



# BRUMBAUGH ELDER LAW REPORT

News and Helpful Information for Seniors and Those Who Love Them

April 2019

Volume 19

**REGISTER TODAY!**

## Probate & Trust Administration

by: Kris Andrews, *Brumbaugh Law Firm Legal Assistant*

**Do you have Your Ducks in a Row?**  
You're invited to one of our FREE Seminars. Come learn about Estate Planning, Asset Protection, Medicaid and VA.

**April 16, 2019**  
2PM & 6PM  
Quality Inn & Suites  
Royal Palm Room  
1935 Cleveland Road  
Sandusky

**May 7, 2019**  
2PM & 6PM  
Ida Rupp Library  
310 Madison Street  
Port Clinton

**June 4, 2019**  
2PM & 6PM  
Holiday Inn  
The Solutions Room  
1515 Cedar Point Drive  
Sandusky



To RSVP for a seminar, or to schedule a consultation, you can contact us at: 419.626.0684 or Email team@brumbaughelderlaw.com

For more helpful information, visit our website BrumbaughElderlaw.com or follow us on Facebook at www.facebook.com/BrumbaughElderLaw/

Whenever someone passes away, it is difficult. Whether it is suddenly or whether the person was sick for some time. It can either pull families together or tear them apart. Each person grieves in their own way. The one constant factor, however, are the questions concerning wrapping up the loved one's affairs. Families ask "What are we supposed to do next?", "Where do we start?", "Does a probate case have to be opened?" These questions generally arise regardless of whether the person passing died without a Will, only had a Will, or had a Trust.

Initially, family members have to start by figuring out what the person owned as far as assets. If the person that passed was organized, this might be an easy process. However, it might be the sort of situation where none of the family members knew anything about the person's finances, or there may be boxes and boxes of papers to go through. On top of that, family members need to find the original Will or Trust.

Once the assets have been sorted and the original Will or Trust are found, now what? Families have to determine if an asset needs to go through the Will, or in other words, needs to be probated. Or can the asset go through a claim process

because a beneficiary has been named? If there is a Trust, does the Trust own the asset or was the asset left to the Trust because the Trust was named as a beneficiary?

If assets need to go through the probate process, there are different types of probate depending on the value of the probate estate and who the primary beneficiaries are under the Will. Under the right circumstances, probates can be as simple as a person recovering the cost that they paid for a funeral from probate assets, or as complicated as a full administration that can last for a minimum of 6 months or until the probate is concluded. And for each type of probate, there are different probate forms that must be completed, proper documentation attached, and deadlines that must be adhered to. In addition, whoever is appointed the Executor or Executrix has certain fiduciary duties that they must follow such as making sure personal and estate tax returns are filed, proper management and preservation of estate assets, payment of estate bills, notice to the beneficiaries, etc. For the lay person, navigating the probate system can be extremely tricky.

*Continued on page 2*

*Brumbaugh Elderlaw Report* is written to inform and entertain our clients, referral sources and friends. This is not legal advice. If you need help for your specific situation you should call The Law Office of Michael Brumbaugh at 419.626.0684. © 2018 by The Elder Law Firm.



When there is a Trust involved, regardless of whether it is a revocable or irrevocable trust, there is no court oversight. Instead, it is up to the Trustee to “wrap up the Trust” or “administer the Trust.” And in administering the trust, like an Executor, the Trustee is also bound by fiduciary duties. For instance, the Trustee must provide a copy of the Trust to the beneficiaries, preserve trust assets, file personal and trust tax returns, follow the terms and conditions of trust distributions, etc. Trust administration can be a simple process or can be extremely complicated depending on the complexity of the trust distribution clauses.

Regardless of whether you are the executor or trustee of a person’s estate or trust, you are expected to follow your fiduciary duties. Failure to do so can lead to contempt of court, fines and potentially personal liability. Therefore, it is wise to seek out legal counsel for assistance.

With that in mind, the Law Office of Michael L. Brumbaugh understands that it can be difficult when you lose a loved one. When a person has the added responsibility of wrapping up the deceased person’s affairs, while they are grieving, it can become overwhelming. If you need assistance with determining if a probate case needs to be opened or administering a trust, our office can assist you. Please call to schedule an appointment.

## April is Parkinson's Awareness Month

It’s estimated that 60,000 Americans are diagnosed with Parkinson’s disease (PD) each year and one million Americans are currently living with this neurodegenerative disease. Commonly known for its movement or motor-related symptoms, people with PD are often more impacted by non-motor symptoms like apathy, depression, sleep behavior disorders, loss of sense of smell and cognitive impairment.

If you or someone you know is living with PD, you are not alone. Call this toll-free Helpline, 1-800-4PD-INFO, or visit [Parkinson.org](http://Parkinson.org). Together, we can make life better for people with Parkinson’s disease by improving care and advancing research toward a cure.

Awareness is our #KeyToPD



Nearly one million people  
will be living with  
Parkinson's disease in  
the U.S. by 2020.



[Parkinson.org/Awareness](http://Parkinson.org/Awareness)

## Photos from Our March Workshop in Norwalk



Each month we host a FREE workshop to teach about Estate Planning, Asset Protection, Medicaid and VA. On April 16th we will be in Sandusky at the Quality Inn and Suites.

RSVP instructions are on page 1 of this newsletter. Come join us!



The National Alliance of Attorneys for Alzheimer's (N3AP) Announces Michael & Pamela Brumbaugh as part of Steering Committee Members



Orlando, FL – March 20, 2019

The National Alliance of Attorneys for Alzheimer's Planning (N3AP) has announced its Steering Committee Members through August 2020. The organization was very selective in its decision. These attorneys from across the nation have shown a true commitment to bringing awareness to Alzheimer's and dementia, and to keeping the community apprised of the latest developments with the disease and the unique estate planning challenges the disease presents. N3AP is comprised of Founder, Julianne E. Steinbacher, and Steering Committee Members: Daniel Bedard, Michael Brumbaugh, Pamela Brumbaugh, Janis Carney, Randy Clinkscales, William Hammond, Timothy Jarvis, Tiffany O'Connell, and Hope Spangler.

The organization held its inaugural Winter Conference on February 1 and 2, at the Disney Yacht Club in Orlando, FL. Founder, Julieanne E. Steinbacher, and her Steering Committee members presented and took part in multiple panels.

Among the presenters included Michael & Pamela Brumbaugh of the Brumbaugh Estate Planning, Elder Law and Wealth Protection Law Firm, Sandusky, Ohio. They spoke on "Meeting the Legal Needs of the Alzheimer Client". Michael's knowledge comes from more than a dozen years of elder law practice and more than 20 years of estate planning practice. Pam, a social worker, has spent much of her career working with people in crisis and connecting those families with the services and

resources available in the community to assist them. For more information about Brumbaugh Law Firm, please visit [www.brumbaughelderlaw.com](http://www.brumbaughelderlaw.com).



Pamela Brumbaugh, Michael Brumbaugh, Janis Carney, Julie Steinbacher

APRIL  
BLOOM  
BUD  
BUTTERFLY  
FLOWERS  
GARDEN  
GROW

MAY  
PLANTS  
RAIN  
SEEDS  
SOIL  
SPROUT  
SUNSHINE



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# BRUMBAUGH ELDER LAW REPORT

News and Helpful Information for Seniors and Those Who Love Them

## YOUR QUESTIONS ANSWERED BY MICHAEL BRUMBAUGH

**We received a question!** *"How much preparation is required on my part to create an estate plan?"*

**Your answer:** Estate plans are the map of how we achieve a clients goals. The goal may be to have the proper documents in place and little or no concern about avoiding probate. Or, a person may want to avoid probate. Or a person may want to take it further and make sure that assets are also protected from long term care costs. Regardless of the goal, preparation for estate planning requires careful consideration as to who should be in charge of medical and financial decisions and how assets are to be distributed upon passing.

Submit your question to [team@brumbaughelderlaw.com](mailto:team@brumbaughelderlaw.com).

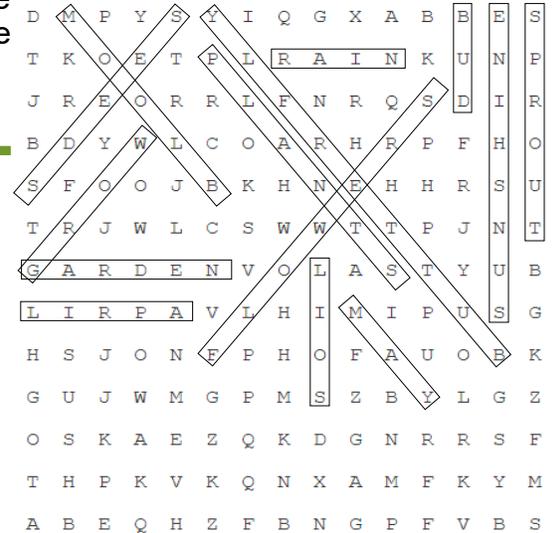
### We Appreciate Your Referrals

*For our happy clients and family members, please consider telling your friends and other family members about us. If you know anyone in the nursing home and they are still private pay, please let them know we can still help protect their assets.*

*Many thanks to our valued clients & friends who refer their own family, friends, patients and associates to us.*

*A special thank you to Tarina Sidoti. We work hard to justify your confidence!*

### PUZZLE SOLUTION



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BRUMBAUGH  
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