	General Bequests.....	4-16
[4.16]	D.	Specific Bequests of Stock.....	4-18
[4.17]	1.	Generally	4-18
[4.18]	2.	Dividends on Stock	4-20
[4.19]	IV.	Dispositions of Tangible Personal Property.....	4-21
[4.20]	A.	Introduction	4-21
[4.21]	B.	Avoiding Pitfalls in Dispositions	4-21
[4.22]	C.	Bequests of Personalty to Minor Beneficiaries.....	4-24
[4.23]	D.	Executor's Commissions on Tangible Personal Property	4-25
[4.24]	E.	Copyright Interests	4-26
[4.25]	F.	Costs Related to Specific Bequests of Personalty	4-26
[4.26]	V.	Preresiduary Dispositions of Real Property	4-27
[4.27]	A.	Shares of Cooperative Apartments.....	4-28
[4.28]	B.	Description of Devised Property	4-29
[4.29]	C.	Income Tax Consequences.....	4-30
[4.30]	D.	Construction	4-30

[4.31]	E. Liens	4-31
[4.32]	F. Out-of-State Property	4-31
[4.33]	G. Executor's Commissions on Specifically Devised Real Property	4-32
[4.34]	H. Creation of Legal Life Estate	4-32
[4.35]	VI. Residuary Bequests	4-34
[4.36]	A. Outright Residuary Bequest to Named Individuals or Charities	4-35
[4.37]	B. Bequest to Existing Living Trust with Contingent Provisions	4-37
[4.38]	VII. Anti-Lapse Statute	4-38
[4.39]	VIII. Tax-Appportionment Clause	4-38
[4.40]	A. Generally	4-38
[4.41]	1. No Apportionment.....	4-39
[4.42]	2. Full Apportionment.....	4-40
[4.43]	3. Partial Apportionment.....	4-40
[4.44]	B. Special Consideration for Marital Property	4-41
[4.45]	C. Interrelated Tax Computations.....	4-41
[4.46]	D. Absence of Tax Clause.....	4-42
[4.47]	E. Avoidance of Conflict With Other Instruments	4-42
[4.48]	IX. Tax Elections and Administration Expenses.....	4-42
[4.49]	X. Simultaneous Death Clause.....	4-43
[4.50]	XI. Fiduciary Powers.....	4-44
[4.51]	A. Basic Fiduciary Powers.....	4-44
[4.52]	B. Powers Not Granted by Statute	4-46
[4.53]	1. Power to Make Investments	4-46
[4.54]	2. Power to Borrow Funds.....	4-47
[4.55]	3. Power to Lease Beyond the Statutory Period	4-47
[4.56]	4. Power to Abandon Property Not Worth Protecting or Pursuing.....	4-47
[4.57]	5. Power to Collect and Administer Life Insurance	4-47
[4.58]	6. Power to Manage or Retain Business Interests	4-47
[4.59]	7. Special Estate-Planning Provisions.....	4-47
[4.60]	8. Testamentary Trustee's Powers	4-48
[4.61]	C. Drafting Powers Regarding Business Interests	4-50
[4.62]	XII. Selection of Fiduciaries	4-53
[4.63]	A. Executors	4-54
[4.64]	1. Selection	4-54
[4.65]	2. Individuals as Executors.....	4-55

[4.66]	3. Corporate Executors.....	4-55
[4.67]	4. Co-Executors.....	4-56
[4.68]	B. Advisers.....	4-57
[4.69]	C. Alternates or Successors	4-57
[4.70]	D. Compensation.....	4-58
[4.71]	E. Waiver of Surety Bond and Related Considerations.....	4-59
[4.72]	XIII. Trustees	4-59
[4.73]	A. Function.....	4-59
[4.74]	B. Selection.....	4-60
[4.75]	1. Individual Trustees.....	4-60
[4.76]	2. Corporate Trustee.....	4-61
[4.77]	3. Co-Trustees	4-62
[4.78]	4. Alternate and Successor Trustees.....	4-62
[4.79]	C. Compensation.....	4-64
[4.80]	XIV. Guardians for Minor Children.....	4-64
[4.81]	A. Function.....	4-65
[4.82]	B. Selection.....	4-66
[4.83]	C. Successors	4-67
[4.84]	D. Compensation.....	4-67
[4.85]	E. Appointment of Guardian in Case of Divorce or Child's Mental Disability.....	4-68
[4.86]	XV. Conclusion.....	4-68
Appendix A	Pourover Will	4-71
Appendix B	Sample Will (Spouse With Minor Children— No Tax Issues)	4-77
Appendix C	Sample Will (Provisions for Miscellaneous Gifts)	4-83
Appendix D	Sample Will (Married Person With Minor Children And No Anticipated Federal Estate Tax)	4-89
Appendix E	Sample Will (Individual With No Spouse or Children and Less Than the N.Y.S. Tax Exemption in Assets).....	4-95
Appendix F	Estate-Planning Questionnaire for Single Individuals	4-99
Appendix G	Estate-Planning Questionnaire for Married Couples	4-103

Chapter 5 Marital Deduction/Credit Shelter Drafting

Jonathan P. McSherry, Esq., CPA

[5.0]	I.	Introduction	5-3
[5.1]	II.	The Marital Deduction	5-4
[5.2]	A.	History	5-4
[5.3]	B.	Requirements.....	5-5
[5.4]	1.	Taxpayers Must Be Married.....	5-5
[5.5]	2.	Spouse Must Survive.....	5-5
[5.6]	3.	Spouse Must Be a U.S. Citizen	5-6
[5.7]	4.	Property Must Be Included in Decedent's Estate	5-7
[5.8]	5.	Property Must Pass to Surviving Spouse	5-7
[5.9]	C.	Terminable Interest Property	5-8
[5.10]	1.	Marital Deduction Generally Unavailable	5-8
[5.11]	2.	Exceptions to Terminable Interest Rule	5-8
[5.12]	a.	Survivorship.....	5-8
[5.13]	b.	Charitable Remainder Trust.....	5-9
[5.14]	c.	Power-of-Appointment Trust	5-10
[5.15]	d.	Qualified Terminable Interest Property (QTIP).....	5-10
[5.16]	D.	Marital Bequests—Outright vs. Trust	5-12
[5.17]	III.	The Unified/Applicable Credit.....	5-12
[5.18]	IV.	Planning With the Applicable Credit Amount	5-13
[5.19]	A.	Credit Shelter Trust vs. Outright Bequest	5-14
[5.20]	B.	Drafting Considerations	5-15
[5.21]	1.	Beneficiaries.....	5-15
[5.22]	2.	Trustee.....	5-16
[5.23]	3.	Right of Withdrawal.....	5-16
[5.24]	4.	Limited Power of Appointment.....	5-17
[5.25]	C.	Types of Bequests	5-17
[5.26]	1.	Overview	5-18
[5.27]	2.	Pecuniary vs. Fractional Formula Clauses	5-18
[5.28]	a.	Pecuniary	5-19
[5.29]	b.	Fractional	5-19
[5.30]	V.	Impact of Current Federal Law	5-20
[5.31]	A.	Formula Clauses.....	5-22
[5.32]	1.	Potential Problems.....	5-22
[5.33]	2.	Possible Solutions	5-23
[5.34]	a.	Limit Amount That Passes Into Credit Shelter Trust	5-23
[5.35]	b.	Qualify Credit Shelter Trust for QTIP Election.....	5-23

[5.36]	c. Disclaimer.....	5-24
[5.37]	d. Divisible QTIP.....	5-25
[5.38]	e. Clayton QTIP.....	5-25
[5.39]	B. State Death Tax Credit and Deduction.....	5-26
[5.40]	V. Conclusion.....	5-26
Appendix A	Sample Credit Shelter/QTIP Will for Husband and Wife With Adult Children	5-29
Appendix B	Sample Disclaimer Will for Husband and Wife With Adult Children	5-47

Chapter 6 Revocable Trusts

Karin Sloan DeLaney, Esq.

[6.0]	I. Introduction	6-3
[6.1]	II. Types of Revocable Lifetime Trusts	6-3
[6.2]	A. Self-Trusteed	6-3
[6.3]	B. Independent Third Party as Trustee	6-4
[6.4]	C. Standby Revocable Trust	6-4
[6.5]	III. Objectives.....	6-5
[6.6]	A. Ensure Continuity of Asset Management	6-5
[6.7]	B. Avoid Probate	6-6
[6.8]	C. Preserve Privacy.....	6-8
[6.9]	D. Reduce Estate Expenses.....	6-9
[6.10]	1. Court Filing Fees.....	6-9
[6.11]	2. Executor Commissions.....	6-9
[6.12]	3. Attorney Fees	6-10
[6.13]	E. Estate Taxes	6-11
[6.14]	F. Avoid Payments to Creditors	6-11
[6.15]	IV. When Use of a Revocable Trust Is Appropriate	6-12
[6.16]	A. Possibility of Contested Will	6-12
[6.17]	B. Distributees Difficult or Impossible to Locate.....	6-13
[6.18]	C. Desire for Privacy	6-13
[6.19]	D. Desirability of Immediate Asset Distribution	6-13
[6.20]	E. Avoidance of Ancillary Probate in Other Jurisdictions.....	6-14
[6.21]	V. Creation of Revocable Trust	6-14
[6.22]	A. Who Can Create a Lifetime Trust?	6-14
[6.23]	B. What May Be Disposed of by Lifetime Trust?	6-15
[6.24]	C. Revocability	6-15
[6.25]	D. Duties and Ethical Obligations of Trustee	6-16
[6.26]	1. Scope of Fiduciary Relationship	6-16
[6.27]	2. Invasion of Trust Principal by Sole Trustee...	6-16
[6.28]	E. Funding of Trust.....	6-17

[6.29]	1. Funding Methods.....	6-18
[6.30]	a. Unfunded Trust With Pourover Will	6-18
[6.31]	b. Joint Revocable Trust	6-20
[6.32]	(1) Advantages.....	6-20
[6.33]	(2) Disadvantages	6-21
[6.34]	(3) Effect on Basis	6-22
[6.35]	2. Funding Sources.....	6-22
[6.36]	a. Bank and Securities Accounts	6-23
[6.37]	b. Real Property Transfers	6-23
[6.38]	c. IRAs and Retirement Plan Benefits.....	6-23
[6.39]	d. Annuities.....	6-24
[6.40]	e. S-Corporation Shares.....	6-24
[6.41]	f. Tangible Property	6-24
[6.42]	3. Follow-up	6-24
[6.43]	F. Tax Treatment During Lifetime	6-24
[6.44]	G. Drafting Considerations	6-25
[6.45]	1. Power of Attorney Used in Conjunction With Revocable Trust.....	6-25
[6.46]	2. Revocability	6-26
[6.47]	3. Incapacity	6-26
[6.48]	4. Legacies and Payment of Bills	6-26
[6.49]	5. Language in Preprinted Forms	6-28
[6.50]	6. Tax Apportionment and Clause Coordination.....	6-29
[6.51]	a. Apportionment Under Revocable Trusts	6-29
[6.52]	b. Coordination of Will and Trust Apportionment Clauses	6-30
[6.53]	7. Additional Provisions.....	6-30
[6.54]	8. Execution/Written Trust/Amendment	6-31
[6.55]	9. Lost Trust Agreements	6-32
[6.56]	VI. Trust Administration	6-33
[6.57]	A. Upon Settlor's Incapacity.....	6-33
[6.58]	1. Suspension or Termination of Power to Revoke.....	6-33
[6.59]	2. Making Gifts From the Revocable Trust.....	6-34
[6.60]	3. Gift Tax Consequences When Settlor Is Incapacitated.....	6-34
[6.61]	B. Upon Settlor's Death.....	6-34
[6.62]	1. Legal Procedures	6-35
[6.63]	a. Determination of Set-Off Property	6-35
[6.64]	b. Applicability of SCPA Article 13.....	6-35

[6.65]	c.	Notice Requirements When Trust or Will Has Been Amended	6-35
[6.66]	d.	Attacks on a Trust Outside a Probate Proceeding	6-36
[6.67]	2.	Immediate Distribution of Assets.....	6-37
[6.68]	3.	Spousal Elective Share	6-38
[6.69]	4.	Tax Treatment	6-40
[6.70]	a.	New Income Tax Entity.....	6-40
[6.71]	b.	Irrevocable Election to Treat Trust as Part of Decedent's Estate	6-40
[6.72]	c.	Rules Regarding Distributable Net Income	6-41
[6.73]	d.	New Tax Cost	6-42
[6.74]	e.	Installment Sale of Assets	6-43
[6.75]	f.	Series E/EE Bonds.....	6-43
[6.76]	g.	Payment of Ancillary State Death Taxes..	6-43
[6.77]	h.	Use of Alternate Valuation	6-43
[6.78]	5.	Trustee's Final Accounting	6-44
[6.79]	VII.	Use of a Stretch IRA and Revocable Trust for Long-Term Tax Deferral	6-45
[6.80]	A.	Setup.....	6-45
[6.81]	B.	Determination of Designated Trust Beneficiaries.....	6-47
[6.82]	C.	Surviving Spouse's Absolute Right of Withdrawal	6-48
[6.83]	D.	Conduit Trust	6-49
[6.84]	E.	Drafting Recommendations	6-49
[6.85]	VIII.	Conclusion.....	6-50
Appendix A		Revocable Trust With Grantor Acting as Sole Trustee	6-53
Appendix B		Revocable Trust With Grantor Acting as Sole Trustee (Alternate Version)	6-69
Appendix C		HIPAA Authorization to Allow Trustee's Doctor to Give Information to Facilitate Change of Trustee	6-91
Appendix D		Assignment of Tangible Personal Property	6-95
Chapter 7 Lifetime Gifts and Trusts for Minors			
<i>Susan Porter, Esq.</i>			
<i>Magdalen Gaynor, Esq.</i>			
[7.0]	I.	Gifts.....	7-3
[7.1]	A.	Planning Issues.....	7-3

[7.2]	B. Tax Considerations.....	7-3
[7.3]	1. Federal Gift and Estate Tax.....	7-3
[7.4]	2. Generation-Skipping Transfer Tax.....	7-4
[7.5]	3. Local Gift Taxes.....	7-5
[7.6]	4. Income Tax Considerations.....	7-5
[7.7]	5. Tax Cost Basis.....	7-6
[7.8]	6. Value of the Gift.....	7-7
[7.9]	7. Tax Avoidance/Minimization	7-8
[7.10]	C. Gifts That Do Not Generate Tax	7-9
[7.11]	1. Annual Exclusion Gifts	7-9
[7.12]	2. Education and Medical Expense Gifts	7-10
[7.13]	3. College Savings Plans	7-11
[7.14]	a. Overview	7-11
[7.15]	b. Investments.....	7-13
[7.16]	c. Contributions	7-14
[7.17]	d. Penalties	7-15
[7.18]	e. Change of Beneficiaries.....	7-15
[7.19]	f. Successor Owners	7-16
[7.20]	II. Trusts.....	7-16
[7.21]	A. Why Use a Trust?.....	7-16
[7.22]	B. Powers of the Trustee.....	7-17
[7.23]	C. Executing and Funding the Trust	7-18
[7.24]	1. Identify Property Being Transferred	7-18
[7.25]	2. Pourover Trust.....	7-18
[7.26]	III. Gifts to Minors	7-18
[7.27]	A. Outright Gifts	7-19
[7.28]	1. UGMA	7-19
[7.29]	2. UTMA	7-20
[7.30]	B. Trusts Created Especially for Minor Beneficiaries.....	7-21
[7.31]	1. Section 2503(c) Trusts	7-21
[7.32]	2. Section 2503(b) Trusts	7-22
[7.33]	3. Powers-of-Withdrawal Trusts	7-23
[7.34]	a. Designation of Multiple Power Holders.....	7-23
[7.35]	b. Notice Requirements	7-24
[7.36]	c. Length of Withdrawal Period	7-24
[7.37]	d. 5 & 5 Exemption on Gift Tax Treatment.....	7-25

Chapter 8 IRAs and Qualified Plans—Tax, Medicaid and Planning Issues

Robert F. Baldwin, Jr., Esq.

[8.0]	I.	Introduction	8-3
[8.1]	A.	Types of Plans	8-3
[8.2]		1. Defined Benefit Plans	8-3
[8.3]		2. Defined Contribution Plans	8-4
[8.4]		3. Other Types of Plans	8-5
[8.5]		a. Individual Retirement Accounts	8-5
[8.6]		b. SIMPLE Plans	8-5
[8.7]		c. Roth IRAs	8-5
[8.8]	B.	Tax Consequences of Contributions to Plans/IRAs	8-6
[8.9]	C.	Tax Consequences of Distributions From Plans/IRAs	8-7
[8.10]		1. Income Tax	8-7
[8.11]		a. Payments to a Charity	8-9
[8.12]		b. Lump Sum Treatment	8-10
[8.13]		c. Ten-Year Averaging	8-11
[8.14]		d. Rollover Rules	8-11
[8.15]		e. Withholding Rules	8-13
[8.16]		f. Determining Optimal Tax Treatment	8-13
[8.17]		2. Net Investment Income Tax Surcharge	8-13
[8.18]		3. New York's Taxability	8-13
[8.19]		4. Gift, Estate and Generation-Skipping Transfer Taxes	8-14
[8.20]		a. Gift Taxation	8-14
[8.21]		b. Estate Taxation	8-14
[8.22]		c. Generation-Skipping Transfer Tax	8-16
[8.23]	II.	ERISA Rules and Penalty Taxes	8-16
[8.24]	A.	Discretionary Distribution Rules	8-16
[8.25]		1. 59-1/2 Rule	8-16
[8.26]		2. Distributions in Case of Disability	8-17
[8.27]	B.	Mandatory Distribution Rules	8-17
[8.28]		1. Distributions at 70-1/2	8-17
[8.29]		2. Beneficiary Designations	8-17
[8.30]		3. Trusts as Beneficiaries	8-18
[8.31]		4. Minimum Distribution Rules	8-19
[8.32]	C.	Distributions after Death of Participant	8-20
[8.33]		1. In General	8-20
[8.34]		2. Death After Payments Begin	8-20
[8.35]		3. Death Before Distribution	8-21

[8.36]	III.	Rights of Others in Plan Benefits	8-21
[8.37]	A.	Spousal Rights	8-21
[8.38]	1.	Death Benefits	8-21
[8.39]	2.	QDROs	8-22
[8.40]	3.	EPTL Provisions—Spousal Election	8-22
[8.41]	4.	Creditors’ Rights	8-24
[8.42]	B.	Medicaid Eligibility Rules and Retirement Benefits.....	8-24
[8.43]	IV.	Use of Life Insurance in Plans	8-25
[8.44]	A.	Income Tax	8-26
[8.45]	B.	Estate Tax.....	8-26
[8.46]	V.	Conclusion	8-26
Appendix		Uniform Table of Distribution.....	8-29

Chapter 9 Estate Planning With Life Insurance

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[9.0]	I.	Introduction	9-3
[9.1]	II.	Estate Tax Considerations	9-3
[9.2]	A.	Proceeds Receivable by or for Benefit of Estate...	9-3
[9.3]	B.	Proceeds Receivable by Others	9-4
[9.4]	C.	Incidents of Ownership	9-4
[9.5]	1.	Defined.....	9-4
[9.6]	2.	Incidents of Ownership by Fiduciaries.....	9-5
[9.7]	a.	Trustee	9-5
[9.8]	b.	Custodian.....	9-6
[9.9]	D.	Transfers Within Three Years of Death	9-6
[9.10]	E.	Estate Taxation of <i>Crummey</i> Power Upon Death of Holder	9-8
[9.11]	III.	Gift Tax Considerations	9-9
[9.12]	A.	Gifts.....	9-9
[9.13]	1.	Valuation	9-9
[9.14]	2.	Annual Exclusion	9-10
[9.15]	B.	<i>Crummey</i> Powers.....	9-10
[9.16]	C.	Hanging Powers	9-12
[9.17]	IV.	Income Tax Considerations.....	9-14
[9.18]	V.	Generation-Skipping Transfer Tax Considerations.....	9-16
Appendix		Sample Irrevocable Unfunded Life Insurance Trust	9-17

Chapter 10 Dealing with Second or Troubled Marriages

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[10.0]	I.	Introduction	10-3
[10.1]	II.	Planning for the Second or Subsequent Marriage	10-4

[10.2]	A. Preliminary Interview.....	10-4
[10.3]	1. Conflict-of-Interest and Confidentiality Concerns.....	10-4
[10.4]	2. Retainer Agreement	10-5
[10.5]	3. Identification of Client’s Goals and Related Issues	10-5
[10.6]	a. Basic Information	10-6
[10.7]	b. Client’s Goals	10-7
[10.8]	4. Fee for Initial Interview	10-8
[10.9]	B. Subsequent Conferences	10-8
[10.10]	C. Reasons for Second and Subsequent Marriages or Cohabitation.....	10-8
[10.11]	D. Remarriage Issues	10-9
[10.12]	1. Lack of Capacity to Marry	10-9
[10.13]	2. Responsibilities Involving Prior Children and Stepchildren.....	10-10
[10.14]	3. Assumption of Financial Burdens.....	10-11
[10.15]	4. Possible Loss of Medicaid Benefits or Other Government Entitlements	10-11
[10.16]	5. Possible Loss of Spousal Social Security Benefits	10-11
[10.17]	6. Possible Use of Capital Gain Exclusion.....	10-12
[10.18]	7. Possible Loss of Maintenance or Alimony	10-13
[10.19]	8. Possible Loss of Use of Residence.....	10-13
[10.20]	E. Prenuptial Agreements	10-14
[10.21]	1. Requirements.....	10-14
[10.22]	a. Complete Financial Disclosure.....	10-14
[10.23]	b. Each Party Must Be Separately Represented	10-15
[10.24]	c. Valid Acknowledgment.....	10-16
[10.25]	d. Time Needed to Consider the Agreement	10-16
[10.26]	e. The Agreement Must Not Be Unconscionable.....	10-17
[10.27]	2. Content	10-17
[10.28]	a. Consideration of Community/Marital Property	10-17
[10.29]	b. Recitals	10-18
[10.30]	c. Language of the Agreement	10-19
[10.31]	d. Provisions Regarding Joint Ownership	10-19
[10.32]	e. Portability Benefits	10-20
[10.33]	f. Waivers and Provisions	10-21

[10.34]	(1) Waiver of Right to Share in Spouse's Estate	10-21
[10.35]	(2) Waiver of Maintenance or Support....	10-22
[10.36]	(3) Waiver of Pension and Related Rights.....	10-23
[10.37]	(4) Indemnity Provision.....	10-23
[10.38]	(5) Additional and Alternate Provisions..	10-24
[10.39]	(6) General Precautions	10-24
[10.40]	III. Cohabitation	10-25
[10.41]	A. Cohabitation vs. Marriage.....	10-25
[10.42]	B. Cohabitation Agreement	10-26
[10.43]	IV. Dissolution	10-27
[10.44]	A. Validity of the Marriage.....	10-27
[10.45]	B. Grounds for Dissolution	10-28
[10.46]	1. Void Marriages.....	10-29
[10.47]	2. Voidable Marriages	10-29
[10.48]	3. Legal Separation.....	10-29
[10.49]	4. Divorce	10-30
[10.50]	C. Maintaining a Matrimonial Action in New York	10-32
[10.51]	D. Financial Consequences	10-32
[10.52]	1. Equitable Distribution	10-32
[10.53]	2. Child Support	10-35
[10.54]	3. Maintenance (Alimony)	10-36
[10.55]	4. Counsel and Experts' Fees	10-37
[10.56]	E. Settlement Agreements	10-37
[10.57]	1. Advantages	10-37
[10.58]	a. Parties Have More Choices	10-37
[10.59]	b. Time.....	10-37
[10.60]	c. Avoids Expense of Litigation	10-38
[10.61]	d. Greater Likelihood of Compliance	10-39
[10.62]	e. Necessity of Continued Contact Between the Parties	10-39
[10.63]	f. No Appeal.....	10-39
[10.64]	2. Nature of the Agreement	10-39
[10.65]	3. Making of the Agreement	10-40
[10.66]	a. Determination of Competency.....	10-40
[10.67]	b. Separate Representation	10-41
[10.68]	c. Full Financial Disclosure.....	10-42
[10.69]	d. Sufficient Time for Review	10-42
[10.70]	4. Drafting the Agreement.....	10-42
[10.71]	5. Formatting the Agreement	10-43

[10.72]	6. Conclusion.....	10-44
[10.73]	V. Estate and Long-Term Care Planning	10-44
[10.74]	VI. Same-Sex Marriages	10-45
Appendix A	Retainer Letter	10-49
Appendix B	Sample Prenuptial Agreement (Both Parties Financially Independent)	10-55
Appendix C	Sample Divorce Agreement	10-65
Appendix D	Separation Agreement	10-91
Appendix E	Sample Cohabitation Agreement to Be Tailored to Specific Facts	10-133

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[11.0]	I. Introduction	11-3
[11.1]	II. Basic Documents.....	11-3
[11.2]	A. Power of Attorney	11-3
[11.3]	1. Overview	11-3
[11.4]	2. Uses.....	11-4
[11.5]	3. Recent Statutory Changes	11-5
[11.6]	a. Legislation Effective September 1, 2009	11-5
[11.7]	b. Legislation Effective September 12, 2010	11-6
[11.8]	4. Durability	11-6
[11.9]	5. Capacity Needed to Execute a Power of Attorney.....	11-7
[11.10]	6. Accountability of Agent.....	11-7
[11.11]	7. Springing Power of Attorney	11-10
[11.12]	8. Additional Powers.....	11-11
[11.13]	9. Statutory Gifts Rider	11-12
[11.14]	10. Governmental Benefits.....	11-14
[11.15]	11. Retirement Plans	11-15
[11.16]	12. Tax Matters	11-15
[11.17]	13. Compensation of Agents	11-16
[11.18]	14. Conflicts of Law.....	11-16

[11.19]	15. Other Provisions	11-16
[11.20]	a. Multiple Agents	11-16
[11.21]	b. Successor Agents	11-16
[11.22]	c. Acceptance by Third Parties	11-17
[11.23]	16. Summary	11-17
[11.24]	B. Health Care Proxies and Living Wills	11-17
[11.25]	1. Health Care Proxies in New York	11-18
[11.26]	a. Drafting	11-19
[11.27]	(1) Competency/Capacity to Execute	11-19
[11.28]	(2) Eligibility to Act as Agent	11-20
[11.29]	(3) Alternate Agent	11-20
[11.30]	(4) Scope of the Agent's Authority	11-21
[11.31]	(5) Duration	11-23
[11.32]	b. Relationship With the Health Care Provider	11-23
[11.33]	c. Interstate Validity	11-24
[11.34]	d. Revocation	11-25
[11.35]	e. Practical Considerations	11-26
[11.36]	2. Living Wills	11-27
[11.37]	a. Case Law in New York	11-27
[11.38]	b. Interpretation of Living Wills	11-27
[11.39]	c. Relationship With the Health Care Proxy	11-29
[11.40]	3. Family Health Care Decisions Act	11-30
[11.41]	4. Medical Order for Life Sustaining Treatment (MOLST)	11-31
[11.42]	III. Planning for Incapacity With Trusts	11-32
[11.43]	A. Revocable Living Trusts	11-32
[11.44]	B. Standby Trusts	11-33
[11.45]	C. Supplemental Needs Trusts	11-33
[11.46]	D. Medicaid Asset Protection Trusts	11-34
[11.47]	IV. Paying for Care While Incapacitated	11-35
[11.48]	A. Medicaid Overview	11-37
[11.49]	B. Who Is Eligible	11-38
[11.50]	C. Covered Services	11-38
[11.51]	D. Financial Eligibility	11-39
[11.52]	1. Income	11-39
[11.53]	2. Resources	11-39
[11.54]	3. Spousal Allowances for Institutionalized Medicaid Recipients	11-39
[11.55]	4. Homestead	11-40
[11.56]	5. Spend-Down State	11-41

[11.57]	6. Joint Resources.....	11-41
[11.58]	E. Asset Transfers.....	11-41
[11.59]	1. Nonexempt	11-41
[11.60]	2. Exempt	11-42
[11.61]	F. Medicaid Penalties—Period of Ineligibility.....	11-43
[11.62]	1. Types of Care	11-43
[11.63]	2. Calculating the Penalty	11-43
[11.64]	G. Trusts.....	11-45
[11.65]	H. Spousal Responsibility, Deeming and Spousal Refusal	11-45
[11.66]	I. Liens and Recoveries.....	11-46
[11.67]	J. Fair Hearing and Appeal Rights.....	11-47
Appendix A1	Power of Attorney Information Sheet	11-49
Appendix A2	Durable General Power of Attorney New York Statutory Short Form	11-55
Appendix A3	Durable General Power of Attorney New York Statutory Gifts Rider Authorization for Certain Gift Transactions	11-65
Appendix B1	Health Care Proxy	11-69
Appendix B2	Living Will	11-73
Appendix B3	Living Will and Health Care Proxy	11-75
Appendix C	2014 Medicaid Regional Rates for Calculating Nursing Home Ineligibility Following Asset Transfers	11-77

Chapter 12 Long-Term Care Insurance in New York

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[12.0]	I. Introduction to Long-Term Care	12-3
[12.1]	A. Long-Term Care Needs and Costs	12-3
[12.2]	B. What Is Long-Term Care?	12-4
[12.3]	C. Paying for Long-Term Care	12-4
[12.4]	II. Long-Term Care Insurance Overview.....	12-4
[12.5]	A. Traditional Policy.....	12-5
[12.6]	B. Partnership Policy	12-6
[12.7]	C. Benefits of Long-Term Care Insurance Compared to Transfers for Medicaid Eligibility.....	12-7
[12.8]	D. Problems Related to Asset Transfers for Medicaid Eligibility.....	12-8
[12.9]	1. Gifting of Assets	12-9
[12.10]	2. Limited Benefits of Medicaid	12-10
[12.11]	III. Traditional Long-Term Care Insurance Policy	12-11

[12.12]	A. Hybrid Policies	12-11
[12.13]	B. Minimum Policy Requirements	12-12
[12.14]	C. Eligibility for Benefits.....	12-13
[12.15]	1. Activities of Daily Living	12-13
[12.16]	2. Degree of Assistance Needed.....	12-14
[12.17]	3. Cognitive Impairment	12-14
[12.18]	4. Medical Necessity	12-15
[12.19]	5. Effect of Eligibility Determinations on Tax Deductibility of Premiums	12-15
[12.20]	D. Standard Provisions in a New York Long-Term Care Policy	12-16
[12.21]	1. Free Look Period.....	12-16
[12.22]	2. Guaranteed Renewable.....	12-16
[12.23]	3. Level Premiums.....	12-16
[12.24]	4. Third-Party Notification Provision.....	12-17
[12.25]	5. Nonforfeiture Benefit	12-17
[12.26]	6. Disclosure Statement.....	12-18
[12.27]	7. Replacement and Policy Conversion.....	12-18
[12.28]	E. Policy Options and Choices in Traditional Policies	12-19
[12.29]	1. Length of Coverage/Duration of Benefits	12-19
[12.30]	2. Amount of Coverage	12-19
[12.31]	a. Daily Benefit Level	12-19
[12.32]	b. Pool of Money	12-20
[12.33]	c. Separate Bank of Dollars.....	12-21
[12.34]	d. Indemnity Policy.....	12-21
[12.35]	e. Reimbursement Policy.....	12-21
[12.36]	3. Elimination Period.....	12-22
[12.37]	4. Inflation Protection.....	12-22
[12.38]	a. Simple Inflation	12-23
[12.39]	b. Compound Inflation.....	12-23
[12.40]	c. Cost-of-Living Increase.....	12-24
[12.41]	5. Waiver of Premium	12-25
[12.42]	6. Bed Reservation	12-25
[12.43]	7. Restoration of Benefits	12-25
[12.44]	8. Additional Features of Home Health Care Coverage.....	12-25
[12.45]	9. Methods of Premium Payment.....	12-26
[12.46]	F. Prohibited Contract Provisions.....	12-26
[12.47]	1. Prior Hospitalization	12-26
[12.48]	2. Acute Condition	12-26
[12.49]	3. Nursing or Therapeutic Services	12-27

[12.50]	4. Registered Nurses or Licensed Practical Nurses.....	12-27
[12.51]	5. Nurse- or Therapist-Provided Services	12-27
[12.52]	6. Medicare-Certified Agencies	12-27
[12.53]	7. Alzheimer’s Disease or Demonstrable Organic Brain Disease.....	12-27
[12.54]	G. Policy Exclusions	12-27
[12.55]	H. Appeals Procedures	12-28
[12.56]	IV. New York State Partnership Policy.....	12-28
[12.57]	A. Basic Requirements.....	12-29
[12.58]	1. Type and Length of Coverage.....	12-30
[12.59]	2. Minimum Daily Benefit	12-33
[12.60]	3. Replacement and Policy Conversion	12-33
[12.61]	4. Appeals Procedure	12-34
[12.62]	5. Correlation With National Program	12-34
[12.63]	B. Advantages of Partnership Long-Term Care Insurance	12-35
[12.64]	C. Concerns Regarding Partnership Long-Term Care Insurance.....	12-35
[12.65]	1. Cost	12-35
[12.66]	2. Limited Benefits.....	12-36
[12.67]	a. Nursing Home Care	12-36
[12.68]	b. Home Care	12-37
[12.69]	3. Potential Lack of Portability Regarding Medicaid Extended Coverage	12-37
[12.70]	4. Contribution of Income	12-38
[12.71]	5. Reliance on Future Medicaid Benefits	12-39
[12.72]	V. Tax Treatment of Qualified Long-Term Care Insurance	12-39
[12.73]	A. Federal Requirements for Tax Benefits	12-39
[12.74]	1. Qualified Long-Term Care Insurance Contract.....	12-40
[12.75]	2. Qualified Long-Term Care Services	12-40
[12.76]	3. Accident and Health Policy.....	12-41
[12.77]	B. New York State Income Tax Credit.....	12-41
[12.78]	VI. Counseling for Long-Term Care Insurance	12-41
[12.79]	A. Identifying the Need for Long-Term Care Planning.....	12-41
[12.80]	B. Client Data	12-42
[12.81]	C. Long-Term Care Insurance Policy Types and Coverage	12-43

[12.82]	D. Benefits of Starting Early and the Cost of Waiting	12-44
[12.83]	E. Policy Costs.....	12-45
[12.84]	F. Underwriting Guidelines	12-47
[12.85]	G. Long-Term Care Carriers	12-47
[12.86]	H. Consumer Information	12-48
	Appendix A	12-49
	Appendix B	12-65

Chapter 13 Practice Development and Ethical Issues

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[13.0]	I. Introduction	13-3
[13.1]	II. The Nature of a Trusts and Estates Practice.....	13-3
[13.2]	A. Planning.....	13-3
[13.3]	B. Probate and Estate and Trust Administration.....	13-5
[13.4]	C. Estate and Trust-Related Litigation.....	13-6
[13.5]	III. Establishing a Viable and Profitable Trusts and Estates Practice.....	13-7
[13.6]	A. Establishing a Presence in the Community and Attracting Clients	13-7
[13.7]	1. Publications and Websites.....	13-7
[13.8]	2. Lectures	13-8
[13.9]	3. Networking.....	13-9
[13.10]	B. Forming a Trusts and Estates Department or Group and Establishing It as a Presence Within the Firm	13-10
[13.11]	C. Sustaining the Trusts and Estates Practice	13-11
[13.12]	1. Creating an Efficient and Profitable Practice	13-11
[13.13]	2. Planning for the Future.....	13-13
[13.14]	3. Developing and Nurturing a Network for Referrals	13-13
[13.15]	IV. Ethical Considerations and Concerns.....	13-14
[13.16]	A. The Attorney-Drafter Receiving a Bequest or Being Appointed a Fiduciary	13-14
[13.17]	B. Safekeeping of Original Wills.....	13-16
[13.18]	C. Guidelines for Setting Reasonable Fees.....	13-17
[13.19]	D. Representation of Couples and Family Members.....	13-17
[13.20]	V. Conclusion.....	13-19
	Appendix A Disclosure Concerning Attorney/Executor	13-21

Appendix B	Disclosure Concerning Attorney/Executor-Trustee.....	13-23
Appendix C	Sample Estate Planning Engagement Letter Involving Dual Representation	13-25
Appendix D	Sample Estate Administration Engagement Letter Involving Dual Representation	13-31

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Michael Amoruso concentrates his practice on Elder Law, Asset Preservation, Estate Planning, Estate Administration and Guardianship. He is Past

ESTATE PLANNING AND WILL DRAFTING, 2015 REVISION

Chair of the New York State Bar Association (NYSBA) Elder Law Section, a member of the Executive Committee and former Chair of the Legislation Committee and the Estate & Tax Planning Committee. For 2011–2015, he received an AV Preeminent Peer Review Rating by Martindale-Hubbell—the highest possible rating for both legal ability and ethical standards.

Mr. Amoruso was chosen as a 2010–2014 New York Metro Super Lawyer for Elder Law and as one of the Top 25 Westchester Super Lawyers among all practice areas. He was also included in the 2014 Best Lawyers in America for Elder Law. He was also the 2010 recipient of the prestigious NYSBA Elder Law Section Award as a principal drafter of NYSBA’s significant amendments to the 2009 Power-of-Attorney statute, and the 2007 recipient of the NYSBA Elder Law Section Award for his work as a principal drafter of the New York State Compact for Long Term Care—a bill that offers an alternative to Medicaid coverage for long-term care services.

Mr. Amoruso is an officer and member of the Board of Directors of the National Academy of Elder Law Attorneys (NAELA) and is Chair of NAELA’s Public Policy Steering Committee. He also served as President of the New York Chapter of NAELA. Mr. Amoruso is the recipient of the 2013 NAELA President’s Recognition Award and the 2010 NAELA Outstanding New York Chapter Member Award. Locally, Mr. Amoruso was a member of the Westchester County Bar Association (WCBA) Board of Directors, and Chair of the WCBA Elder Law Committee, and President of the Columbian Lawyers Association of Westchester County.

Mr. Amoruso is a nationally published author and frequent lecturer on cutting-edge estate planning, elder law and special needs topics and hosts the weekly “Elder Care on the Air” radio show on WFAS AM. He is a frequent source of quotes and opinions for the local and national press.

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CONTRIBUTOR BIOGRAPHIES

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Aaron Connor currently concentrates in the areas of guardianship, will/trust contests and estate litigation. Mr. Connor also practices in the areas of estate planning and administration. He is admitted to practice in the

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Mr. Connor received his Bachelor of Arts Degree from the University at Albany and his Juris Doctorate from Albany Law School. After law school, Mr. Connor worked at a prominent local law firm where he assisted in the representation of clients in several high profile legal matters. He joined the Pierro Law Group in 2012.

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Willard H. DaSilva, senior member of DaSilva & McEvily LLP and a veteran matrimonial law practitioner in New City, New York, is one of fewer than 100 attorneys in the United States honored as a Diplomat of the American College of Family Trial Lawyers. He is among the top 1% of attorneys in the United States recognized as a Preeminent Attorney with an AV rating in the *Martindale-Hubbell Law Directory*. His biography appears in *Who's Who in America*, and he is currently listed in *New York Magazine* as one of "The New York Area's Best Lawyers," in *The New York Times*' "Super Lawyers" and for more than 25 years has been listed in *The Best Lawyers in America*.

He is a past president of the American Academy of Matrimonial Lawyers, New York Chapter, and is executive editor of the ABA *Family Advocate* magazine and editor emeritus of the *New York State Bar Journal*; chairman of the board of editors of the nationally published *The Matrimonial Strategist*; and author of *New York Matrimonial Practice, 2d Edition*, published by The West Group. He is a former council member of the ABA Section of Family Law; is a Master and past president of the New York Family Law American Inn of Court; past chair of NYSBA's General Practice Section; and is a member of NYSBA's Committee on Continuing Legal Education. His lecturing schedule to judges and lawyers includes seminars sponsored by bar associations and civic organizations throughout the United States, Canada and Europe.

Mr. DaSilva, a *magna cum laude* graduate of New York University and member of Phi Beta Kappa, received his law degree at Columbia University Law School. He is a widely quoted commentator in *The New York Times*,

CONTRIBUTOR BIOGRAPHIES

Newsday, USA Today, Newsweek, U.S. News & World Report and the *New York Law Journal*, which has referred to him as the “Dean of Matrimonial Lawyers.” He has appeared on both network and syndicated television programs such as the *Today Show*, Regis Philbin’s show and NBC Network News, and on radio programs throughout the United States, among other news media.

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Karin Sloan DeLaney is the founding member of Sloan DeLaney, P.C., located in Baldwinsville, New York, where she practices trusts and estates law and elder law. She received her B.A. at the State University of New York at Albany, her J.D. at Western New England College School of Law and her LL.M. in Taxation from Syracuse University College of Law. She is a member of the Central New York Estate Planning Council, the Onondaga County Bar Association and the New York State Bar Association and is a past president of the Central New York Women’s Bar Association. She serves on the board of directors and the Governance Committee of Home Care of Central New York, Inc. and VNA Homecare, Inc., and is a member of the Advisory Board of Maureen’s Hope Foundation. Ms. DeLaney is also a frequent lecturer and author on estate planning and elder law topics.

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Philip Di Giorgio is a partner at the Pierro Law Group LLC and concentrates his practice in the areas of estate planning, estate and trust administration, and estate and gift taxation. Mr. Di Giorgio is a member of NYSBA’s Trusts and Estates Section and previously served as vice chair of its Estate Planning Committee. Mr. Di Giorgio also helped to establish the Albany County Bar Trusts, Estates and Elder Law Committee, for which he served as co-chair from 2002 to 2003. He is a graduate of the Albany Law School of Union University, and received his B.A. from State University of New York at Albany. Mr. Di Giorgio frequently writes and lectures on estate and trust administration and estate and gift taxation.

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William Dunlop is counsel to Schnader, Harrison, Segal & Lewis LLP. Prior to joining that firm, he was a partner in Shea & Gould and Jackson & Nash, LLP. Mr. Dunlop received his undergraduate degree from St. John’s University and his law degrees from St. John’s and New York University Schools of Law. Mr. Dunlop is or has been an adjunct assistant professor and lecturer at the New York University School of Continuing

Education and a lecturer at the New York University Institute on Federal Taxation, and the Practising Law Institute. He is acting as a mentor for the New York Law School Wills Clinic. Mr. Dunlop co-authored course material texts titled “Federal Estate and Gift Taxation” and “Preparation of the Federal Estate Tax Return,” used by the New York University Institute on Federal Taxation and the New York State and New York County Bar Associations. A member of the American Bar Association’s and NYSBA’s Tax, Trusts and Estates, and Elder Law Sections, Mr. Dunlop lectures frequently on estate administration, estate and gift tax, generation-skipping transfer tax and estate planning. He has been selected to Super Lawyers, New York Metro edition.

RALPH M. ENGEL, ESQ.

Ralph M. Engel heads the New York Trusts, Estates and Wealth Preservation Group at the international law firm of Dentons. Prior to joining the firm, he was chairman of the Trusts and Estates Department at Rosen & Reade LLP, and prior thereto, he ran the Trusts and Estates Department at Summit Rovins & Feldsman. Mr. Engel received both his undergraduate and law degrees from New York University. He was consultant on *The New York Times Book of Personal Finance* and *The Lifetime Book of Money Management*, and has authored numerous articles on estate planning, which have appeared in various publications, including the *New York Law Journal*, *Trusts & Estates*, *The CPA Journal* and *Estate Planning*. A Fellow of the American College of Trust and Estate Counsel, Mr. Engel was chairman of the Trusts and Estates Committee of Lex Mundi, a worldwide association of leading law firms, and vice chairman of the Committee on Practice and Ethics of NYSBA’s Trusts and Estates Law Section. He is a former director of the Estate Planning Council of Westchester County. Mr. Engel is also a frequent speaker on topics relating to estate planning and administration.

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Douglas Evans is special counsel to the New York City firm of Sullivan & Cromwell, where his practice centers on trusts and estates law. He earned his J.D. from Cornell Law School and is admitted to practice in New York and New Jersey. A member of NYSBA’s Trusts and Estates Law Section, Mr. Evans is a former chair of that section’s Committee on Continuing Legal Education. He is also on that section’s Committee on Estate Litigation and Committee on Trust and Estate Administration. He is a member of the New York City Bar Association and has served on its Estate and Gift Tax Committee, Charitable Organizations Committee and Surrogate Courts Committee. In addition, Mr. Evans is a member of the American

CONTRIBUTOR BIOGRAPHIES

Bar Association, the New York County Lawyers Association and the New Jersey State Bar Association, and is a Fellow of the American College of Trusts and Estates Counsel. He is a frequent writer and lecturer on topics relating to trusts and estates law and is editor-in-chief and co-author of the NYSBA handbook *Probate and Administration of New York Estates*.

MAGDALEN GAYNOR, ESQ.

Magdalen Gaynor's practice is in the area of Trusts and Estates and she maintains offices in White Plains and Manhattan. She is a graduate of Fordham University School of Law, New York, and Simmons College, Boston, Massachusetts. She is a member of the Executive Committee of the New York State Bar Association's Trusts and Estates Law Section and has served as chair and co-chair on several of its committees, edited the Section's quarterly newsletter for four years and presently is the Treasurer of the Section. She is a Fellow of the American College of Trust and Estate Counsel. She is a former Chair of the Trusts and Estates Committee of the Westchester County Bar Association. She has lectured extensively in the area of Trusts and Estates and participated in many of the programs sponsored by the New York State and Westchester County Bar Associations.

CHRISTOPHER M. KLUG, ESQ.

Christopher Klug focuses his practice in the areas of Estate Planning, Business/Corporate Law, Business Succession Planning, Tax Planning, Charitable Planning, and Estate and Gift Taxation. He works closely with business owners to plan for the succession of their businesses to ensure an orderly and smooth transition, including analysis of the tax implications of the succession plan and to coordinate the planning with the owners overall estate planning objectives. Mr. Klug is admitted to practice law in New York, Michigan, Illinois, and the District of Columbia.

Mr. Klug served as an Adjunct Professor of Advanced Tax Accounting at Siena College in Loudonville, NY, where he taught the *Principles of Corporate and Partnership Taxation* in the Masters in Accounting Program and at the Undergraduate level.

Mr. Klug is a member of the Albany County Bar Association, New York State Bar Association and American Bar Association. Within the New York State Bar Association, he is a member of the Business Law, Elder Law, Real Property, Tax, Trust and Estates, and Young Lawyers Sections. Mr. Klug currently serves on the Board of Directors of the Albany Community Action Partnership and is a member of the Finance Committee. Mr. Klug serves on the Board of Directors of the Hudson

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Mr. Klug received his Bachelor of Arts from Michigan State University and his Juris Doctorate from its College of Law with a concentration in Corporate Law. After law school, he worked for a Michigan law firm that practiced in the areas of Business/Corporate Law, Debtor/Creditor Law, Estate Planning, and Taxation before attending Georgetown University Law Center where he received a Master of Laws in Taxation with a Certificate in Estate Planning. While at Georgetown, Mr. Klug received a Pro Bono Pledge Certificate for his volunteer work helping low income individuals or families on tax issues. Mr. Klug joined the Pierro Law Group in 2009. He currently resides in Washington, D.C. and continues to serve in an Of Counsel capacity to the Pierro Law Group.

HOWARD S. KROOKS, J.D., CELA, CAP

Howard S. Krooks, a partner of Elder Law Associates PA with offices throughout Southeast Florida, is admitted to practice law in New York (1990) and Florida (2004). Mr. Krooks is Of Counsel to Amoruso & Amoruso, LLP, in Rye Brook, New York.

Mr. Krooks splits his time between New York and Florida, where his professional practice is devoted to elder law and trusts and estates matters, including representing seniors and persons with special needs and their families in connection with asset preservation planning, supplemental needs trusts, Medicaid, Medicare, planning for disability, guardianship, wills, trusts and health care planning with advance directives.

Mr. Krooks is certified as an Elder Law Attorney by the National Elder Law Foundation and is currently serving as Immediate Past President of the National Academy of Elder Law Attorneys (NAELA). He is a Past Chair of the Elder Law Section of the New York State Bar Association (NYSBA). He was selected as a Florida Super Lawyer and a New York Super Lawyer every year since 2007. He was also named a Top 25 Westchester County Attorney (*New York Times* – Sept. 2012, 2013). Mr. Krooks has a 10.0 (Excellent) rating from Avvo and is AV Preeminent® rated by Martindale-Hubbell.

CONTRIBUTOR BIOGRAPHIES

Mr. Krooks received the 2006 Outstanding Achievement Award from the NY Chapter of NAELA for serving as Co-Chair of a Special Committee on Medicaid Legislation formed by the NYSBA Elder Law Section to oppose New York Governor George Pataki's budget bills containing numerous restrictive Medicaid eligibility provisions that, if enacted, would severely impact the frail elderly and disabled populations. He was also recognized for serving as Co-Chair of the NYSBA Elder Law Section Compact Working Group, which received national attention for developing alternative methods of financing long-term care. Additionally, Mr. Krooks served as Chair of a Special Committee created by the NYSBA Elder Law Section to address the Statewide Commission on Fiduciary Appointments formed by Chief Judge Judith Kaye.

Mr. Krooks co-authored the chapter, "Creative Advocacy in Guardianship Settings: Medicaid and Estate Planning Including Transfer of Assets, Supplemental Needs Trusts and Protection of Disabled Family Members" in *Guardianship Practice in New York State*, published by NYSBA. He is widely published on many elder law topics. A former Adjunct Assistant Professor at New York University's School of Continuing and Professional Studies, Mr. Krooks taught a course on Asset Protection Planning. He has also served as an instructor for the NY Certified Guardian & Court Evaluator Training program.

Mr. Krooks is a Founding Principal of ElderCounsel LLC, the premier elder law and special needs planning document drafting solution for attorneys.

As a frequent lecturer, Mr. Krooks has addressed many organizations including NAELA, Stetson Special Needs Conference, ALI-ABA, ElderCounsel, WealthCounsel, the National Guardianship Association, the Florida Bar Association, the Academy of Florida Elder Law Attorneys, the NYSBA, the North Carolina Bar Association, the Association of the Bar of the City of New York, UJA Federation, the Brooklyn Bar Association, the Queens County Bar Association, Berkeley College, the United Federation of Teachers and the New York State United Teachers, among others. Mr. Krooks has been quoted in *The Wall Street Journal*, *The New York Times*, *Kiplinger's*, *USA Today*, *The New York Post*, *Newsday*, *The Journal News* and the *Boca Raton News*. He has appeared on PBS, the CBS Early Morning Show and elder law focused local cable television programs.

ROBERT P. MASCALI, ESQ.

Robert Mascali has over 35 years of experience and concentrates in the areas of Special Needs Planning for persons with disabilities, Long-Term Care Planning, and Estate Planning. Before joining the Pierro Law Group in 2012, Mr. Mascali served as the Associate General Counsel at NYS-ARC, INC. and as Counsel to NYSARC Trust Services which operates a nationally renowned special needs trust program, including one of the largest pooled trusts in the nation. Prior to that position, Mr. Mascali was appointed and served as Deputy Counsel and Managing Attorney for the New York State Office of Mental Retardation and Developmental Disabilities (now the Office for People with Developmental Disabilities) and was primarily responsible for providing legal advice to senior state officials on guardianship matters and special needs trusts.

Mr. Mascali is a member of the New York State Bar Association and its Elder Law and Trusts and Estates sections. He serves on the Executive Committee and is Co-Chair of the Special Needs Planning Committee of the Elder Law Section. In 2013, Mr. Mascali was elected as the Third District Representative for the Elder Law Section to the NYSBA House of Delegates. He is a member of the National Academy of Elder Law Attorneys (NAELA), a member of the Board of Directors of the New York Chapter and currently serves as Secretary. Prior to his governmental service, Mr. Mascali was a founding partner of Cohen, Jason and Mascali in Scarsdale, New York and was engaged for over 20 years in private practice in metropolitan New York concentrating on real property and estate and trust matters.

Mr. Mascali currently serves on the Board of Directors of Northern Rivers Family Services, Inc., which provides services and supports to vulnerable children and their families in upstate New York, and is a member of the Executive Committee and chair of its Audit and Compliance Committee. He is a graduate of St. John's University (1973) and its law school (1976).

Mr. Mascali has lectured at a number of NYSBA and NAELA sessions dealing with planning issues for the elderly and for individuals with special needs and their families and care givers and has authored and co-authored a number of articles on these and related issues.

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Jonathan McSherry is an associate attorney and certified public accountant at DeLaney & O'Connor, LLP, in Syracuse, New York, where he

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Susan Porter is an active member of the American Bar Association's Real Property, Probate and Trust Law Section, where she serves as a member of Council, the National Conference of Lawyers and Corporate Fiduciaries Committee, and is Co-Vice Chair of Groups and Substantive Committees. She is also a member of BNA's Estate, Gifts & Trusts Advisory Board, the Surrogate's Court Committee of the Association of the Bar of the City of New York, the Estate and Trust Administration Committee of the New York State Bar Association, the Estate Planning Council of New York City and the New York, Florida and Wisconsin State Bar Associations.

Ms. Porter is a visiting adjunct professor at the University of Miami School of Law Graduate LL.M. Program in Estate Planning and a member of the Advisory Committee of the Philip E. Heckerling Institute on Estate Planning. Additionally, she is a lecturer on discretionary trusts for the American Bankers Association's National Graduate Trust School. She frequently lectures about estate planning and administration and fiduciary law for professional and civic groups.

ESTATE PLANNING AND WILL DRAFTING, 2015 REVISION

Ms. Porter has been elected a Fellow of the New York Bar Foundation, a life member of the Fellows of the American Bar Association, a member of the Academy of Women Achievers of the YWCA of the City of New York, a Distinguished Accredited Estate Planner by the National Association of Estate Planners and Councils, and was the 2005 honoree of the Trusts & Estates Group of the Lawyer's Division of the UJA-Federation of New York.

Community-minded, Ms. Porter is chairman and director of the People's Symphony Concerts, a member of Weill Cornell College Dean's Council, a member of The Metropolitan Museum of Art Professional Advisory Council, past chair of the Bankers and Lawyers Advisory Committee of the New York Philharmonic, and served for 15 years as a member of the board of directors of the YMCA of Greater New York and for four years on the Board of Directors of the Alumnae/i Association of Vassar College.

Ms. Porter has been quoted in the following media publications: *The Wall Street Journal*; *Fortune*; *Investor's Business Daily*; *Business Week*; and *Crain's New York Business*. She also appeared on *Lawline*, a nationally syndicated cable-TV talk show.

Ms. Porter received her A.B. from Vassar College, her J.D. from the University of Wisconsin Law School and her LL.M. from New York University Law School. She is a Certified Trust and Financial Advisor (CTFA) and an Accredited Estate Planner (Distinguished).[®]

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James Seeley is a member of Bond, Schoeneck & King, PLLC, in Syracuse, New York, where he has practiced trust and estate law for more than 32 years. He is the past head of the firm's Trust and Estate Department. Mr. Seeley's practice includes all aspects of estate planning: estate and gift tax analysis and planning; trust, will and related document drafting;

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planning to assist disabled individuals and beneficiaries to manage their assets and persons; and general business and tax planning for owners of closely held businesses. Mr. Seeley also has extensive experience administering trusts and estates and representing aggrieved beneficiaries in litigation against fiduciaries. He serves as general counsel to several large family offices. Mr. Seeley is a frequent contributor to the New York State and Onondaga County Bar Associations' continuing legal education programs as a speaker and outline author, and a contributing editor to a NYSBA publication on estate planning and will drafting. In addition, he regularly addresses lay audiences on estate planning, pre-retirement issues and planned giving.

Mr. Seeley is a past director of the board of the MOST Foundation, where he chaired its planned giving committee, and is a past president of the board of the Alzheimer's Association of Central New York, where he continues as a member of its Nominating Committee. He received his B.S. from Cornell University and his J.D., *cum laude*, from Cornell Law School. Mr. Seeley is a Fellow of the American College of Trust and Estate Counsel.

