ISSUE 14 AUTUMN 2020

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ESTATE PLANNING, ELDER LAW, AND SPECIAL NEEDS PLANNING Elville and Associates, P.C., Attorneys at Law

Client Education | Collaboration | Compassion

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ANNOUNCEMENTS

An Update Regarding Elville and Associates' 2020 Client Event

As a follow-up to our messages to you on October 6th and October 30th regarding our 2020 Client Event, we are pleased to present to you in this message the link to our 2020 Client Event On-Demand Video Presentations. Over the course of October, we were very busy partnering with local professionals and nationally renowned speakers to record presentations you will find engaging, enhance your knowledge and enrich your soul during these challenging times.

The link to the presentations listed below can be found here You can also paste the following address in your web browser: https://www.youtube.com/chan-nel/UCnsaRN6EsuKjReeDASwWaqQ?view_as=subscriber

You may watch as many of them as you wish, anytime you want, as many times as you would like and share the link with family and friends. We're also pleased to announce our popular door prizes, including gift baskets, tickets to local orchestras, and gift cards will be available again this year! Door prize winners will be chosen at the end of November after clients have had time to watch presentations and submit their feedback in a completed Client Event survey (to be shared at a future time), which will couple as your door prize ticket.

Our "Healthy Lifestyle" themed presentations include:

"COVID-19 and Mental Health" - Ms. Ellen Platt, Certified Aging Life Care Manager and President of The Option Group - eplatt@theoptiongroup.net, 410-667-0266

"Maintaining Hope and Health Through Purpose" – Dr. Michelle Fritsch, Board Certified Geriatric Doctor of Pharmacy and President of Retirement Wellness Strategies –michelle@retirewellness.com, 410-472-5078

"Food and Immunity" - Ms. Diana Siguichi, Registered and Licensed Dietitian Nutritionist and Owner of Nourish Family Nutrition - diana@nourishfamily.com, 240-232-6930

"The Work@Home Workout" – Mr. Daniel Silva, Fitness Training Supervisor – Columbia Association –daniel.silva@columbiaassociation.org

"General Legislative Update" – Mr. Stephen R. Elville, Managing Principal of Elville and Associates, P.C., and Mr. Gary Greenwald, Principal of The Law Offices of Gary Greenwald, P.C. –steve@elvilleassociates.com, 443–393–7696; gary@garygreenwaldlaw.com, 301–596–2960

We encourage you to reach out to our speakers with any questions or comments after viewing their presentations. They are readily available and will gladly speak to you if you contact them.

We are also pleased to announce our next Client Care Program Continuing Legal Education Event, to be held Saturday, December 5th at 10 a.m. This virtual event will be a combination end of year tax and planning update and trustee workshop.

As always, thank you for your continued relationship with Elville and Associates. Enjoy the presentations!

ANNOUNCEMENTS

AN URGENT MESSAGE FROM STEVE ELVILLE

Founder of the Elville Center for the Creative Arts, Inc.

The Elville Center is in urgent need of funds!! Since the beginning of the COVID-19 pandemic, school children of all ages have been disconnected from their normal music- and arts-related activities. Children and families already on the financial borderline are hardest hit by this cultural isolation. At the same time, many wonderful donors have contributed musical instruments of all kinds for refurbishment and distribution to children and school music programs. Right now, the Elville Center has an unprecedented number of musical instruments waiting to be refurbished and distributed we need your help to make that happen!! Furthermore,



the local orchestras and music programs that the Elville Center supports need our continuing help to further their important work, some of which involves providing cultural experiences

and music opportunities for children.

Because of this unprecedented situation and the urgent need to get scores of music instruments out to the children who need them, I am making a personal plea for funds - to our donors past and present, to friends of the Elville Center, to our friends, clients, and business partners of Elville and Associates, and to the corporate and business community through central Maryland, please consider an immediate donation of funds to the Elville Center. Whether you choose to make a charitable IRA contribution (up to \$100,000 under the current rules), a cash gift, a gift of stock, or other monetary donation, we need your help and say thank you in advance!!



Please contact me, Stephen R. Elville, at steve@elvilleassociates.com, or Executive Director Jeffrey Stauffer, at jeff@elvillecenter.org; call 443- 393-7696, and/or visit www.elvillecenter.org to donate directly.

We appreciate and value your support!!

Estate Planning Organization Stephen R. Elville J.D., LL.M., Managing Principal





Ok, it's time to "get real" as we used to say in the seventies. A wonderful financial advisor friend of mine, a Certified Financial Planner actually, once said to me over dinner, "Steve, you do a stellar job of educating clients and their families about estate planning, elder law, and special needs planning, but what

about organization?" The dinner had been going extremely well up to that point, and I had just reached for another shrimp cocktail when he dropped this verbal bomb. Unbeknownst to him, I temporarily froze, and my mind went blank like a computer screen that has just lost power. Feeling the need to keep my composure and continue impressing my friend with my knowledge and intellectual prowess, I quickly realized that I had no good answer. After stumbling around a bit, I mumbled something about estate planning binders. thumb drives, and rooms full of file cabinets. He smiled gently and calmly said something I will never forget: "What good is education without organization?" To this day, based on my experiences with thousands of clients, I believe he was absolutely right. Organization is one of the key elements of estate planning.

When the COVID-19 health disaster began, and continuing for many weeks thereafter, our government, and most individuals and families, were caught unprepared. Vital supplies, supply lines, contingency plans, services, and more were either in a state of shortage or non-existence, interrupted, disorganized, or understaffed. The negative results and effects of our national and individual unpreparedness need no explanation here - they were and are tragic and are known to everyone, never to be forgotten during our lifetimes and for decades and even centuries to come. A general lack of preparedness and organization likely caused the illness or death of many people, proving that our country and our citizens largely disbelieved that such a catastrophe could occur.

I believe that the cataclysmic COVID-19 pandemic is a metaphor for life and its relationship to estate

planning. If the health crisis disaster suggests anything to or about the social order, and if events over the past 100 years are indicative of anything, we must collectively realize that anything is possible and that our modern technology-driven society is not insulated from the effects of nature. We must accept that life represents a series of risks and mitigate those risks through preparedness and organization. In estate planning, preparedness means planning for life (incapacity planning with powers of attorney and advance medical directives) and planning for your legacy (death planning with wills or trusts), along with collaborative financial and tax planning with financial advisors and CPAs. This estate planning, financial planning, and tax planning should be coupled with ongoing lifetime continuing education to ensure that your planning ultimately works as you intend it to, and that it does not fail. But this comprehensive planning is not enough without intentional and purposeful organization. We could even go as far as saying that this organization must be extreme.



Along these lines, consider two scenarios - one during your lifetime, and one after your death. Let us talk about the lifetime example first, and let's assume you've already taken care of the preparedness aspect - you already have a will or trust, along with powers of attorney and advance medical directive, and you've worked with your collaborative team of advisors to ensure that all assets are properly aligned with your plan, and you've continued to

educate yourself and your fiduciaries about your planning and their responsibilities relating thereto. Now imagine that you've become disabled and cannot manage your own affairs. Where are your



financial powers of attorney and advance medical directive located? Where have you stored them? Do you know? Does your agent know where the original documents are? Can they access them? If you've utilized a safe deposit box arrangement, does your agent have access to that safe deposit box? If you've chosen to utilize a home safe or other similar arrangement, can the agent get access? Where are the keys, codes, or combinations kept? Are your documents stored digitally? If so, where are they and how can they be accessed? Have you authorized your agent(s) to manage your digital assets? Have you organized a digital asset spreadsheet? Do you have a digital archive, and if so, is your agent aware of this? How will your agents find your passwords? Have you provided a set of instructions for your agent about how to manage your affairs during your lifetime – a lifetime memorandum of intent? Are there any persons who are dependent on you, and if so, have you provided instructions to your agent outlining about how they are to provide for those persons? This list is not exclusive, and there

may be many other considerations depending on your family's unique circumstances.

Turning now to the death example, many of the same above-mentioned questions and examples apply. Does your personal representative or trustee know where your will or trust is located? Have you educated them about the nature of these documents and how to access them? If you have a will, is it registered? Have you carefully identified your assets and provided a spreadsheet or list for easy review, including digital assets? Have you clarified how the assets are titled, and how those assets will flow at your death in relationship to your will or trust? Have you provided a letter of wishes or memorandum of intent for your trustee? Have you prepared written instructions for your fiduciaries giving them guidance about what next steps they should take after your death, how to administer your estate or trust, and who your attorney, CPA, and financial advisor are?

It has been said that there is an opportunity or a benefit in every adversity. One such opportunity or benefit stemming from recent world events is that we all can consider and learn from my friend's gentle but deadly serious admonition: preparedness, continuing education, financial, and tax literacy are vital and necessary components of personal success, including comprehensive estate planning – but without organization – the systematic and logical organization of documents, assets, and systems, along with access plans, our planning house, set on an otherwise firm foundation, can crack and come crumbling down at some unexpected time when it is needed most. As I conclude this article, I can say now that I know the answer to my friend's question of so long ago, "what good is education (in estate planning) without organization?" The answer is: it is stupendous, vital, fundamental, and critical to success; but its value becomes limited where no extreme organization exists, due to the state of our lives and world, and the nature of estate planning when it is needed during a time of incapacity or at death. Therefore, after a lifetime as an estate planning attorney, I have concluded that education and organization are synonymous with success in estate, elder law, and special needs planning. Isn't it time to get organized?

A Letter Of Wishes, By Any Other Name

Olivia R. Holcombe-Volke J.D. – Senior Principal





Sometimes called a Letter of Intent, a Letter of Instruction, a Letter of Desires – Regardless of the Title, the Import is the Point

Imagine - as unpleasant as it is to do so - that you are no longer able to give voice to your

thoughts, feelings, intentions, knowledge, experience, or preferences. Imagine that this happens while you are still alive, but due to incapacity of some sort, you are no longer able to communicate. And of course, after death, your ability to express anything will be mightily limited (the purported abilities of the Ouija board - invented by one of Maryland's own(!) - notwithstanding).

The fact is, there will come a time when you are not the you that you are today. Is there anything - any information - that you want to be sure is known, in that event?

If you have already done the vital work to put an estate plan in place, to make certain that your affairs are in order, if and when this eventuality takes place? Good. If you have not gotten around to it yet, due to cost, lack of available time, or feelings that it is not necessary for you? With the utmost compassion and understanding, I, as an estate planning attorney, will simply say: you need to. At a minimum, you need to have an Advance Directive, Financial Power of Attorney, and Last Will and Testament in place. Perhaps some form of Trust planning is right for your circumstances, whether a Revocable Trust, Irrevocable Trust, or Supplemental Needs Trust, or some combination thereof. All of this depends upon your particulars, but the point is that you need to have a plan in place, documented by the necessary legal documents to effectuate the plan, when necessary.

But there is more. Beyond the bare legal documents themselves - that is, those documents that are required by statute in order to effectively empower another person to act as your healthcare

agent, your financial agent, and/or to distribute your estate at your death (and to whom, and how) - beyond the legal documents that give power and effect to your intentions - there remain the considerations and recommendations of outlining your intentions in a bit more detail.

What do I mean? What additional details? For example:

About your personal preferences regarding your own physical care and comfort, in the event you are still alive, but no longer able to communicate (e.g. "I want to listen to classical music or audio books on Renaissance history; I do not want to be in a room with the television on all of the time; I want to be near a window, and taken outside regularly; I want to receive pastoral counseling," etc.);

About your perspective on prioritizing the expenditure of your assets for your care, versus preserving assets to the greatest extent possible for your beneficiaries at your death;

About your final arrangements (i.e., details regarding a memorial service or celebration of life, placement and handling of your remains; etc.);

About your perspective on investing or otherwise managing your assets (do you have preferences regarding types of investments, levels of risk, certain belief systems/ideologies that are important to you in terms of how your money is invested?);

About your desired use of discretion, if any aspect of your legal documents is discretionary (what will help guide the person in charge regarding how you want them to exercise that discretion?);

About your family dynamics, family history, your reasons for certain aspects of your estate plan, and/or your concerns regarding certain people, relationships, or situations;

About your minor children, and details regarding their upbringing, in the event you are not around or able to participate in that upbringing;

About your special needs child, or any other special needs individual for whom you are involved with his or her care (i.e., you may know that he or she

gets stressed by the sound of the television, and soothed by the sound of the Beach Boys – how would a future caregiver know that?);

About the use, distribution, or expenditure of money or assets you are leaving at death (e.g. "try to keep the cottage in the family; education should be a top priority.");

About specific professionals, companies, service providers, or financial institutions whom you like or recommend, or don't like or don't recommend;

About your pets, regarding their care (i.e. name of veterinarian, preferred food or treats, etc.)

I often say to clients, "perhaps your [family member, friend, trusted advisor – whomever is named as the appointed agent] already knows all of this. But they likely don't, and it never hurts to give a bit more detail and information, to help guide someone if they are ever acting on your behalf, with regard to your health or finances or estate or beneficiaries." And particularly if there is ever a professional who is handling things for you or your beneficiaries, without having had a personal relationship with you or your family, or your beneficiaries – how will they know any of these important details, if you don't somehow let them know?

All of these particulars, and much, much more, can be set forth in a separate writing, which will serve the purpose of elaborating upon the bare minimum of information that is covered by the legal documents themselves. This is sometimes called a Letter of Intent, or a Letter of Instruction, or a Letter of Wishes, or a Memorandum of Intent. Regardless of the title, this separate letter is intended to serve the purpose of providing ancillary supplemental information to the legal documents themselves.

An additional virtue of illuminating these details in a separate letter (separate from the legal documents

themselves) is that it allows for much greater ease in changing the letter over time, without the need to re-do or re-sign all of the legal documents, every time. A vital aspect of the effectiveness of such a letter is that



its existence is known by those who need to know, so, it is important to make sure that a copy of the letter is provided to everyone who might be involved or relevant (who might need to know), and perhaps (depending on the circumstances) to keep a copy with your legal documents, and provide a copy to your financial advisor and estate planning attorney. If you revise or change the letter over time, make sure that any prior versions are destroyed, in order to minimize the risk of confusion or contradiction. And finally, do be aware of the difference between what is legally binding versus merely informational, explanatory, instructive, personal - and avoid the risk of possible conflict between the language in the legal documents themselves versus the letter of instruction/intent/wishes, which could open the door to unintended issues.

All of which is to say, discuss this with your estate planning attorney. The starting point is to have the necessary legal documents. But a truly comprehensive estate plan will include more than the bare legal documents, and will provide your designated health, financial, and estate agents/actors with all of the information they may need to accomplish your desires, intentions, and wishes.

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"Innovative tools and modules designed so you can easily get started with your estate and legacy planning." Visit <u>elvilleassociates.com</u> today and click on the Yourefolio button on our home page to get started!

The Philosophy of a Client Care Program - Intentionalism

Stephen R. Elville J.D., LL.M., Managing Principal



You are searching for a client care program (whether you know it or not). Yes, you are. Whether you are consciously aware of this is the purpose of this article. You do want your estate plan – your Last Will and Testament; or your will substitute, your Revocable Living Trust, to work as you intend it to. You want the terms and provisions

of those documents - your documents - to accurately reflect your current thinking and address the current circumstances of your life and the lives of your family members; you want your estate plan to be updated in accordance with the latest changes in the laws, including the tax laws; and you want your financial assets - non-retirement assets such as cash in checking, savings, money market accounts, and certificates of deposit, mutual funds, stocks, bonds, real estate, tangible personal property, intangible personal property, business interests such as ownership in corporations or limited liability companies; beneficiary designated assets such as life insurance, annuities, payable on death accounts, transferable on death accounts; and retirement-type assets (also beneficiary designated) IRAs and qualified plans such as 401(k)s, Thrift Savings Plans, 403(b)s, and 457 plans – to either be intentionally controlled by the terms and provisions of your will or trust; or to intentionally not be controlled by those terms and provisions and instead flow in certain other directions – all intentionally. This intentionalism I will call it is the essence of what real estate planning is all about. Everything else concerning the subject of estate planning fades into insignificance by comparison. If you are not extremely intentional in your estate planning (and this includes elder-related planning, special needs planning, and business planning), your planning will possibly collapse. Since we know that no rational person wants his or her estate plan to risk failure, let's first remove any doubt that an estate plan can easily fail.

Estate plans can collapse or fail for many reasons, but most of us do not consider just how easy it is for this to happen. Before we review several examples, let's define what estate plan collapse is by first consider-



ing what estate planning is. This is challenging because each person's estate planning goals are different and therefore each person's definition of estate planning can be different. But for our general purposes here, one general definition of estate planning might be this: estate planning is the process of disposing of my assets, to the persons or organizations of my choice, at the lowest possible cost. Notice with special emphasis the word process. Others might define estate planning as one or more of the following: ensuring that assets never go to my spouse's potential new spouse; or protecting against the new spousal elective share law; or making sure estate, gift, inheritance, and income taxes are minimized or eliminated; or protecting retirement plan asset shares and minimizing the impact of the new SECURE Act; protecting the shares of beneficiaries from the claims of creditors; planning successfully for a child or loved one with special needs; planning for a spouse with dementia; ensuring the care, safety, and well-being of parents or grandchildren; and many more. With these ideas in mind and with the knowledge that each individual will have their own definition of what estate planning is and what it means to them, let us define what estate planning carelessness is, as including but not limited to the following examples: lack of a partnership-type relationship with your estate planning attorney; estate planning equals a one-time transaction; lack of a defined process; focus of estate planning is on "documents"; no follow-up or on-going maintenance of the estate plan; no financial advisory or tax professional team; no collaboration of the advisory team; no consideration of changes in the laws; no client legal education; no consideration of unforeseen contingencies; incorrect or non-existent beneficiary designations; no proper asset alignment; lack of understanding of effects of beneficiary designating non-retirement assets; poor selection of fiduciaries; no education of fiduciaries; poor organization (and many more).

Having made outlandish assumptions here about what you intuitively want, and having gone to great lengths to show that estate planning must be carefully and consistently orchestrated in order to ultimately be successful, as is further illustrated in my upcoming

book, let us now get to the main thrust of this article – how to be intentional in your estate planning. More specifically, how to practice intentionalism in your estate planning.



We begin by recognizing something very fundamental: being intentional isn't easy - and we assume that by knowing how to do a thing, we can move forward in a scientific way towards its accomplishment - an estate plan that works as you intend it to. Here is the definition of "intentional", as defined in Websters Online Dictionary, April 2020: done by intention or design; having external reference. Synonyms include conscious, deliberate, intended, knowing, and purposeful. Antonyms include unintentional, and nondeliberate. Applying this literally then, an intentional estate plan is one that is designed and done with conscious and deliberate intention, with reference to an external process. With this said, can you imagine having an unintentional estate plan? Yet this is what most people unknowingly do, and what they unknowingly have. Understanding the full import of this last sentence is key to overcoming the enormous obstacles to successful estate planning.

In estate planning, being intentional means many things then, among them these: knowing what you want and what your goals are; selecting the correct estate planning attorney; engaging in a partner-ship-type relationship with your estate planning attorney; expecting and participating in an estate planning process that includes client education as part of that process; aligning your assets with your estate plan in coordination with your estate planning attorney and financial advisory team; committing to maintaining and updating your estate planning on a systematic basis over the years; and participating in a

client care program to encourage and accomplish continuing client legal education and updating, including ongoing adjustments to documents and the alignment of assets.

Because the first several intentionality requirements listed here are beyond the scope of this article, we will focus only on the last two - one of which is completely within your control, and the other being almost completely within your control. The first, committing to maintaining and updating your estate planning on a systematic basis over the years to come, is completely within your control. Because of your desire to develop a fully functional estate plan, your recognition of the complexities and considerations involved over a lifetime, and your instinctive understanding of the kind of methodical approach that will be required to overcome the everyday noise and life inertia that keeps so many people from success, you mentally commit that incapacity and death planning (the primary elements of estate planning) will become a routine part of your life, and as such it will be scheduled on your calendar. You can do this on your own, and you may have already made the necessary commitment right now during your reading of these words. The second, participating in a client care program to encourage and accomplish continuing client legal education and updating, including ongoing adjustments to the alignment of assets, is almost completely within your control, but ultimately is not. Here's why. Try as they may (and usually "trying" is the exception), hundreds of estate



planning law firms across the United States fail to implement a client care program, otherwise known as a client maintenance and updating program. By failing to do this, these law firms ensure the potential collapse of at least some of their clients' estate plans at best, and of a majority of their clients' estate plans at worst. This is quite a statement, and quite an indictment I know. But consider this – how many people in the United States actually have an estate plan? We know the answer - only a minority of the population. Going one step further, how many people meet with an attorney to sign a will or revocable trust, then never hear from that attorney again, or in all fairness to the attorney or law firm, never contact the attorney again? We don't know the exact number(s) of course, but we intuitively know the answer. Further, consider this how many people today sign wills or trusts without an attorney, then never follow up or revisit their planning, and never consider the alignment of their assets? We know the sad answer to this too.

This leads us to an obvious and final dilemma. If you are a conscientious person who is willing to commit to estate planning that works as you intend it to, then you must find an estate planning attorney or estate plan-

ning law firm who understands your commitment and agrees to commit to you by providing you with the opportunity to achieve success by participating in a comprehensive client care program, one that ensures victory in your estate planning through continuous, repetitious maintenance and updating of documents and the alignment of assets, client continuing education, fiduciary education, inclusive family participation, educational and social events, collaboration with financial and tax advisors, and exclusive ancillary services - again, all for the purpose of cultivating and encouraging real success in estate planning. By having read this article, or perhaps having been led to read it, we know you have the spark of commitment – you have what it takes. You know you are the hero of the story your own story, and you are now setting out on your estate planning journey to find an estate planning attorney/estate planning law firm worthy of you. You intuitively know you must make this journey. And now you know what you must do and what you must look for. The search begins.

An Elder Law Consultation – A Way to Seek Guidance and Become Empowered

Stephen R. Elville J.D., LL.M. - Managing Principal



For most aging singles and couples, it is important to become educated about elder law-related matters as a practical necessity. But how does one become educated regarding this all too often mysterious, ambiguous, and esoteric subject matter? The following fictitious but all too real

short story may provide insight.

Gigi is married with three adult children. Her husband, Jerry, was a successful teacher. During the first few years of their retirement, Gigi and Jerry enjoyed travel and spending time with their grandchildren. Then, over a period of several months, Jerry developed memory issues and was eventually diagnosed as having a form of dementia, Alzheimer's-type. After caring for Jerry for many months, Gigi began to search for answers to many guestions - how will I pay for or manage the cost of care?; is it too late to buy long-term care insurance?; how can I get help in my home and who will manage that caregiving?; how can I get respite?; how can I preserve my assets and what will happen to my financial future?; how do I still leave assets for my children now that I am facing this crisis?;

how do I get a level of care assessment?; how does the world of Medicaid work and what will happen if Jerry needs a nursing home?; and more.

After months of enormous worry and stress, and after an exhaustive search for information (much of what was provided being misinformation and myth rather than facts), Gigi sought the advice of a knowledgeable elder law attorney. She obtained answers to her pressing questions, was relieved of her sense of despair and hopelessness, became empowered through the knowledge that she would not lose all of her financial assets or her home, learned about asset protection and estate planning strategies for elder law, was directed to resources and programs that provide level of care, assessment, care management, financial and tax advice, and more. The main lessons here are that Gigi sought help and became empowered. Because she sought competent professional advice about elder law matters, Gigi went from a position of weakness to a position of power and direction. And just as important, Jerry's care needs for the long-term future were assessed and addressed.

The elder law consultation is a powerful tool for families facing the care and financial issues

involved in today's aging process. Gigi's example is illustrative of a crisis or near-crisis situation; whereas it is always advisable to become educated about elder law-related matters well in advance of a crisis. Elder law essentials workshops and webinars are available for this purpose with what is known as a pre-crisis elder law consultation as follow-up. So how do you go about becoming educated through an elder law consultation? The process is straightforward - there are 3 steps: (1) call or send an email to your elder law attorney to set an appointment; (2) attend the elder law consultation meeting and be prepared to take notes and absorb information - it is advisable to bring a family member or professional

advisor along with you for support and collaboration; and (3) be ready to act upon the information provided so that the process of accomplishing your goals can begin. A comprehensive elder law consultation is one of the most powerful tools available to legal consumers today. Take the time to think about this elder law issue.

To schedule an elder law consultation, contact Stephen R. Elville at 443-393-7696, or via email at steve@elvilleassociates.com; or contact Mary Guay Kramer, at 443-741-3635, or via email at mary@elvilleassociates.com.

Client Care Program Update – A Social Event Unlike Any Other, and Looking Ahead to the Final Quarterly Continuing Legal Education Event in December Jeffrey D. Stauffer – Community Relations Director



Elville and Associates' had its Client Care Program (CCP) social event plans ready to go! Then ... COVID hit. A boring, long, hot summer came for many of us with not much fun to look forward to.

The powers that be then got together, surveys were requested of our members - what could we do for that was refreshing, unique, safe, and fun? Something ... outside of the box?

This summer's annual Client Care Program (CCP) social event was unlike any other! In the spirit of keeping ourselves as socially distant and safe as possible, members "zoomed in" and got together for a Virtual Wine Tasting on Thursday, August 20, 2020.

Two special guest speakers, Stephen and Joyce Rigby, a husband and wife winemaking team from the award-winning Boxwood Estate Winery in Middleburg, Virginia, to talk to members about wine making and summer wines.

And, yes - wine was served! And, yes - it was discussed in great depth!

The Boxwood Winery is in an area steeped in Revolutionary and Civil War American history and



is renowned for world-famous horse farms. Today, the area is also known as a wine region, with Virginia being one of the country's most prolific wine producing states. The Boxwood vineyards occupy 26-1/2 acres of the historic Boxwood landmark farm, and are planted with traditional Bordeaux varietals, predominantly Cabernet Sauvignon, Merlot, Cabernet Franc, and Sauvignon Blanc.

Stephen Rigby is Boxwood's lead winemaker. Stephen has over 40 years of East Coast winemaking experience, including vineyard management and winery design, as well as consistently creating award winning wines. His 20 years of experience in Virginia includes working at the Virginia Tech University Enology Research lab. Stephen prefers a minimalist approach to making wine, encouraging the inherent expression of the grape, its terroir, and vintage.

Joyce Rigby is the vineyard manager at Boxwood. Joyce joined the Boxwood team in 2019. She has 30 years of experience in East Coast viticulture and oversees the day to day operations of Boxwoods's vineyards. Joyce has managed vineyards in Virginia, North Carolina, and Pennsylvania; and has consulted in several states on the Eastern Seaboard, which gives her a broad perspective on growing wine grapes in the East. She has taught viticulture at HACC (Central Pennsylvania's Community College) for 7 years. Joyce's motto is, "there is always something new to learn in the quest for premium wine grapes through sustainable viticulture."

Delivered to members' homes ahead of time was Boxwood's summer wine tasting package. Included in this special tasting package were sample bottles of three of Boxwood's best summer wines: Rosé, Sauvignon Blanc, and Sauvignon Gris. The wines were delivered in time to allow for proper chilling in advance of the tasting.

One CCP couple noted, "Just wanted to tell you that we really enjoyed the CCP Virtual Social Event last week with Boxwood Winery. We took a road trip to

the Boxwood Estates Winery in Virginia last Saturday. We tasted some of their red wines, enjoyed a nice cheese plate on their outdoor patio and joined their wine club. Thank you for introducing us to this fine winery!"

Another couple suggested a revisit of the event, saying, "We enjoyed the virtual wine tasting (one of many for us this year!). It would be nice to follow up with a virtual red wine tasting event maybe later in the fall."

So, we will look back on 2020's CCP social event with fond memories, and like the rest of 2020, remember it as one-of-a-kind.

Elville and Associates' next quarterly CCP Continuing Legal Education even will be held by webinar on Saturday, December 5th from 10 a.m. to noon with a combined theme of "End-of-Year Planning and a Trustee Workshop."



Elville and Associates Welcomes Duncan Scott Keir, Esq., To Firm

Jeffrey D. Stauffer – Community Relations Director



In late August, Elville and Associates welcomed Duncan Scott Keir, Esq., to the Firm as the leader of its busy litigation department. Mr. Keir concentrates his practice in the areas of fiduciary litigation, guardianships, contract disputes, real estate, and civil litigation.

"I am thrilled to comment about Duncan Keir, who is

a welcome addition to Elville and Associates," remarked Managing Principal Stephen Elville. "Duncan is proactive, positive, bright, client-focused, solutions-oriented, and talented. Furthermore, he brings vitality and imagination to his position. Duncan is committed to the vision and mission of our law firm, and because of this and his inherent abilities and approach, he is a highly-effective advocate. I'm proud that Duncan is part of our team of talented, committed attorneys. His versatility and experience are huge value additions

to our clients and client family."

As a proven and accomplished litigator representing clients both in and out of the courtroom, Mr. Keir's experience will further Elville and Associates' ability to address clients' needs on a comprehensive level previously unseen at the Firm.

Mr. Keir's professional career reflects a commitment of excellence in representing clients both in and out of the courtroom along with developing key strategic partnerships. This commitment molds well with Elville and Associates' ideals of client education, ongoing collaboration with its clients and partners, and compassion in working with clients and their families. Mr. Keir was attracted to the Firm's culture and purpose, one that coincides with his own values. He knew he had found the Firm to continue his growth as an attorney and make an impact in the lives of his clients and community. "It is an honor to represent my clients as part of the Elville Team," remarked Mr. Keir. "With such skilled attorneys with which to collaborate, and Mr. Elville's dedication to excellence. I know that we will achieve great results together."

A lifelong resident of the Baltimore metro area, Mr. Keir graduated from St. Paul's School for Boys in

1994, from Kenyon College in 1998, and the University of Baltimore School of Law in 2006. Mr. Keir began his legal career with Summerfield, Willen, Silverberg & Limsky in Owings Mills, representing businesses and individuals in a wide variety of matters before the District, Circuit, Appellate and Federal Courts of Maryland. Thereafter, in 2011, Mr. Keir joined the Law Offices of Steven Heisler in Baltimore City, where he honed his skills representing hundreds of clients in auto accident and personal injury claims, while continuing his business, domestic and criminal practice. In 2013 up to the time Mr. Keir joined Elville and Associates, he was a partner at Price & Keir, where he was the firm's litigation partner and managed the firm's day-to-day operations of its Maryland office.

On the personal side, Duncan is an accomplished guitarist, playing in multiple bands around the area. Duncan lives in Towson with his wife, Catherine and their three children, Elli, Graham and Wyatt.

Duncan Keir may be contacted at 443-393-7696, ext. 125, or via email at duncan@elvilleassociates.com.

WAYPOINT TRUST GROUP®

ATTORNEYS IN THE WAYPOINT TRUST GROUP® SERVE AS TRUSTEE/ CO-TRUSTEE OF TRUSTS OF ALL SIZES, INCLUDING TRUSTS WITH ASSETS BELOW CORPORATE TRUSTEE MINIMUM REQUIREMENTS, IRREVOCABLE LIFE INSURANCE TRUSTS, AND SPECIAL NEEDS TRUSTS

OUR ATTORNEYS ALSO SERVE AS TRUST PROTECTORS

In addition to serving as Trustee and Trust Protector, Waypoint Trust Group offers the following services to individual and corporate Trustees:

- Legal representation, including but not limited to: compliance with Maryland Trust Act requirements
- Court proceedings related to administering a Trust (ex. modification off Trust terms, judicial terminations); and guidance on interpretation of Trust terms;
- Preparation of Trust Income Tax Returns;
- Preparation of Trust Accountings;
- Maintenance of Trust Books and Records;
- •Assistance with initial set-up of new Trusts (obtain Tax ID number, organize Trust management, open new Trust accounts);
- Manage Trust Terminations, including: calculating distributions, determining Inheritance Tax due (if applicable); and preparing releases of Liability for Trustees.

For more information about Waypoint Trust Group and its services, please contact Stephen Elville at steve@elvilleassociates.com, or 443-393-7696.

Physical and Mental Health During COVID-19

Jill Rosner, R.N., B.S.N. - Guest Contributor - Rosner Healthcare Navigation



Life has changed drastically over these past several months during the pandemic. Life in the times of COVID has challenged us all and caused us to examine our lifestyles and well-being. Many of us have reflected on

what is important in our lives and the importance of future planning.

The pandemic may have caused us to pause and evaluate how we wish to move forward. While the reality of COVID is that Blacks, Hispanics and American Indians are affected at higher rates with worse outcomes, this is a disease that does not discriminate. We have all heard the words "preexisting conditions" over and over again. We hear about those with diabetes, heart disease, high blood pressure and obesity being more adversely affected - but the truth is we are all at risk.

What we can do is try to reduce the risk factors that we can-those "preexisting conditions." We can work on improving our overall health and well-being by exercising, by exercising, whether that means taking a walk, gardening, riding a bike or dancing. It all helps.

Studies have shown that rates of depression, anxiety, suicide, drug and alcohol use and abuse have all increased during COVID. Lack of socialization and isolation and fear drive anxiety and depression.

What can we do to maintain or improve our physical and mental health? Consider maintaining a routine, getting enough sleep, exercising, being mindful of your eating habits, and watch your alcohol intake. Limit television and social media and stay connected with friends and family. Plan opportunities which can accommo-



date social distancing while having social contact. Wearing a mask properly, over the mouth and nose, is imperative.

And finally, ensuring you accomplish all of the planning for the "what ifs" can relieve the burden of fear in the event that you cannot make your wishes known. Lack of planning is not protection against unwanted events!

Jill Rosner is a registered nurse, Certified Aging Life Care Manager and owner of Rosner Healthcare Navigation. She provides patient advocacy and care management services to clients with health and aging issues.

Contact her at jillrosnerrn@aol.com or 410-591-6378.



Remembering Leon Fleisher

By: Jonathan Palevsky-Guest Contributor - 91.5 WBJC Program Director



Sunday night was a sad evening for anyone who loves classical music in Baltimore and beyond. Leon Fleisher, the man who was the classical music soul of our fair city died at age 92. 38 years ago when I first came to this country to pursue guitar studies at Peabody, he was already there and had

been there for 2 decades. I didn't know Leon Fleisher well, but I had the opportunity to interview him a number of times. I also had the pleasure of his phenomenal recorded legacy and the privilege of sharing it with the WBJC audience. I hope you will indulge me in a memory or two.

Several years ago the students of Leon Fleisher's studio embarked upon a project to play all of Beethoven's Piano Sonatas in one day. I interviewed both the maestro and his pupils. Talking to Leon Fleisher about Beethoven was beyond fascinating and his students' insights were also special. When the day came for the event I was only able, due to my commitments at WBJC, to hear the first four sonatas at 10 am and the last five...starting at about 9 pm. Leon Fleisher, then in his 80's was there for it all. If his students were going to play these pieces he would be there to listen to them...all 32 sonatas worth!

After many years of not being able to use his right hand Leon Fleisher was able to return to two handed performance. The CD to celebrate this occasion was entitled Two Hands and created quite a stir in the classical music community. WBJC offered Leon Fleisher our studios so he could conduct interviews with stations across the country. I recorded a chat with Mr.

Fleisher for local broadcast and engineered everyone else's interviews. It was heartwarming to hear the admiration from my fellow radio hosts for this great musician. People who had never met him or seen him perform live were moved by his CD's and for some LP's!

My last interview with Leon Fleisher occurred two years ago when he performed Mozart's Piano Concerto # 12 with the Baltimore Symphony. When he walked into the green room he said to me, "you are very busy"! It's true! I was and am very busy...the fact that Leon Fleisher obviously listened to WBJC was very touching. We had an amazing conversation which was in retrospect rather autumnal. I edited down the original 9 minutes to 4 and kept the complete conversation for the web. On Saturday July 25 I wanted to honor Leon Fleisher's birthday (July 23, 1928) on Music in Maryland and took the extended interview and illustrated it with musical examples. All of the excerpts are Fleisher's performance with one exception! (If you can figure out which I will be impressed!) I think it's a nice piece of work which honors his memory.

For the last several years I have been wondering how I would feel on this day. This is a sad day during a sad time. We have lost an old and good friend. Thankfully we have some amazing things to listen to, be moved by, learn from and enjoy. Leon Fleisher dead at 92, "he was a man, take him for all in all, we shall not look upon his like again."

ON THE RADIO 91.5FM

Elville and Associates is pleased to be a longtime corporate sponsor of WBJC 91.5 FM. Please listen for our announcements and view our web ads on wbjc.com.

Elville and Associates is a proud supporter of the arts and we would like to recognize the following organizations that make a difference in the community.













MUSIC & ARTS

TRUSTED REAL ESTATE SUPPORT RESOURCES FOR FAMILIES



"What Should We Do with the House When Our Loved Ones are no Longer with Us"?

If you need to sell property due to Senior Transition or Probate, CALL US TODAY!

We help families get their loved ones home prepared for market and sold for the highest price as quickly as possible. We do all the legwork for you!

Dealing with the death of a parent or loved one is challenging; but selling their home can be fraught with land mines, particularly if they die without a will. Family members consumed by grief may be unable to make decisions, leaving homes that may have already languished fall further into disrepair. The thought of having to clean out a home that may have decades worth of furnishings and clothing, dispose of personal belongings, get the home ready for market by painting or other minor remodeling, pricing it appropriately and getting it on the market quickly is extremely overwhelming. Getting a home ready for market is the last thing you feel like doing when you are grieving the loss of a loved one.

The Bacchus Group has over 33 years of experience in the Maryland and Washington, DC areas helping to support Senior Citizens and their families in selling real assets both before and after death. We have worked with some of the most well respected Estate Planning Firms and Attorneys in the area to help their valued clients handle the real estate disposition during this difficult time.

Our Probate and Trust Estate Real Estate Services include the following:

- Real Estate Consultation and Advisory Services to help family members decide on the best course of
 action for the property; whether it is a sale, conversion into an income generating rental property or
 other outcome.
- Our Seasoned and Experienced local real estate professionals provide accurate pricing and market information to help family members garner the highest sale price for the property...especially important for family members outside the local DC Metro area.
- We take a complete inventory of the house contents and can coordinate distribution to selected family members, donations to charities or disposal to a local trash facility as directed by family members.
- We coordinate all necessary House Repairs, Cleaning, Trash Removal, Painting or Minor Remodeling to help get the home ready for market as soon as possible
- We have a trusted network of professional and affordable contractors who are ready to take care of any repair needs. A member of our team will meet them at the property and negotiate the best price for work on your behalf.
- We monitor the property until the sale to make sure it remains in good condition, especially during severe weather seasons.
- We take Professional Photographs of the Property and can offer Staging Services* (*may be an extra fee for staging)
- We utilize Aggressive Marketing and Promotion strategies to get the property sold fast, AS IS and for the highest price.

Call Neil Bacchus today for a free, no obligation, consultation at 301-674-8090 or via email at Bacchusneil1@gmail.com. Or, join us for a virtual Zoom call at your convenience.

Neil Bacchus with The Bacchus Group of Long and Foster Estate and Probate Disposition Services

Real Estate Sales
7700 OLD GEORGETOWN RD #120

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How Elville and Associates Helps Families Plan for Loved Ones with Special Needs









The special needs planning attorneys at Elville and Associates work with families and their loved ones with disabilities as collaborative advocates and partners through a planning process that emphasizes creativity in document and fiduciary structure, along with education for all persons involved in the beneficiary's life. Our mission is to counsel, educate, and provide solutions based on the most contemporary legal-technical information and strategies available nationwide.

Our legal services for special needs planning include the following:

Special Needs Trusts

Public Benefit Preservation

Housing and Support Solutions

Supplemental Security Income (SSI)

Social Security Disability (SSDI)

Financial and other Planning for Children and Adults with Disabilities

Health Care Decision Making

Fiduciary Services

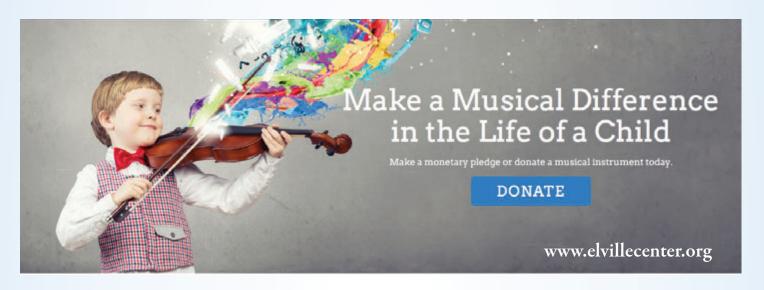
If you have questions or would like to know more about planning for a loved one with special needs, contact Mary Guay Kramer at 443-741-3635 or mary@elvilleassociates.com.

















The Elville Center Needs Your Financial Support

FOR MORE INFORMATION, please contact Jeffrey Stauffer, Executive Director, at 443-393-7696 or jeff@elvillecenter.org

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Ten Things to Look for in an Estate, Elder Law, or Special Needs Planning Attorney

Stephen R. Elville, J.D., LL.M.



- 1. Provides warm, empathetic approach and caring environment.
- 2. Attorney is a counselor and not just a technician.
- 3. Clients are provided with a <u>unique</u> estate planning or elder care planning <u>experience</u>, and not just a transaction.
- 4. Provides an <u>interactive planning process</u> in <u>partnership</u> with clients emphasis on <u>client's</u> goals (not a paternalistic approach).
- 5. <u>Ensures</u> Financial Advisor/CPA <u>collaborative</u> approach with goal of <u>inclusive</u> advisory team effort; works in good faith with Financial Advisors and/or CPAs to implement all appropriate solutions in <u>best interests</u> of the client.
- 6. <u>Timely</u> and <u>structured process</u> encourages clients to complete the planning process and discourages procrastination.
- 7. Asset alignment planning attorney and firm's asset alignment coordinator <u>oversee</u> and <u>ensure proper</u> asset alignment with all estate and elder law plans (client not abandoned with unfunded plan).
- 8. <u>Client education and understanding</u> to the extent possible, attorney <u>ensures</u> that client <u>understands</u> and has at least a working knowledge of their planning documents and choices.
- 9. Follow-up maintains ongoing contact with clients via annual continuing education and client care programs to encourage clients to meet with attorney at least bi-anually, and <u>facilitates client-attorney contact</u> throughout the years via newsletter and other communications.
- 10. Value-added services provides client access to latest in <u>contemporary</u> estate planning ancillary solutions for "complete" estate planning.

Elville and Associates' Purpose Statements

VISION STATEMENT

To become the leading estate planning, elder law, and special needs planning law firm in Maryland through the relentless pursuit of and adherence to the fundamental Firm values of educating and counseling clients and the constant recognition that the Firm exists to provide solutions to our clients' problems and to exceed their expectations; in an environment that encourages and facilitates constant learning, improvement, and professional advancement for all employees, and where all members of the Firm are respected and encouraged to utilize and develop their own unique talents and abilities.

MISSION STATEMENT

To provide practical solutions to our clients' problems through counseling, education, and superior legal-technical knowledge.

PHILOSOPHY STATEMENT

Elville and Associates engages clients in a multi-step educational process to ensure that estate, elder law, and special needs planning works from inception, throughout lifetime, and at death. Clients are encouraged to take advantage of the Planning Team Concept for leading-edge, customized planning. The education of clients and their families through counseling and superior legal-technical knowledge is the practical mission of Elville and Associates.

Elville and Associates - Membership Organizations











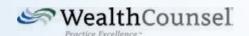










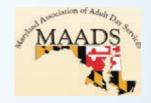












Upcoming Events

Friday, December 4 @ 10:00 am - 11:30 am

Webinar - Estate Planning and Elder Law Essentials with Stephen Elville

https://elvilleassociates.com/event/webinar-estate-planning-and-elder-law-essentials-with-stephen-elville-2/

Friday, December 11th @ 10:00 am - 11:45 am
An Estate and Trust Administration Webinar
https://elvilleassociates.com/event/an-estate-and-trust-administration-webinar-2/

Wednesday, December 16th @ 10:00 am - 11:30 am
Webinar – The Financial Planning Aspects of Estate Planning
https://elvilleassociates.com/event/webinar-the-financial-planning-aspects-of-estate-planning/

Thursday, December 17th @ 11:45 am - 1:00 pm
Intentionalism in Estate Planning - Achieving Perfection for your Legacy with
Baltimore Washington Financial Advisors
https://elvilleassociates.com/event/intentionalism-in-estate-planning-achieving-perfection-for-your-legacy-with-baltimore-washington-financial-advisors/

Friday, December 18th @ 10:00 am - 11:30 am

Intentionalism in Estate Planning - Achieving Perfection for your Legacy

https://elvilleassociates.com/event/intentionalism-in-estate-planning-achieving-perfection-for-your-legacy/

Wednesday, January 13th @ 10:00 am - 12:30 pm

MarylandABLE Accounts - How They Benefit Your Loved One with Special Needs

https://elvilleassociates.com/event/marylandable-acounts-how-they-benefit-your-loved-one-with-special-needs-2/

Wednesday, January 13th @ 12:30 am - 2:00 pm
Stephen Elville & Elville and Associates Present: The Advisors' Forum
https://elvilleassociates.com/event/stephen-elville-elville-and-associates-present-the-advisors-forum/

Thursday, January 14th @ 10:00 am - 11:30 am
Webinar - Learn the Truth About Everything You Always Wanted to Know About
Seniors' Real Estate (and More)
https://elvilleassociates.com/event/webinar-learn-the-truth-about-everything-you-always-wanted-to-know-about-seniors-real-estate-and-more/

Thursday, January 21st @ 10:30 am - 12:00 pm
Webinar - Integrating Your Business and Estate Plans with Special Guest Speaker Charles A. "Chuck"
Borek, J.D., MBA, CPA

https://elvilleassociates.com/event/webinar-integrat-ing-your-business-and-estate-plans-with-special-guest-speaker-charles-a-chuck-borek-j-d-mba-cpa/

Tuesday, January 26th @ 10:00 am - 11:30 am

Medicaid Webinar

https://elvilleassociates.com/event/medicaid-webinar/

Services Offered By Elville and Associates

ESTATE PLANNING AND TAXATION

- Wills
- Trusts
- Powers of Attorney
- Advance Medical Directives
- Estate Administration (Probate)
- Trust Administration
- Fiduciary Representation
- Estate Tax Planning
- Asset Protection
- IRS Tax Controversy
- State of Maryland Tax Controversy
- Personal and Business Tax Planning
- Business Law
- Business Succession Planning

- Charitable Giving and Philanthropy
- Elville Self-Direct[™]
- Waypoint TrustTM
- Elville Legacy System[™]

ELDER LAW

- Medical Assistance Planning
- Long-Term Care Asset Protection
- Long-Term Care Planning
- Nursing Home Selection and Placement
- Assisted Living Issues
- Guardianship
- Veterans Benefits
- Social Security
- Senior Housing

SPECIAL NEEDS PLANNING

- Special Needs Trusts
- Public Benefit Qualification and Preservation
- Supplemental Security Income (SSI)
- Social Security Disability (SSDI)
- Funding of Tort Recoveries
- Financial and other Planning for Special Needs Children and Adults
- Health Care Decision Making
- Fiduciary Services