THE ELVILLE BENEFACTOR

Planning for Life, Planning for Legacies

ELVILLE AND ASSOCIATES

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Elville & Associates' First Annual Client Education Event

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

On September 18, 2012, Elville & Associates hosted its First Annual Client Education Event. By all accounts, the Event was a huge success thanks to our devoted clients who braved ominous weather (tornado warnings) and extreme traffic conditions to attend, and the staff members of Elville & Associates who worked tirelessly to organize the Event and provide food and beverage service.

The educational focus of the 2012 Event centered around the ideas of fiduciary duties and responsibilities, and an understanding of the post-mortem process - concepts that are at the heart of client concerns. After welcoming the audience and beginning dinner, lead attorney and principal, Steve Elville, got the Event started by introducing the staff of Elville & Associates, thanking all of those who made the evening possible, and setting the stage for the evening's activities, including mention of the firm's newsletter (recently recognized by the D.C. Bar Association), a preview of the evening's presentations and question and answer session, drawings and door prizes, client advisory committee, the firm's succession plan, and a summary of the firm's philosophy – the caring for clients model.

During an information-packed two hours, clients and their guests submitted questions, both written and verbal, to the podium. This interchange, including financial advisors present, benefitted all in attendance. The evening's main presentation, "How to be a Fiduciary", included segments by Mr. Elville and attorney Barrett King, of Elville and Associates, providing a broad overview of fiduciary duties and a general discussion of the post-mortem situation and the issues most often faced by Trustees and Personal Representatives. Barrett King specifically addressed the prudent investor rule and the standard(s) to which the fiduciary is held in their management of trust assets.

In the elder law context, Cathy Lonas, RN, of Advocate, 360, LLC, discussed the role and plight of the caregiver, how geriatric care management works, and how the lives of both parents and their adult children can be enhanced through such services. Cathy also discussed the role that geriatric care nurses play in working with elder law attorneys to achieve the best results possible for clients.

Bob Harrison, Senior Gift Planning Officer for Anne Arundel Medical Center Foundation, discussed the role of charitable

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Client Education Event (Continued)

giving in estate planning, and how gifts, both large and small, immediate or deferred, can make a huge impact in the world. Bob's low key approach and many years of experience in the philanthropic world provided unique insight into the many choices available to those persons with charitable

intent, along with the joy that comes from giving. Bob also quietly expounded on how the simplest giving provisions can compliment any estate plan. Bob further described how planned giving can be done outside of the context of Wills and Trusts.

After a non-stop, action-packed evening, the Event ended with drawings for gift baskets and Kennedy Center tickets for the National Symphony Orchestra. Congratulations to the winners!

Elville & Associates salutes our Event attendees and their commitment to caring for their loved ones through education and planning with purpose. We look forward to this year's Client Education Event – please see our summer 2013 newsletter for more information. For those clients who wanted to attend the 2012 Event but were unable to do so, please note that Event materials are available to you. If you would like to receive this material, please contact Mary Guay Kramer at mary@elvilleassociates.com, or call 443-393-7696. Thank you for making Elville & Associates' first annual Client Education Event a tremendous success.

Please SAVE THE DATE for this years Client Education Event to be held on September 26, 2013.

Estate and Gift Tax Update – The American Taxpayer Relief Act of 2012

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

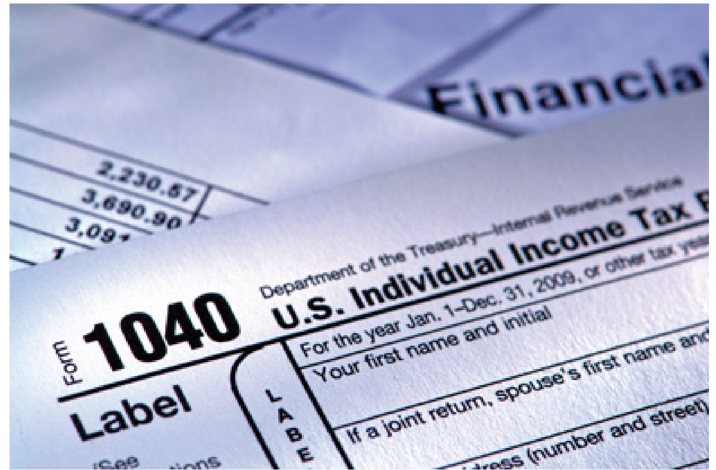
A wonderful client of mine recently shared a joke with me. I thought the joke so humorous, and later, so applicable to many situations in life, that I feel it bears telling again – here it is. Two men (acquaintances) unexpectedly see each other at a shopping mall. One of the men is fifty (50) years of age, the other eighty (80). The younger man enthusiastically says to the older man, "how's it going, how are you doing, how are you getting along?" The older man, without hesitation, replies, "Well, I'll tell you how it's going, and in the meantime, I'll describe to you what it's like to be 80 years old – I had a dream recently. In my dream, I dreamt that I was falling from the top of a 20-story building, and on my way down, as I passed the fourth floor of the building, I saw an open window – and inside that window, a woman sitting at an office desk. The woman happened to be looking out the window, and seeing me come by, smiled, and called out to me, 'how's it going out there?', to which I replied, 'Everything's going well so far'."

Estate and Gift Tax Update (Continued)

This bit of humor may aptly describe how many clients felt about the estate and gift tax laws during the last quarter of 2012. However, despite the uncertainties that existed in 2011 and 2012, the overall situation as of January 1, 2013 remains very favorable. In the following paragraphs, I will provide a brief summary of the federal estate tax laws leading up to the 2012 Act and a summary description of the new laws relating to the estate and gift tax. In this article, I will focus on the specifics of the 2012 Act as they relate to the estate and gift tax and not the full scope of the 2012 Act.

In 2001 we had EGTRRA, the 2001 Economic Growth and Tax Relief Act. Under EGTRRA, the federal estate tax was to be repealed in 2010 after a long phase-out period. After the phase-out, the federal estate tax exemption was scheduled to be $1 million with a maximum graduated tax rate of 55%. Then we had the 2010 Tax Relief Act that re-established the federal estate tax as of the beginning of 2010. For estates of decedents who died in 2010, personal representatives could choose new carryover basis rules instead of the estate tax. The 2010 Act implemented a $5 million federal estate tax exemption for 2011 (the actual exemption amount, indexed for inflation, was $5,120,000 for 2012), with a maximum graduated tax rate of 35%. The 2010 Act also provided for something called "portability", the concept that the estate tax exemption of the first spouse to die, if not utilized, could subsequently be used by the surviving spouse in addition to his or her own estate tax exemption. In essence, the 2010 Act postponed the expiration of many changes brought about under EGTRRA until December 31, 2012, bringing us back to the last quarter of 2012 during which we again anticipated a $1 million federal estate tax exemption as of January 1, 2013, a maximum graduated tax rate of 55%, and no portability. Fortunately, the latter did not occur.

The American Taxpayer Relief Act of 2012 was signed into law on January 2, 2013. Under the 2012 Act, the uncertainties that existed since 2001 appear to be over. With the exception of the estate and gift tax rates, all of the changes enacted during 2010-2012 have now become permanent. This includes a federal estate tax exemption of $5,250,000 ($5 million indexed for inflation) and portability between spouses. This means that a married couple can now exempt $10.5 million. This has implications favoring a simplification of traditional marital deduction planning where a major emphasis of such planning was the utilization of the exemption amount of the first spouse to die. However, even with the advantages of portability, there are many non-tax-related reasons why traditional marital deduction planning will remain an important aspect of comprehensive estate planning. The new maximum graduated tax rate for the federal estate tax is 40%. This represents an increase from the previous maximum rate of 35%.



The gift tax exemption and estate tax exemption were again unified under the 2010 Act with a maximum gift tax rate of 35%. Under the 2012 Act, the gift tax exemption is $5 million (indexed for inflation) and the maximum gift tax rate is also 40%. This means that clients can make lifetime gifts of up to $5 million without incurring gift tax. This is in addition to the annual exclusion (currently $14,000.00 per person per year). One important note - when contemplating lifetime gifts, remember that gifting involves many considerations, including the potential usage of the gift tax exemption and the impact that may ultimately have on the estate at death (taxable gifts in excess of the annual exclusion are added back into the estate at death), Maryland-specific considerations (i.e. Maryland has no gift tax), income tax ramifications, and how the gift should be provided, in trust or otherwise.

In conclusion, let's return to our 80 year old friend who had just finished his conversation with the nice lady at the fourth floor. Of course, this kind gentleman's experience was only a dream, so when he awoke, all of his concerns about the estate and gift tax were resolved with the passage of the 2012 Act, so there was no crisis and nothing further to be concerned about. However, I recognize that there are those of you who wish to know what really happened, so I will tell you – as our friend continued to fall, the nice lady at the fourth floor instantly changed into a super hero, flew out the window, soared below at supersonic speed, and rescued our friend from his fall, eventually flying him back to the roof of the building. Our friend, happy to be safely back where he began, profusely thanked the lady for her assistance, and being somewhat confused about the entire event, eventually asked, "where am I?" The nice lady said, "why you are at IRS headquarters, of course."

The attorneys at Elville & Associates counsel and advise clients about estate, gift, and income tax issues. If you have questions or concerns about estate planning, elder law, special needs planning, or specific tax matters, please call 443-393-7696 to schedule a convenient time for a consultation.

What Clients Need To Know About Estate Planning For Retirement Plans

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

Clients who spend a great deal of time and effort going through the process of legacy planning - a step by step program we recommend for best planning, enjoy the satisfaction of a job well done, including the knowledge that such planning is its own reward. As mentioned many times in this newsletter, the result of legacy planning is the thoughtful disposition of property, proper funding of the plan, the passing along of the values and ideas that produced the estate, careful plans for the protection of beneficiaries, and more. Despite this extraordinary planning however, many well-intentioned clients focus exclusively on the disposition of their non-retirement assets (assets other than IRAs, 401(k)s, 403(b)s, 457 plans, and ESOPs) and fail to give proper consideration to the disposition of their retirement plan assets. In other words, many clients plan for the controlled disposition of their non-retirement assets (i.e. real estate, checking, savings, and money market accounts, certificates of deposit, stocks, bonds, mutual funds, savings bonds, etc.) but leave the disposition of their hard-earned retirement plan assets completely uncontrolled. These clients sometimes unintentionally fall into the trap of thinking about retirement and non-retirement assets as one and the same, failing to properly consider the ramifications of the complicated IRS rules governing retirement plans and how those rules determine that IRAs and retirement plans work completely different from non-retirement assets. This means that a lack of understanding of how our spouses, children, grandchildren, nieces and nephews, and other beneficiaries may receive retirement plan assets and how those retirement assets are treated for tax purposes can cause plan failure through unplanned or unnecessary dissipation, loss of creditor protection, and payment of unnecessary income and estate taxes. For purposes of this brief article, we'll boil down the complex issues surrounding retirement plans to three major categories, namely, (1) tax treatment, (2) owner control, and (3) creditor protection, representing the core knowledge our clients need to have. Our focus will also be limited to non-spousal beneficiaries.

The tax treatment of retirement plans is, of course, rooted in the IRS Code, and a full explanation of the distribution rules relating to retirement plans is beyond the scope of this article. At a minimum however, clients should understand the following - when we die, withdrawals by the beneficiary of our retirement plan are considered to be "Income in Respect of a Decedent" (IRD), defined as income earned by the plan owner prior to their death but distributed after the plan owner's death. These withdrawals or distributions will be taxable to the beneficiary as ordinary income. This represents a major departure from the treatment of non-retirement assets and

should be strongly noted. At death, non-retirement assets receive a step up in basis to fair market value, meaning that our beneficiaries receive our non-retirement assets at fair market value on the date of death. If the beneficiary were to immediately liquidate those assets at fair market value, there would be no capital gain. This is the income tax advantage of testamentary transfers (transfers at death) versus inter vivos transfers (transfers during lifetime). Conversely, for lifetime transfers (gifts during life), the donee takes the donor's basis in the gifted property (carry-over basis) and in most cases will incur capital gain if the property is sold (note that the issue of basis discussed here is not applicable to cash). Retirement assets do not receive a step up in basis due their status as IRD. Again, this is a point of emphasis – the funds representing retirement plan assets, unless a Roth IRA or Roth 401(k), will be taxable to the beneficiary upon withdrawal as ordinary income. The minimum distribution rules provide a complex, but recently much simplified, structure for distribution/ withdrawal, both during the plan owner's lifetime and after the death of the plan owner for beneficiaries. These rules governing withdrawals have far reaching implications affecting the timing and speed with which the retirement assets are taxed, control or lack of control for the plan owner, and creditor protection. Now that we understand that retirement assets do not receive a step up in basis and are taxed upon withdrawl as ordinary income, let's move on to the issue of owner control.

Most clients are unaware that their non-spousal beneficiaries will have complete control over inherited retirement plan assets. Many clients are also surprised by the idea that their retirement plan beneficiaries are likely to liquidate their entire inherited share within two years. So what's the problem? Perhaps none, depending on your point of view. But for many clients, one problem is that their hard-earned retirement assets, savings accumulated over many years through sacrifice, patience, and tax deferred growth, will likely be dissipated within a very short period of after their death – unless they exercise some form of control over the distribution of the retirement assets. How can the assets be dissipated? In simple terms, through uncontrolled withdrawals, and the immediate income taxation of the distributed assets. However, the story does not have to end there. Non-spousal beneficiaries take their share of retirement plan assets in the form of an inherited

What Clients Need To Know About Estate Planning For Retirement Plans (continued)

IRA. After the inherited IRA is established, the beneficiary can choose to take distribution of their share based on their life expectancy according to IRS Tables. If the beneficiary chooses this option, they will optimize the distribution of their share by "stretching" the IRA – thereby maximizing the tax deferred growth of the assets and preserving the assets, both for themselves and possibly for future generations. Alternatively, the beneficiary could also choose to take distribution of the retirement plan assets over five (5) years, or as we have discussed, in a "lump-sum." What to do? For those clients who generally do not want the uncontrolled liquidation of retirement assets by their beneficiaries; or for those families where there are special needs, spendthrift, of other unique beneficiary situations, retirement plan assets can be beneficiary designated to a retirement plan trust or other specific stand alone trust. By having retirement assets flow to a retirement plan trust instead of individual beneficiaries, the plan owner can ensure individual life expectancy treatment for each beneficiary (the longest distribution stretch out possibility) and lifetime creditor protection for the beneficiary, all while providing for discretionary distributions of principal if needed. Now that we've broached the subject of asset protection, let's discuss the specifics of asset protection as it relates to retirement plans.

All qualified plans, or plans at work (Simple IRAs, SEP IRAs, 401(k)s, 403(b)s, 457 plans, and ESOPs), are creditor protected against the claims of creditors of both the employer and the employee. IRAs funded with assets of a qualified plan retain their creditor protected status under U.S. bankruptcy laws, and IRAs containing funds other than qualified plan funds are exempted under U.S. bankruptcy law up to 1 million dollars. Under Maryland state law, IRAs are protected from the claims of creditors for both the plan owner and beneficiaries. This means that inherited IRAs should be creditor protected in Maryland. However, inherited IRAs have been under attack in recent years. Through the use of a retirement plan trust, clients can implement a further shield of protection to achieve optimal lifetime creditor protection for their beneficiaries, ensuring protection against bad marriages, creditors, predators, and beneficiary mistakes.

Retirement plan trust planning is not appropriate for all clients. Client goals and motivations, family situation, size of the retirement plan, and other factors will determine each client's approach to the disposition of retirement plan assets. If you have any questions about your retirement plan or requirement plan assets, required minimum distributions, how future retirement plan distributions to your beneficiaries work, retirement plan trusts, or other questions, please contact our office to arrange a meeting at a time most convenient for you. The attorneys at Elville & Associates are passionate about counseling clients about estate planning for retirement plans and will do their utmost to provide education about this important planning issue.

Planning For Unmarried And Remarried Couples*

Barrett R. King, J.D.

For unmarried couples who wish to plan for their respective partners to inherit upon death, the tax exemptions set aside for married couples simply are not available. Inheritance tax is virtually unavoidable, and the unlimited marital deduction for estate tax is not an option. If the unmarried couple have children together, planning for the children is relatively routine. If, however, there are children from prior relationships, whether the couple is married or not, the process gets more complicated.

First and foremost, unmarried couples must realize that the law treats them mostly as strangers. Without proper documents such as advance medical directives and powers of attorney, your partner cannot make decisions for you in the event of your incapacity. Specifically for medical decision-making, the "surrogate decision maker" statute provides a hierarchy of priority for who may act on behalf of an incapacitated person. For purpose of this article, the first in line is a spouse or domestic partner. In order to have a domestic partnership according to Maryland law, there must be indicia of that partnership in the form of a domestic partnership affidavit or similar document. This sort of document will be discussed later in this article.

For couples who do not have such a document, however, the partner (no matter how committed) is overlooked in favor of the incapacitated person's adult children, a living parent, sibling, and so on. When a partner is passed over by requirement of law, it can cause great emotional distress to that person who may know the incapacitated person much more intimately than those with priority at law.

As for financial issues, a primary objective in estate planning is maximizing the amount of money that is distributed to loved ones while minimizing the taxes due and the expense of administering the estate. Inheritance tax is a concern for unmarried couples. Where an unmarried partner intends to leave his or her entire estate to a committed, but unwed, partner, there is a ten percent (10%) inheritance tax assessed on all property passing to the surviving partner. There is a remedy,

however, for couples that cannot or will not be married.

The domestic partnership affidavit is a protection for committed couples who do not marry that protects their rights not only as a surrogate decision maker, but can also protect their joint primary residence from inheritance tax on the death of one partner. Where a couple owns their home as "joint tenants with right of survivorship," as is common in many unmarried partnerships, this is a very important step to take, lest the survivor be forced to pay a ten percent (10%) inheritance tax on the one-half (1/2) of the home he or she inherits. On a modest home valued at $150,000.00, the $15,000.00 tax that would be assessed is not at all insignificant. In order to obtain this benefit, however, unlike married couples, the unmarried couple must act in advance and complete the domestic partnership affidavit and attach two pieces of evidence of the existence of the partnership to the affidavit. Unfortunately, almost all other assets passing to a joint owner or domestic partner will be subject to the inheritance tax. The Register of Wills, which is responsible for collecting the tax, requires the Personal Representative of the deceased partner's estate to file an Information Report identifying all assets owned jointly with a person subject to inheritance tax.

What, then, of the married couple where one or both spouses has a child from a prior relationship? Some professionals refer to these as "blended families." Inheritance tax is not of concern for children or stepchildren in this situation. In blended families, the concern may be to provide for a spouse while ensuring that your own children are acknowledged in your estate plan.

The inherent risk in planning for blended families is this: Husband dies leaving a surviving Wife and two children from his prior marriage. If Husband leaves his entire estate to Wife, she can do with it as she pleases and effectively disinherit Husband's children. To add insult to injury, Wife could arrange that what would have been Husband's estate, now part of her own, go to her children from a prior marriage upon her death. Husband's children have no recourse against Wife in this situation. So what can Husband do? He wants to provide for Wife at his death, but wants to honor his children at the same time.

Husband's best option is to use trusts as part of his plan. By planning with trusts, he can set his estate aside to be used for his beloved Wife's benefit upon his death, but can also ensure that when she passes away his children receive any balance of his estate remaining. It is true that unless Husband puts conditions on the trust (limiting withdrawals from the trust principal, requiring a co-trustee, possibly an independent trustee), Wife can exhaust the trust entirely during her lifetime. For many couples, the primary goal is to care for the surviving spouse.

For those couples concerned about a surviving husband or wife exhausting the estate, planning techniques can be used to plan for a variety of goals: perhaps the deceased spouse wanted to direct a certain asset or amount of money to his or her children immediately at death, or perhaps the couple can use life insurance to provide a death benefit to the survivor outright with the balance of the estate going to the deceased's children.

Perhaps one spouse/partner is considering disinheriting the other as a means of ensuring his or her own children inherit the estate. In an unmarried couple's situation, this is possible; in fact, it is the default rule without a written estate plan in place. Where the first to die has no will, or has a will that does not provide for his or her partner, a long-time partner surviving the deceased may be shocked to learn he or she will inherit none of the deceased partner's estate. He or she will have no recourse to take from the estate. A married partner, however, is entitled to the "elective share" of his or her deceased spouse's estate. The elective share is the default rule for married couples. On the death of the first spouse, absent a Will (or where there is a Will that attempts to disinherit the survivor), the surviving spouse will receive one-third (1/3) or one-half (1/2) of the deceased spouse's net estate depending on whether the deceased spouse had children that survived him or her. This means that, even in a "traditional" setting, without proper estate planning, a surviving spouse only inherits a portion of the deceased spouse's estate.

A prenuptial or postnuptial agreement is a method of negating the elective share if a married couple agrees that neither should inherit from the other, or if they wish to make arrangements to inherit less than the elective share from each other. While most people perceive these agreements as a means of protecting the spouses from a potential divorce, the pre- and postnuptial agreement is also an effective estate planning mechanism.

Not only can a pre- or postnuptial agreement benefit married couples, but a form of such an agreement can benefit unmarried couples, as well. Beyond the domestic partnership affidavit mentioned above, a domestic partnership agreement can be devised to protect the "weaker" party who may be less wealthy or be giving up an earning job to care for the family. Where a married couple may desire to waive the elective share or reduce it, an unmarried couple may agree that they want to create a binding agreement to inherit from each other.

Whether married or unmarried, same-sex or opposite-sex, couples are faced with complex issues in the ongoing management of their estates and protecting their rights as they pertain to each other and their respective children. It is mostly apparent that, if a couple is not married, steps must be taken to ensure the relationship is acknowledged during life and that the partner is protected in the event of death. Proper planning and the foresight to anticipate potential pitfalls is crucial for all relationships. It is worth mentioning here that, even if a couple is married and the deceased spouse dies without a Will and

Planning For Unmarried And Remarried Couples (Continued)

leaves surviving children or even a surviving parent, the spouse left behind will only receive one-half (1/2) of the estate as a maximum.

In summation, unmarried couples must take action and engage in proper estate planning to see their relationship acknowledged during their life together; blended families, regardless of marital status, must look closely at how they want their respective children to be treated in light of the couple's mutual relationship and plan accordingly.

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[*] On January 1, 2013, same-sex marriage became legal in Maryland; however, federal law does not yet recognize these marriages. Therefore, spousal exemptions for Maryland and Federal estate tax do not apply to same-sex couples, even if married. The Supreme Court is hearing challenges to the federal law this term, and this area of law is quickly developing.

[1] Md. Code Ann., Health – General §5-605.

[2] There are specific exemptions from inheritance tax for life insurance proceeds paid directly to a beneficiary, and

[3] The additional evidence can be the joint deed, evidence of a joint bank account, an advance directive or power of attorney naming the partner as agent, proof of joint liabilities, and so on.

[4] Md. Code Ann., Estates & Trusts §3-208.

[5] Id.

Client Advisory Committee

We are happy to announce that three (3) of our clients have volunteered to serve on the Client Advisory Committee. They are: Laird Wise, Rosemarie Callage, and Diane Juray. This important committee will convene its first meeting sometime this spring at a date and time to be determined. We will keep all clients advised about the comments, ideas, and suggestions of the Committee.

There are several more positions available for service on the Committee – a panel of seven (7) to nine (9) members would be ideal. If you are interested in serving, please contact Mary Guay Kramer at 443-393-7696.

Upcoming Events And Speaking Engagements

Please visit our website, www.elvilleassociates.com/news-events, for frequent updates on our events and speaking engagements.

On the Radio

- Elville & Associates is a corporate sponsor of WBJC 91.5 FM. Please listen for our advertisements and view our web ads on wbjc.com.

Our Attorneys

STEPHEN R. ELVILLE, J.D., LL.M.

Practice Areas: Estate Planning, Elder Law, Special Needs Planning, Asset Protection, Estate Administration, Taxation

Practice Focus: Mr. Elville works with individuals and families to provide a unique attorney-client experience and peace of mind solutions to the challenges they face with estate, asset protection, and tax planning issues, and with disability and long-term care planning issues. Mr. Elville has extensive experience in working with clients involved in crisis situations. He also brings a unique and personalized approach to pre-crisis planning. Mr. Elville routinely handles client issues in the following areas: wills, trusts, estate tax planning, powers of attorney, living wills/ advance medical directives, Medicaid asset protection trusts, Medicaid planning and qualification, estate administration, fiduciary representation, nursing home selection, guardianships, special needs planning for children and adults, Social Security Disability Income (SSDI), Supplemental Security, Income (SSI), and IRS tax controversy.

Education: LL.M., University of Baltimore, cum laude; J.D., University of Baltimore School of Law, cum laude; B.A., University of Baltimore, summa cum laude

Professional Activities and Achievements: Mr. Elville is a member of the National Association of Elder Law Attorneys (NAELA), Elder Counsel, Wealth Counsel, the National Network of Estate Planning Attorneys, Academy of Special Needs Planners, and Academy of VA Pension Planners. He is the past Chair of the Howard County Bar Association Estates & Trusts and Elder Law Sections and is the past President of the Coalition of Geriatric Services (COGS). Mr. Elville currently serves as a member of the Maryland State Bar Association Elder Law Section Council and the Charitable Gift Planning Advisory Committee for Anne Arundel Medical Center (CGPAC). Mr. Elville is a frequent guest lecturer for the National Business Institute and has formerly advised the Genworth Network. He has lectured at Villa Julie College. His articles have appeared in The Business Monthly.

BARRETT R. KING, J.D.

Practice Areas: Estate Planning, Elder Law, Estate/Trust Administration, Fiduciary (Estate/Trust) Litigation, Business Law, Tax Litigation

Practice Focus: Mr. King regularly assists clients in preparing wills, trusts, powers of attorney, living wills/ advance directives, business planning, estate administration, fiduciary representation, and a host of other areas. He also represents clients in the Orphans' Court and the District and Circuit Courts of Maryland in will contests, business disputes, guardianships, and estate and trust litigation. Mr. King also defends clients in tax controversies involving Maryland and federal tax authorities.

Education: J.D., University of Baltimore School of Law, cum laude; B.A., Salisbury University, Dean's List, Alumni Hall of Fame

Professional Activities and Achievements: Admitted to the United States Supreme Court Bar. Mr. King was recently appointed to the Board of Directors of The Women's Law Center of Maryland, Inc., the first male ever appointed to that Board.

Our Associate Attorneys

Elville & Associates is pleased to welcome Megan P. Haskins as a new associate attorney. Megan comes to Elville & Associates with a diverse background of international travel and recent work in the field of International Human Rights where she advocated for the rights of underprivileged in Africa, and also a recent affiliation with an international human rights organization in Washington, D.C. A graduate of American University School of Law, Megan's talents and interests are uniquely suited to Elville & Associates' multi-faceted estate planning, elder law, and special needs practice. We are proud of Megan's commitment to our field of practice and to advocating for the rights of all people, including the elderly. Megan is a native of Montgomery County. She resides in Bethesda, Maryland.

Elville & Associates is also pleased to welcome Bridgette E. Becker as a new associate attorney. Bridgette comes to Elville & Associates after working for law firms in Dublin, Ireland, and in Annapolis. In addition to working within the firm's estate planning and elder law core practice, Bridgette's focus is Estate & Trust Administration. Bridgette is originally from Annapolis. She recently moved to the Canton area of Baltimore with her new husband, Gavin Becker.

MEGAN P. HASKINS, J.D.

Practice Areas: Estate Planning, Elder Law, Estate and Trust Administration, Fiduciary Litigation

Education: J.D., Washington College of Law, American University; M.A., School of International Service, American University; B.A., College of Notre Dame of Maryland, summa cum laude

Bar and Court Admissions: Maryland Court of Appeals; Maryland State Bar Association, Section of Young Lawyers, Estate and Trust Law Section; American Bar Association, Young Lawyers Division

Practice Focus: Ms. Haskins assists clients in a variety of elder law and special needs matters and in drafting of wills, trusts, powers of attorney, and living wills/advance directives. She also represents clients in the Orphans' and Circuit Courts of Maryland in will contests, guardianship matters, and estate and trust litigation.

Previous Work : Ms. Haskins served as a pro bono human rights attorney in affiliation with the International Human Rights Law Clinic at Washington College of Law at American University.

Professional Activities and Achievements: Ms. Haskins currently serves as a pro bono human rights attorney. Prior to joining the law firm of Elville & Associates, P.C., Ms. Haskins worked on human rights cases involving human trafficking, asylum based on social group, and diplomatic immunity. She worked with a non-governmental organization in Dakar, Senegal in the Summer of 2012 and for the American Bar Association Rule of Law Initiative in Washington, D.C. Prior to law school, Ms. Haskins worked for four years in the real estate and title industry in Maryland, D.C., and Virginia.

BRIDGETTE E. BECKER, J.D.

Practice Areas: Estate and Trust Administration, Estate Planning, Elder Law

Education: J.D., University of Baltimore School of Law, Baltimore, Maryland; International Law Courses, University College Dublin, School of Law, Dublin, Ireland; B.A., Political Science; Minor: History, Randolph-Macon College, Ashland, Virginia

Bar and Court Admissions: Maryland Court of Appeals; Maryland State Bar Association; American Bar Association, Young Lawyers Division

Practice Focus: Mrs. Becker assists clients in Estate and Trust Administration

Previous Work : Mrs. Becker was a recruiting manager for Robert Half Legal in Baltimore, MD focusing on permanent placement staffing for attorneys, paralegals and legal assistants. Before that she was with Merrill, Cruttenden & Collinson, P.A., Annapolis, Maryland engaged in estate planning and business law, and Gartlan Furey Solicitors, Dublin, Ireland a Corporate and Commercial Law Firm with a majority of government and bank contracts as well as private and corporate clients.

Professional Activities and Achievements: Pi Sigma Alpha, National Political Science/International Relations Honor Society; Phi Alpha Theta, International History Honor Society; Delta Zeta Sorority, Chapter Lamp National Magazine Editor. Mrs Becker also speaks conversational French and recently completed a four-month Arabic class.

Our Firm

MARY GUAY KRAMER

Mrs. Kramer came to Elville & Associates in June 2011 and is the executive assistant to lead attorney, Stephen R. Elville. She also serves as Elville Associates' Funding Coordinator. Mary has an extensive background as an executive assistant and certified paralegal, having worked in large, private law firms and in the corporate world with The Travelers. As Funding Coordinator, Mary's mission is to ensure that every estate and elder law plan is fully funded. Mary's well-known talents for organization and efficiency make her uniquely situated to the funding process and the client follow-up that results in plans that ultimately work as intended. Whether you have a long-standing plan or have recently implemented the planning process, it is always a good idea to review your plan funding. Please call Mary any time a funding question arises, and always keep in mind that we are committed to making sure that your estate or elder law plan is properly funded.

ROSE ANN SCHULER

Mrs. Schuler came to Elville & Associates in February, 2011, after spending over 20 years in the background investigation industry. She currently works as a paralegal and also supports the firm administratively. Mrs. Schuler also assists Mrs. Elville in the daily management of the firm's main office in Columbia, Maryland.

DEBORAH ELVILLE

Mrs. Elville has been a part of Elville & Associates since its inception. She currently heads the firm's billing department and also works with Rose Ann Schuler in the daily management of the firm's main office in Columbia, Maryland.

Our Affiliations

CATHY LONAS, RN, BSN, MSBA

Elville & Associates is proud to announce its professional association with Cathy Lonas, RN, BSN, MSBA, Geriatric Care Manager. Since Cathy's introduction to Mr. Elville, she has become an integral part of our Planning Team. Cathy brings a wide range of talents and abilities to our clients, along with an extraordinary passion and energy for helping others. This personal and professional skill set is now a powerful part of Elville & Associates' solution-oriented approach to elder and estate planning. We are proud of the elevated level of practice and client service we are able to attain by making Cathy's information and services known and available to our clients.

Ten Things To Look For In An Estate Planning Attorney

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

1. Provides warm, friendly approach and caring environment.
2. Attorney is a counselor and not just a technician.
3. Clients are provided with a unique estate planning experience and not just a transaction.
4. Provides an interactive estate planning process in partnership with the client and with emphasis on client goals (not a paternalistic approach).
5. Ensures financial advisor/C.P.A. friendly approach with goal of inclusive total team effort; works in good faith with Financial Advisor and/or C.P.A. to implement all appropriate solutions in best interests of the client.
6. Timely and structured process - encourages clients to complete the estate planning process and discourages procrastination.
7. Trust funding - estate planning attorney and firm's funding coordinator oversee and ensure proper funding of all estate and elder law plans (client not abandoned with unfunded plan).
8. Client education and understanding - to the extent possible, attorney ensures that client understands their estate planning documents and choices.
9. Follow-up - maintains on-going contact with clients via annual continuing education and maintenance programs to encourage clients to meet with attorney at least once every other year and facilitates client-attorney contact throughout the year, via quarterly newsletter and other notifications.
10. Value-added services - provides client access to latest in on-line document storage, CD document storage, and all available long-term care product recommendations for "complete" estate planning.

ELVILLE & ASSOCIATES' VISION & MISSION STATEMENTS

VISION STATEMENT

To become the leading estate planning and administration, elder law, and fiduciary representation firm in Maryland through the relentless pursuit of and adherence to the fundamental firm values of educating and counseling clients and constant recognition that the firm exists to exceed our clients' 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.

SERVICES OFFERED BY ELVILLE & 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

ELDER LAW

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

SPECIAL NEEDS PLANNING

- Special Needs Trusts
- Pooled Trusts
- Public Benefit 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

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