



## Estate and Trusts Services

### Estate Planning services include:

- Analyzing potential estate, gift, generation-skipping, and income taxes
- Determining liquidity needs to provide for family and pay taxes
- Analyzing whether to restructure ownership of various assets to save taxes, provide for optimal allocation of business interests among family members, reduce potential probate administration expenses, or limit exposure to future liability
- Analyzing the feasibility and tax consequences of gift programs
- Reviewing pension plans, profit sharing plans, IRAs, or other retirement plans or deferred benefits
- Coordinating estate plans with the beneficiary designations of life insurance, retirement plans, or deferred benefits
- Determining the preferred ownership entity for client's business during client's lifetime
- Developing a plan to continue or sell client's business after client's death by means such as corporate redemptions, cross purchase agreements, ESOPs, or corporate or partnership reorganizations
- Planning for any special family needs (e.g., a disabled child's care, a second marriage or pending divorce, or passing a family business to some, but not all, children)
- Analyzing charitable gift programs
- Helping clients determine who should act as personal representative, trustee, or guardian, and implementing various aspects of the estate plan
- Collaborating with client to develop an estate plan that meets client objectives
- Preparing wills, trusts, powers of attorney, living wills, irrevocable trusts, health care directives, and other documents needed to implement the plan

### Estate and Trust Administration

In connection with the administration of estates and ancillary estates, we represent the interests of the estate or beneficiary in contests or disputes; advise family members, beneficiaries, and fiduciaries regarding their rights and obligations; ensure preservation of the property of the estate or trust; and help marshal, preserve, and value all assets. We administer both testamentary trusts and trusts under specific trust agreements. Our attorneys may also prepare any necessary tax returns for the trusts and any probate accounts.

### *Estate and Trust Administration services include:*

- Preparing all probate court filings and handling all probate court proceedings for testate or intestate estates
- Post mortem tax and other planning
- Preparing and settling fiduciary accounts

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## *Estate and Trusts Services*

- Analyzing tax reduction steps, accomplishing other objectives (e.g., with disclaimers), and otherwise coordinating the tax and business planning for the estate with the family's tax and business planning
- Preparing federal estate tax returns (or working closely with the accountant, corporate fiduciary, or other preparer)
- Analyzing issues concerning valuation of assets
- Handling any IRS tax audit, and negotiating any proposed tax deficiency
- Filing Tax Court petitions, or conducting further litigation if agreement cannot be reached with IRS
- Preparing decedent's final income tax return, and any income tax returns for the estate (or working with other tax preparer as described above)
- Handling any audits of the returns
- Dealing with all aspects of any business that may be an asset of the estate, including negotiating buy-sell agreements and handling real estate, corporate, tax and related issues
- Arranging to distribute assets or establish trusts in accordance with the estate plan

### **Trust, Estate, and Guardianship Litigation**

We bring a multi-disciplinary approach to trust, estate, and guardianship matters, which can involve a broad range of topics and practice areas. Our team includes attorneys who specialize in, for example, bankruptcy, real estate, corporate, tax, and employment, allowing us to provide complete representation for even the

most unusual or complex set of circumstances. Our trust, estate, and guardianship litigation practice handles both large, complicated cases and smaller matters, including:

- Contested wills and trusts
- Disputes over construction of wills or trust agreements
- Modification or reformation proceedings
- Creditors' matters
- Disputes stemming from the administration of an estate or trust that may include elective share proceedings, and estate and trust accountings
- Homestead proceedings
- Compensation disputes
- Fiduciary removal
- Surcharge claims

### *Trust, Estate, and Guardianship Litigation services include:*

- Pre-litigation fact review, including accountings, advice, and strategic plan
- Pleadings preparation
- Pre-trial document discovery and depositions
- Ongoing strategic and tactical planning
- Mediation and other alternative dispute resolution methods



## Estate and Trusts Services

- Motion preparation and argument
- Trials or hearings
- Appeals
- Trust and estate administration
- Counseling on requirements to maintain exempt status
- Representing the organization as a beneficiary of an estate or trust
- Representing the interests of the organization on a continuing basis

We offer individuals and corporate fiduciaries legal and tax advice on both the death of an individual and throughout an estate or trust administration. Our services encompass both state probate proceedings and federal estate taxation. We help fiduciary clients avoid problems, and complete their responsibilities in the most tax efficient and economical manner while fulfilling the terms of the governing document.

### **Charitable Giving**

We represent donors and donees regarding charitable giving. For potential donors, we analyze the tax and non-tax aspects of various alternatives to determine the best giving plan. We prepare all documents to effectuate the gift, whether it is an outright charitable bequest or a more complicated gift such as a charitable remainder annuity trust, a charitable lead trust, or a private foundation.

*Our services for charities and other public and private tax exempt organizations include:*

- Preparation and filing of organizational documents
- Securing exemption determinations from the IRS
- Filing appropriate state registrations and license applications
- Preparing tax returns and reports

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For more information, please contact:

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