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Client Care Program Update – the April Tax Reform Educational Event, the Summer Social Event at Toby's Dinner Theatre, and Looking Forward to the Annual Client Event

Jeffrey D. Stauffer – Community Relations Director



As the Client Care Program nears its two-year anniversary, the mission of the CCP (“planning that works”) remains the same – to provide CCP members with the comfort and assurance that their estate and elder law plans will stay updated over the passage of time and that clients and their families receive the education they need. Though its mission remains the same, the CCP continues to grow in scope as CCP Member benefits grow, including most recently the ability for Members to participate in their own archival family video production at the Elville Creative Studio. Members are encouraged to express themselves and share whatever they want future generations to remember – their wishes for family, values important to them, old stories they want to pass down for generations to come, and much more. There are no limits, the creative possibilities are endless.

Elville and Associates’ first CCP Continuing Legal Education Event of the year, “A Round Table Discussion on the New Federal Income and Estate Tax Code (The 2017 Tax Act),” was held on Saturday, April 28th at the the Arnold campus of Anne Arundel Community College. Guests were entertained and educated by Katz Abosch’s CPAs James Eaton and Michael Andrews along with Elville and Associates’ Principal Stephen Elville. Yes, entertained! These CPAs were colorful and brought the December 2017 Tax Act to life as they explored a broad overview of the huge changes in the laws.

The CCP’s second annual Social Event took place on Sunday, August 19th, as Members and their families enjoyed a matinee showing of the smash-hit musical, “Mamma Mia,” at Toby’s Dinner Theatre in Columbia. After a delicious breakfast buffet was served before the sold-out show, guests were whisked away to the show’s setting, a Greek Island in the Mediterranean Sea, as extraordinary acting and memorable ABBA songs such as “Gimme! Gimme! Gimme!,” “Lay All Your



Love on Me,” “Take a Chance on Me,” “The Winner Takes It All” and, of course, “Dancing Queen” entertained and transported everyone back to a younger time, some forty years ago. As The Baltimore Sun’s review of the show stated, “If you didn’t know you were at a dinner theatre, you’d think you were at a disco!”

Elville and Associates’ 6th annual Client Event will be held on Saturday, October 20th, 2018 from 8:30 to noon at the Retreat and Conference Center at Bon Secours in Marriottsville. This year’s theme is “Understanding

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Client Care Program Update (continued from page 1)

Medicare Concepts 2018 – A Continuing Discussion with Mark W. Trent of Medicare Supplement Services.” By popular demand, we are fortunate to have the engaging and informative Mr. Trent back again this year to update guests about the ongoing changes in the world of Medicare along with presentations by the Firm’s attorneys about Healthcare Decision Making in 2018; Maryland Law Update; Funding and Asset Alignment Retrospect; and Client Care Program Experience. Along with the superb lineup of speakers, delicious food, door prizes, and gift baskets will once again highlight the morning. Entertainment will be provided by the Max Vanderbeek Jazz Group – a professional jazz trio led by one of the Elville Center for the Creative Arts’ finest school partners and music directors, Dr. Maximus VanDerbeek of Wiley H. Bates Middle School in Annapolis. Invitations will be forthcoming in mid-September. A partial copy of the invitation can be found on page nine of this newsletter.

The CCP’s final Continuing Legal Education Event of the year is scheduled for Saturday, December 8th, 2018, at the John A. Cade Center for Fine Arts. Our guest speaker will be Ellen Platt, Geriatric/Life Care Manager with The Option Group, and her presentation, “Navigating Longevity,” will cover an overview of geriatric care management; cognition, brain health, and dementia; care options; and the importance of taking care of the caregiver. Invitations and more information about this event will be provided in late October.

To learn more about the CCP, its many benefits and how to become a Member, please contact Mary Guay Kramer, Client Care Program Coordinator, at 443-741-3635 or mary@elvilleassociates.com.

Lindsay V.R. Moss, Esq., Becomes Partner at Elville and Associates, P.C.

Jeffrey D. Stauffer – Community Relations Director

In February, Elville and Associates’ Principal Stephen R. Elville promoted Lindsay V.R. Moss to Partner.

Ms. Moss joined Elville and Associates in 2013 as an Associate Attorney. After professional development, Ms. Moss now leads the firm’s Elder Law division. She regularly assists clients in crisis situations, and works with families to facilitate the best possible eldercare solutions for their loved ones.

“My promotion to Partner means a lot to me,” said Ms. Moss. “It recognizes the work and commitment I have given the Firm for the past five years, and also the elderly and disabled population for whom I have zealously advocated for my entire career. Being named a Partner gives me the opportunity to have a stronger and more powerful voice for my clients.”

“Over many years at Elville and Associates, Lindsay has displayed a devotion to our Mission and Vision, conveyed a strong drive and tenacity, and a never-ending desire to improve and to advocate for clients,” remarked Mr. Elville. “This journey has led Lindsay to become a speaker at several National Business Institute and other workshops, to be published in the Maryland Bar Journal, and to become a highly-effective advocate for persons with disabilities. Lindsay has displayed a flexibility and willingness to do what is required of a Partner, including being a leading County Coordinator for Law Day Maryland, and a participant in other community outreach projects.”

Ms. Moss came to Elville and Associates from a diverse background that has molded her into the attorney of many abilities she is today. After graduating from Towson University in 2000 Magna Cum Laude and earning her law degree from

the University of Baltimore School of Law in 2006, she passed the Maryland Bar and began her legal career as an associate with a Columbia-based law firm concentrating primarily in family law matters. As an associate at that firm, she developed a passion for advocacy – helping people in need, and actively working with the elderly and disabled.



While Ms. Moss found her passion at the family law firm, she did not see herself practicing family law long-term. In 2008 she learned of an intriguing opening for a Director of the Adult Medical Daycare Center in Annapolis. She interviewed for the position and immediately accepted its offer.

“The people at the Center had so many stories to share and needed advocates, and I love being an advocate for people,” said Ms. Moss. “So many of them did not have family or people that paid attention to them so it was rewarding on many levels. I decided very quickly that the elderly and disabled population was one I wanted to dedicate my career to.”

As Director of the Adult Medical Daycare Center, Ms. Moss developed a vast knowledge of the complexities of various Federal and State programs, as well as benefits offered through the Veterans Administration. It was during that time her interest in practicing law was reignited, as she realized she could put her law degree to use as an elder law attorney, which involves advocating for the elderly and disabled population for whom she cares so much.

Lindsay V.R. Moss, Esq., Becomes Partner at Elville and Associates, P.C. (continued from page 2)

The knowledge and experiences Ms. Moss gained throughout the years has matured her into the Partner she is today. She values the way the firm challenges her on a daily basis to grow as an attorney and appreciates the firm's commitment to its employees, client care and strong client relationships.

"The firm challenges me to be the best attorney and advocate for my clients that I can be, and is committed to my continued education," said Ms. Moss. "No matter a person's position within the firm, everyone is working towards a shared commitment of building client relationships, offering

educational seminars for the communities we serve, and making sure our clients feel they are important, and that we are always here for them."

Ms. Moss also has an Advanced Certification in Mediation. She is also a Certified Dementia Practitioner (NCCDP) and is certified in Alzheimer's and Dementia Care (HFAM/MAADS). She is a member of the Women's Law Center of Maryland and is one of the founders of Students Supporting the Women's Law Center. Ms. Moss also serves on the Board of Directors for the Maryland Association of Adult Daycare Services.

Fly, Rattle, and Roll

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



I don't know how many people fly to various destinations across the U.S. from Baltimore via the Charlotte Airport travel hub, but I assume it's quite a lot. Having done so many times, my experience has been that on some of the small commuter airplanes that routinely fly the Charlotte route the ride can be quite rough. My wife laughs at me when I affectionately refer to any Charlotte lay-over flight as a "rattletrap", since one time in particular, the plane literally sounded like it was rattling and squeaking all the way, and figuratively lurching towards the runway touch down. Of course there are very smooth flights to Charlotte from Baltimore, and I recently rode on one of those and it was amazing – a fifty minute scheduled flight that arrived fifteen minutes early! And turbulence, let's not forget about that. I don't like it, and again I will say that the southern flight routes always strike me as more turbulent than others, like the smoother long-distance Midwestern routes, to Denver for example (except for in and around Denver airport!). Oh well, I guess none of it is predictable!

All this thinking about the characteristics of modern flight travel gets me thinking about the current state of our politics, and more specifically, the 2017 Tax Act. I'm serious! How analogous can these two things be? I mean you can't make this stuff up, regardless of which side of the political runway (flight path) you're on! So first we've had a lot of shaking, rattling, and rolling for the past eighteen months in Washington and across the country. Really? Well yes – unbelievable, and perhaps unprecedented events, including political infighting, eye-popping initiatives and attempts to foil them, upheavals, policy changes (both domestic and foreign), questions and shifts concerning traditional notions about government and its institutions, attacks on the press, interference in our electoral



processes by foreign governments, turmoil of seemingly every kind, and much, much more. And yet, from an estate planner's point of view, by and through the 2017 Tax Act, along with Portability now a "permanent" fixture of the estate tax landscape, it is a remarkably smooth ride for 99% of U.S. citizens – from both an estate tax and income tax perspective. Quite literally, the current administration and the Congress, despite the rollicking barrel rolls, vertical climbs, mid-air stalls, nose-dives, and general free ride of 2017 and through mid-2018, have managed to land a legislative jumbo jet by passage of the 2017 Tax Act in December. Now hold on some will say. Okay, I agree we're not talking about wins for seniors or people with disabilities here. But from a pure estate planning perspective, this is a friendly monster with almost all the right colors and political stripes – a routine flight that intended to go cross-country but somehow became epic, broke the stratosphere, and landed on the moon.

Now, back to reality. Let's explore the Act in a limited way for purposes of this article. You can read about it in further detail via a multitude of summaries and articles put out by tax services, brokerage firms, trust companies, and news organizations; or, you can read the complete voluminous Joint Explanatory Statement of the Committee of Conference. First, let's be clear – there are winners and losers due to the Act. And like any legislation of this magnitude, there are purely personal and business income tax-related portions, which are hugely important and affect all of us; and concerning our further

Fly, Rattle, and Roll (continued from page 3)

purposes here, estate and gift tax-related portions and their effect on clients' estate planning.

Although the following is not meant to comprise an exclusive list, changes of major importance on the purely personal income tax side of the Act include: new rate brackets, with top rate of 37%; changes to standard deduction and elimination of personal exemption; simplification of Kiddie Tax; increase of Child Tax Credit; changes to charitable deduction; limitation on deduction of home mortgage interest; limitation on state and local income tax deduction; non-deductibility of miscellaneous itemized deductions; Qualified Business Income Deduction (I.R.C. §199A); Alimony payments not deductible, and not income to recipient; increase in AMT exemption; and the elimination of health insurance mandate.

Changes of major importance on the purely business income tax side of the Act include: reduction in corporate tax rates (top rate of 21%); and tax-favored treatment of business income from pass-through entities (I.R.C. §199A).

The Act's direct impact on estate planning (trusts and estates) cannot be understated – it is simply astonishing. The federal estate tax exemption or basic exclusion amount for individuals is now calculated by experts to be \$11.18 million, or \$22.36 million for a married couple. That is more than eleven times the size of the basic exclusion amount then in existence when this writer first began his legal career. This means that the federal estate tax, while not completely abolished, is practically eliminated for 99.5% of decedents. And the gift tax exemption? That is \$11.18 million also. This changes everything! Well maybe not everything, because for example the new exemption amounts “snap back” to the prior exemption level of \$5,490,000 per person in 2026; but it possibly changes many of the assumptions we've always made - for example, that strategic use of the now \$15,000 annual exclusion gift amount or estate tax charitable deduction is so critically important. But are they? On the other hand many fundamental concepts in estate planning remain largely unchanged and most of the staple planning approaches used over the past several years remain viable and leading edge, such as QTIP trust planning between spouses; although of course there are different planning techniques available for people with assets under \$5 million, assets between \$5 million and \$11 million, assets between \$11 million and \$22 million, and assets exceeding \$22 million, and in any event men and women of all ages still (and always will) need to provide for their surviving spouses, partners, significant others, children, nieces and nephews, other loved ones, pets, and organizations the way they want, and at the lowest possible cost, while providing for the lifetime management of their own financial

and health care affairs. Except that now, it is possible to design and construct these foundational planning elements into your planning better, easier, and with more flexibility and asset protection than ever, and with the lowest possible income tax ramifications ever. Yes, it is an exciting time to engage in estate planning. But what is there to talk about now that the estate tax has effectively been eliminated (at least on the federal level)? Well, ... everything? To name just a few topics of major concern: understanding how and why income tax is the “new” estate tax; the ramifications of outright distribution; how to plan for disability or incapacity; dealing with long-term care costs; disposing of tangible personal property; understanding inheritance tax; how to leave assets between spouses; planning where there are unmarried partners; marital control; planning for retirement plan assets; long-term care asset protection for spouses; lifetime asset protection; planning for the shares of children and grandchildren; providing for pets; designing flexibility in planning; trust protectors and other special fiduciaries; asset protection for marriage – pre-nuptial and post-nuptial agreements; planning for persons with disabilities; housing issues; Social Security and Medicare; philanthropy; elder law and Medicaid issues; and much more.

In wrapping up this article, how do we keep from shaking and rolling too much during the years to come despite all the changes happening around us? Well, if you are age fifty or older, you know that's probably not possible – there's going to be a lot of this during life and it's unavoidable. But if you responded “periodic plan updating”, you are not only right, you hold the key to the smoothest possible flying over time, with the least worry. We all want a smooth flight versus a turbulent one – yet only a minority of people plan, and of those planning-oriented folks, only about one-third are willing to become truly educated about their planning, keep the plan updated throughout the years, and thereby remain in control of that one aspect of planning they have near complete control over. I recently watched a film produced by the famous independent filmmaker, Werner Herzog, about the child (now an adult) who survived a Peruvian airplane crash (she was the only survivor). Perhaps you've seen it, but if not the film outlines an amazing story of survival - not only the child's actual fall from the sky into the rainforest, but her experience during the days and weeks following the crash as she walked out of the jungle, reached civilization, and was finally rescued. We have the ability to control the outcome of our estate planning, and we don't have to let it crash, even when the months and years ahead seem unpredictable, full of high speed turbulence, and unpredictable change. Recognize that in estate planning, you are not a passenger – and you are not in a passenger's seat – unless you choose to be. You are the pilot.

How Will My Agent Know Where My Property Is – and How to Access It? The Maryland Fiduciary Access to Digital Assets Act, Digital Storage Options, Safe Deposit Boxes, and Good Old Fashioned Record-Keeping

Olivia R. Holcombe-Volke, J.D.



As recently as this morning, I experienced a headache common to all of us living in the now almost-entirely-digital age. I went to log on to my email from a different “platform” than I normally use (an old laptop, rather than my phone where I normally check email, and on which my email password is saved). I typed in what I thought was my password. No. I tried a variation that I have sometimes used as a password. No. I tried variations on the variation that I have sometimes used. No. I cursed at the reality of the fact that I KNEW my password until I had to change it several weeks ago because of the security requirements that lead to a new password being necessary every few months. Finally, I gave in and created a new password. Which I likely will not remember, because now I am so many variations past my original password that my brain cannot contain which variation is the current one to access this particular account.

Sound familiar?

A friend who used to work at Google said that people would call in all the time, asking for the “help desk” to get them back into their email, from which they were locked out without any memory of their password, or the answers to their security questions, or access to the old phone number or alternative email where the “access your email” link would be automatically sent by Google in case of such dire straits. For these poor souls, it was unhappy news to hear from my friend that Google does not have a help desk, and that there is, in such a situation, no way to get back into their email.

Given these real world examples of the complications faced by us as the OWNERS of these digital accounts, how in the world can we expect our appointed Agents/Fiduciaries to access our digital accounts in the event of our incapacity or death? Particularly if we don’t give them some mechanism for knowing where our digital assets are, or how to access them? It is common now to keep all of our important information on our laptops or desktop computers – but if that device is password-protected or otherwise locked, and no one other than you has the information to access it - how will your appointed Agent/Fiduciary be able to access

your computer, your email, your Facebook, your digital photograph storage service, your Amazon account, etc., etc.?

In recent years, the law has finally started to catch up with the reality of our digital world – though in typical, behind-on-the-curve fashion (the law is always a few years delayed on the timeline of mainstream culture). In 2016, the Maryland legislature passed the Maryland Fiduciary Access to Digital Assets Act, codifying the right of a digital account user to broadly allow or prohibit access to that user’s digital accounts to a Fiduciary by way of a Power of Attorney, Will, or Trust. Prior to the passage of this Act, such authority (for your Fiduciary to access your digital accounts) was dependent upon your completion of each and every website’s own Terms of Service - something I seriously doubt many of us thought or knew to do (I certainly did not).

But this is an imperfect solution, in and of itself. The issue of how our appointed Agents/Fiduciaries might access our digital assets presumes that they will know what our digital assets are – not to mention any and all of our other, non-digital information. The starting point is to imagine how anyone other than you will possibly know what you have, and where you have it (where do you have accounts? With whom do you have life insurance? Who is your doctor, financial advisor, estate planning attorney, etc.?).

A common approach in the past was to keep important documents and information in a safe deposit box. But what if no one but you has access to it, and you become incapacitated or die? Unbeknownst to most people is that a safe deposit box is only accessible by signatories/authorized users. A Power of Attorney may or may not be recognized by your bank – and even if the bank does recognize the authority of your Power of Attorney, the bank may not recognize the authority of your Power of Attorney to access your safe deposit box. And, after your death, when your Power of Attorney no longer has any authority or validity, NO ONE has access to your safe deposit box UNTIL a probate estate is open and letters of administration are given to the Personal Representative (sometimes called the Executor) of your Estate. Which can lead to quite a circular mess if your Will, which should be filed to open your Estate,

How Will My Agent Know Where My Property Is – and How to Access It? (continued from page 5)

and which sets forth who you wish to be appointed as your Personal Representative, is housed in your safe deposit box. Or, even worse, if you established a Revocable Living Trust in order to avoid the opening of a probate Estate, but now, a probate Estate must be opened in order to gain access to your safe deposit box. Many a Trusts and Estates attorney has horror stories to share about the mess caused by important documents being stored in a safe deposit box that only one or two people have access to...

So what is one to do?

One client with whom I worked made it a pet project of hers, to put together a notebook of all of the information her children or siblings might need to know in the event she becomes incapacitated or after her death. She put all passwords, all contact information (for her estate planning attorney and her financial advisor and her doctors, etc.), all asset type and financial institution information, EVERYTHING into this notebook. Now, all that her children and siblings need to know is where that notebook is being kept. Of course, the impetus is on her to keep this information updated.

For some, this old-fashioned recordkeeping is uncomfortable, whether because it is tedious, or considered too insecure. As an alternative, there are various digital storage options on the market now – companies, such as DocuBank and Everplans, that provide the service of a “digital filing cabinet” for all of your important paperwork and information. Of course, this method has its imperfections, too. Ultimately, there is an argument to be made for a hybrid approach, for storing your important information in a variety of ways. One of the best methods for ensuring that your important information is known and available to those who may need it to act on your behalf is to have an estate planning attorney who is familiar with you and your asset information – and, even better, to have a financial advisor and a CPA, too – that is, to have your own personal team of advisors.

There is a fine line between keeping our private information private and secure – and keeping it so private and secure that no one else is able to access it when we actually need them to. We welcome you to discuss this particular challenge with us, and we urge the importance of keeping your information updated, wherever and however you choose to keep it.

Understanding Medicare Concepts 2018

*A Continuing Discussion with Mark W. Trent
of Medicare Supplement Services*



SATURDAY, OCTOBER 20, 2018

Doors Open for Breakfast at 8:30 a.m.
Program Begins at 9:00 a.m.

RETREAT AND CONFERENCE CENTER AT BON SECOURS
1525 Marriottsville Road, Marriottsville, MD 21104

Seating is limited. Please RSVP early to secure your seat.
Please RSVP to Lainey Olson, Legal Administrative Assistant,
at lainey@elvilleassociates.com or call 443-393-7696
before October 12th.



The Movement to Improve End-of-Life Health Care Planning

Verena Meiser, J.D.



A nationwide movement has been underway since the late 1990s to improve end-of-life health care planning by individuals. While Advance Directives including Living Wills and Do-Not-Resuscitate Orders (DNRs) have been widely used to address future decisions regarding life support, pain relief and the administration of nutrition and fluids, they do not capture a patient's preferred level of medical intervention for care either on a routine basis or on an urgent basis due to an acute medical condition. To give individuals the opportunity to express their medical treatment preferences, a process developed that begins with conversations between physicians and patients about available treatment options, and provides forms that record the patient's preferences for all of the patient's health care providers to see. Throughout the various States, these forms are known as physicians' orders for life-sustaining treatment (POLST), medical orders for life-sustaining treatment (MOLST), physicians' orders for scope of treatment (POST), and medical orders for scope of treatment (MOST). The National POLST Paradigm Task Force provides guidance for successful implementation of such forms.¹ In Maryland we have the Maryland MOLST Training Task Force. The State provided regulations for the use of Maryland's MOLST form in July 2013.²

Who Should Have a MOLST form?

Regulations require the MOLST forms be completed at assisted living programs, home health agencies, hospices, kidney dialysis centers, and nursing homes for newly admitted patients and at hospitals for certain patients.

In addition, the rule of thumb is that any person for whom it would be true that a doctor would not be surprised if the person died within the year should have a MOLST form. Anyone of advanced age or frail health or both, should have a MOLST, even those individuals who are not terminally ill, in a persistent vegetative state or suffering from an end-stage condition. Persons in these categories should have a conversation, or a series of conversations regarding end-of-life care with a health care provider. Ideally, the conversations are a team effort by all involved in the person's care and decision-making. End-of-life care is an evolving field. Understanding the nature and effects of treatments, procedures, medications, and methods is important for every patient, and requires open and frank discussion.

The Shortcomings of Advance Directives and DNRs

Most of us are familiar with a typical Advance Directive that includes a Living Will. Such a document allows an individual



to specify whether or not to be administered life-sustaining treatment, as well as nutrition or fluids, if the person has no expectation of recovery from a terminal condition, a persistent vegetative state, or an end-stage condition. The Advance Directive is executed with a hypothetical future health event and goes into effect in the future, when the client is no longer capable of making health care decisions. At such time, the agent appointed in the directive has decision-making authority on the patient's behalf.

Most of us are also familiar with Do-Not-Resuscitate (DNR) orders, which prevents resuscitation in the event of cardiopulmonary arrest. Such orders are issued by physicians for certain patients after conversation with the patient or the patient's decision-makers.

Neither the Advance Directive nor the DNR provides a client the opportunity to specify the kind and level of medical intervention, during or at the end of life, that reflect the client's preferences, values and goals. The choices are either for no intervention at all or full intervention. A MOLST allows the patient to clearly and accurately identify the desired level of care from among the available treatment options as they are explained to the patient or the patient's health care decision-makers by a physician, physician's assistant or nurse practitioner. The care related decisions can be addressed separately from the choice regarding DNR orders. Thus, a person may not want to be resuscitated, but, in all other situations, the person may want more or less aggressive care. Since the patient may lose the capacity to participate in the conversations, it is still important to have an Advance Directive that appoints a health care agent, who can talk with the patient's health care providers on behalf of the patient.

What Treatment Categories does the MOLST Cover?

The Maryland MOLST allows the patient to make informed choices regarding the administration of antibiotics, nutrition, fluids, ventilation, blood transfusion, hospital transfer, medical workup and dialysis, in addition to cardiopulmonary resuscitation (CPR).

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The Movement to Improve End-of-Life Health Care Planning (continued from page 7)

As part of the conversation with medical staff regarding the treatment categories, the staff will summarize key facts and opinions about the patient's medical situation and prognosis, and the relevance of various treatment options.³ The medical staff is expected to ensure that the patient's choices are informed as a result of the consultation with the physician, physician's assistant or nurse practitioner, who signs the order.

Since a patient's medical needs are likely to change over time, it is important to continue to have these conversations. The MOLST can be updated when the patient reverses an earlier decision based on changes in his or her medical condition.

What is the Purpose of the MOLST Worksheet?

An individual who is not currently facing an acute medical condition and has capacity to discuss health care treatment options with a health care provider, has the option of completing the MOLST Worksheet. The worksheet is part of the MOLST and allows a person to document treatment preferences for future situations. If and when the time comes that the person needs a MOLST, the worksheet provides valuable input for the completion of the MOLST form. The topics covered by the worksheet are the same as those addressed on the MOLST form. An individual may choose which of these topics to address. There is no requirement that all categories be worked on.

Minors with Terminal Illnesses and Individuals with Disabilities

Some states allow minors with terminal illnesses to have POLSTs, and some provide a section for special concerns of individuals with disabilities. The Maryland MOLST does not provide a section for individuals with disabilities.

MOLST Need to be Kept Where They Can Be Found - the Registry

Emergency Medical Technicians (EMTs) or first responders will respect and implement a patient's wishes. They can only do so, if they see the MOLST. A physician can provide guidance on where to keep the form; on the bedside table or room door, for the bed-ridden patient, on the refrigerator, in the purse, or any other place where it can be discovered before procedures are started that may go against the patient's wishes.

Some states maintain a registry for their residents' POLST or MOLST forms. The advantage of a registry is that EMTs and other providers have access to the forms. Maryland has such a registry.

Legal Protections

A competent individual's use of a MOLST, properly executed in accordance with local law, is protected by constitutional and common law. The Due Process Clause protects our

deeply personal liberty to reject medical treatment. Since the form is completed after conversations with the physician, a patient's informed consent, as well as the individual's liberty and privacy concerns are satisfied. A health care provider's refusal to honor a MOLST would implicate common law and constitutional violations at the least.

The U.S. Supreme Court has been united in its view that a competent individual, absent a specific compelling public interest has a right to refuse medical treatment.

"On balance, the right to self-determination ordinarily outweighs any countervailing state interests, and competent persons generally are permitted to refuse medical treatment, even at the risk of death. Most of the cases that have held otherwise, unless they involved the interest in protecting innocent third parties, have concerned the patient's competency to make a rational and considered choice."⁴ This language is decisive for the constitutional validity and enforceability of a MOLST. It announces that each person has a fundamental liberty interest to control his or her medical care.

The MOLST Should Be Signed By the Patient

The Task Force recommends that the MOLST be signed by the patient to ensure that there was at least some communication about the form with the patient or the patient's health care agent. Such a requirement would increase the confidence that the form reflects the patient's informed decisions.

Fiscal Considerations

Patients who do not wish to have very expensive treatments, benefit from having a MOLST that is properly implemented.

MOLST HAS TO BE PART OF ESTATE PLANNING AND ELDER LAW CONSULTATIONS.

The Medical Orders for Life Sustaining Treatment (MOLST) form and associated worksheet are part of a comprehensive estate planning consultation. Estate planning and elder law attorneys needs to draw clients' attention to the existence and function of this form.

¹ The Center for Ethics in Health Care at Oregon Health & Science University first convened the task force. See OR. POLST TASK FORCE, GUIDANCE FOR OREGON'S HEALTH CARE PROFESSIONALS 6, 17 (2013), available at <http://www.polst.org/wp-content/uploads/2013/12/2013.12.26-OR-Guidebook-2013.pdf>

² The Department of Health and Human Services regulations are found in COMAR 10.01.21
³ See Health Care Decision Guide for Health Care Professionals by the Maryland MOLST Training Task Force, May 2012.

⁴ 1 Cruzan, 497 U.S. at 273 (quoting In re Conroy, 486 A.2d at 1225).

Olivia R. Holcombe-Volke Co-Founds Community Advocacy Network

Jeffrey D. Stauffer – Community Relations Director



This past spring, Olivia R. Holcombe-Volke, Partner with Elville and Associates, co-founded the Community Advocacy Network (CAN), an initiative within the Maryland Volunteer Lawyers Service that inspires new attorneys and law students to give low-income Marylanders equal access to justice through pro bono work.

The MVLS is a private, non-profit legal services provider established in 1981 to help meet the need for civil legal services in Maryland that provides quality civil legal assistance to Marylanders with limited income at low or no cost.



Olivia R. Holcombe-Volke, Partner

Already a volunteer attorney with MVLS for the last 4 years, Ms. Holcombe-Volke, always an advocate for positive change in the communities in which she serves, worked for several months with the other founding members to make CAN a reality.



“Having served as a volunteer attorney with various pro bono legal services organizations for the majority of my years in practice, it is tremendously exciting to be a founding member of MVLS CAN,” said Ms. Holcombe-Volke. “This initiative is aimed at connecting new attorneys – and sometimes, attorneys who are simply “new” to pro bono – with the vast resources available to them through MVLS and its network of volunteer attorneys, all with the end goal of increasing available pro bono services for the many Marylanders in need.”

For more information about the Maryland Volunteer Lawyers Service and the Community Advocacy Network, visit mvslaw.org/mvls-can/.

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The Elville Center for the Creative Arts – Reaching for the High Notes with our Music and Arts Partners – A Summer/Fall 2018 Update

Jeffrey D. Stauffer, Executive Director of the Elville Center for the Creative Arts



In June 2018, the Elville Center for the Creative Arts celebrated its four-year anniversary. Founded in 2014 by Stephen Elville, the mission of The Elville Center is to improve the quality of life of children of all ages by providing them the opportunity to learn music theory and application, experience cultural events related to the musical and creative arts, and to use music and the promotion of music-related activities to transcend social and economic divisions. The Elville Center partners with local and regional businesses and school music programs to give the gift of music to children of all ages who want to participate in music but don't have the means to do so on their own. The Elville Center also refurbishes donated musical instruments, purchases new instruments for programs, provides rental instruments and music lessons for students, funds field trips, helps organizations develop music programs, partners with professional organizations to fund music education initiatives, and much more.

The projects and programs the Elville Center have partnered with over the past four years are all unique and based throughout Maryland – Baltimore City, Anne Arundel County, Prince George's County, Montgomery County, Howard County – but the one common thread between them is the desire to improve their programs for the benefit of their students, and to give them the best environment possible to learn, grow and be fulfilled in their musical journeys. And, that is where the Elville Center comes in, as our vision is to "Make a Musical Difference in the Lives of Children" every day. Over the Elville Center's four-year musical journey, we have been fortunate to collaborate with some amazing teachers, schools, and businesses, and we've given musical opportunities to thousands of students along the way!

Since our winter update, the Elville Center has forged a new partnership with Instrumental Music Teacher Lauren Ward

and her programs at Carole Highlands Elementary and Mary Harris Mother Jones Elementary in Prince George's County. Ms. Ward, who serves as the band and orchestra leader for grades four to six at both schools, approached the Elville Center after hearing about the charity from a teacher at Benjamin Tasker Middle School, the Center's first school prospect over four years ago.

During our initial meeting with Ms. Ward, we were shocked to learn she had to turn away more than 40 students from her music programs last year due to a scarcity of instruments, with violin being the direst need. This, unfortunately, is an all too common theme we hear when meeting with music teachers to learn about their programs. And, for every school the Elville Center meets, there are 25 others we don't know yet know about that have the same challenges.



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

Hearing about this situation, the Elville Center immediately offered its support to Ms. Ward and her music programs. In May, the Elville Center delivered six violins with new bows and cases to benefit the programs, along with much-needed supplies in rosins and valve oils. In August, with the assistance of our fine business partner, the Music & Arts Center in Severna Park, the Elville Center was able to deliver an additional six violins with new bows and cases, to the schools. The Elville Center will continue to provide support to Ms. Ward's programs, providing as many violins as possible on an ongoing basis.

The need for support in Baltimore City's school music programs proves to be an ongoing challenge that as a whole may not change anytime soon; however, this is all the more reason the Elville Center has continued to reach out to our partner schools in the City to help them with their needs so

(continued on page 11)

The Elville Center for the Creative Arts – Reaching for the High Notes with our Music and Arts Partners – A Summer/Fall 2018 Update (continued from page 10)

that students can develop their talents in positive ways they seek. As Executive Director, I have found music teachers in the city to be incredibly hard working and passionate about their programs, and no program exemplifies this more than the music program at Coppin Academy High School along with its leader, Master Teacher of Music Education Jesse Williamson. Since our winter update, our work with this Coppin State program has continued to expand and thrive. Over the winter and spring semesters and during the summer months, the Elville Center repaired 15 of the program's musical instruments and donated two keyboards, a guitar, an alto saxophone, a flute, a ukulele, a euphonium and numerous music books. Additional instrument repairs are ongoing with our terrific small business partner, The Band Shoppe in Catonsville, for the fall semester.

Another challenge Coppin Academy faced was, due to the high cost of new sheet music and music books, the program's recycling of the same music year after year and its lack of music books for all of its students. With the help of the Elville Center that will not be the case this year, as 50 new Sound Innovations for Concert Band music books were purchased for the program in time for the fall semester. Enough books were purchased for all 20 unique instruments in the band, which will allow for ample new instruction, practice, and performance opportunities for all of the band's students.

Lastly at Coppin Academy, Mr. Williamson initiated an online DonorsChoose Project to garner donations for the purchase of a "big bottom tuba" for his program. Having a tuba in a band allows for a deep, rich sound, and the Academy is also interested in starting a marching band, which a tuba would add a great deal to as well. In August, the Elville Center donated \$300 towards the project's goal in hopes of "adding some bottom" to the band. In September, I'm happy to report Mr. Williamson and the program reached its goal and a tuba is on its way to the school for the fall semester!

"This year, 2018, we had 100% of our senior graduates go on to college, careers, or the military. We strive to teach our students that regardless of what zip code they hail from, they can go on do to great things," said Mr. Williamson. "Many of my students have not had the opportunity to participate in a quality band program before high school, but they are making the most of the opportunity they now have with me. It is my hope that they will develop teamwork skills, self-confidence, and discipline by learning to be part of an

ensemble. Thank you so much to Stephen Elville and the Elville Center for the Creative Arts. You have done so much to support the Coppin Academy music program. We can't thank you enough!"

Another Baltimore City school music program the Elville Center continues to actively support for a second consecutive year is Franklin Square Middle under the direction of Instrumental Music Teacher Marcus Neal. Due to a lack of financial support this program's primary challenges are a severe lack of the basic music supplies and one instrument to go around for every two students. The Elville Center stepped in during the spring semester to provide much-needed reeds for instruments, valve and slide oils, six new music stands along with two trumpets and two trombones.

In what continues to be the Elville Center's most significant project thus far, the Center will be continuing its support as a major sponsor of the Annapolis Symphony Orchestra, a professional orchestra whose home base is next to the state's capitol in the historic Maryland Hall for the Creative Arts, this coming year. The Center will continue to pay for the bus transportation and tickets for hundreds of



ASO's Concerts for Schoolchildren Petting Zoo

children, all from Title 1 schools, to attend the Annapolis Symphony Orchestra's Concerts for Schoolchildren Series. This upcoming year, the Elville Center will be increasing its funding to the ASO's Concerts for Schoolchildren Series so we may positively affect more students and continue to fulfill our mission to give children the opportunity to experience cultural events related to music they never would have experienced otherwise. We can think of no finer partner to help us fulfill our mission than the ASO, an organization that provides opportunities to those less fortunate in the communities we serve and shares in our commitment to education. To learn more about the Annapolis Symphony Orchestra, visit annapolissymphony.org

"For twenty years, the Annapolis Symphony's Concerts for Schoolchildren were accessible only to schools that had sufficient funding for tickets and transportation. The concerts were out of reach for many schools in lower-income communities. This past season, the Elville Center led the way in changing this," remarked Dr. Patrick Nugent,

The Elville Center for the Creative Arts – Reaching for the High Notes with Our Music Partners – A Summer/Fall 2018 Update (continued from page 11)

Executive Director of the Annapolis Symphony Orchestra. “Their generosity enabled over 600 second-graders from Title I schools to enjoy these concerts and have their first exposure to classical music, in a setting designed specifically for them. The Elville Center funded transportation as well as the cost of admission. As a result, and with the joyful collaboration of other donors, 25% of students at this year’s Peter and the Wolf concerts with the Magic Circle Mime Company were from schools in low-income communities that could not otherwise afford the concerts.”

In an exciting new development with the Elville Center’s longtime school music partner, Dr. Maximus VanDerbeek and Wiley H. Bates Middle School in Annapolis, Dr. VanDerbeek visited the Elville Creative Studio in March for an interview with the Elville Center’s Executive Director, Jeffrey Stauffer. The interview highlighted the relationship between the Center and Bates Middle, showcased Dr. VanDerbeek’s broad knowledge of music education, and conveyed his thoughts about the current challenges schools are facing in music education. The discussion was a platform to show all of the positive initiatives taking place at Bates Middle along with some of Dr. VanDerbeek’s background that has helped him change Bates Middle into the transformational Performing Visual Arts music program it is today. The interview is available to view on both the Elville Center’s YouTube page and website, and this is the first of many such projects the Elville Center will be developing in the months to come.

After March’s interview, Dr. Vanderbeek approached the Elville Center and the Studio’s Manager, Audiovisual Specialist Lucille Elville, about a special project he wished to embark upon to recognize the band’s 8th-graders who were moving on to play music in high school. The project,



Dr. Max VanDerbeek and the concert band at Bates Middle School

titled the “Wiley H. Bates Middle School Capstone Videos,” captured clips of the 8th-graders in outdoor settings playing improvisational music with their instruments along with the students sharing their thoughts about what it meant to be members of the Bates Middle music program, as well as what their future plans were for music in their lives. The final piece was a moving video montage that showed what talented, special students “Dr. V” has at Bates and how much they care about their school, teachers and families that helped them grow into the fine young men and women they are today.

Needless to say, the Elville Center’s support of the Bates music program continues in earnest. Over the past several months, the Center has continued its monthly monetary guest artist support for the program and provided Bates with a number of instruments and music supply deliveries, including two trumpets, a snare drum, a keyboard, four clarinets, a flute, a beautiful soprano saxophone, as well as numerous reed packages, valve and slide oils.

The Elville Center needs your support and to further its important work and help make these projects successful and ongoing. Every one of the instruments provided to the schools above were instruments the Elville Center received from donors that were then paid for by the Center to be refurbished. We need those instruments that you don’t use anymore and are taking up space. We need your monetary support to help refurbish those instruments, obtain supplies and new instruments, and facilitate cultural learning experiences such as the ASO SchoolChildren Series. As a 501(c)(3) non-profit corporation, all donations made to the Elville Center are tax-deductible.

After the Elville Center’s most recent Board Meeting, planning and preparation has begun for the charity’s first annual fundraiser in 2019. More information about the fundraiser will be forthcoming! If your business or you are interested in donating an item for the silent auction or becoming a sponsor for the fundraiser, please contact Jeffrey Stauffer, Executive Director, at 443-393-7696, or jeff@elvillecenter.org.

To donate or learn more about the Elville Center for the Creative Arts, please visit www.elvillecenter.org, or contact Jeffrey Stauffer. The Elville Center depends on donors like you to fulfill our mission and make our vision of “Making a Musical Difference in the Lives of Children” a reality. We appreciate and value your support!



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**Plans are underway for the Elville Center's
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**FOR MORE INFORMATION, please contact
Jeffrey Stauffer, Executive Director, at 443-393-7696 or jeff@elvillecenter.org**

The Early Retirement and Disability Decision

Meghan E. McCulloch, J.D.



Determining the timing for when to retire can often be a difficult decision and it becomes even more challenging when the individual is dealing with a medical condition that interferes with their ability to work. Most people are aware of the retirement benefits that

are available to workers who have paid into Social Security, including retirement benefits between ages 65 and 67, as well as early retirement benefits at a reduced rate at age 62, but often folks who retire during that age range overlook the option of filing for Social Security disability (SSDI) benefits, as well.

If you have a physical or mental condition that has lasted or is expected to last at least 12 months and prevents you from being able to maintain work on a consistent basis, you may be eligible for disability benefits from the Social Security Administration. When getting ready to retire between the ages of 62 and 66, you may want to consider whether you should also file an application for disability benefits. Social Security allows you to simultaneously file for disability and early retirement benefits, as early as three months before your 62nd birthday. By doing so, you can start to collect your early retirement benefits while your disability application is being adjudicated. If your claim for disability benefits is approved after you start receiving early retirement benefits, you will be eligible to receive your full SSDI benefit amount.

It is important to note that there is some risk in pursuing this route. When you elect to take early retirement after age 62, you are penalized for taking your retirement early and you receive a reduced benefit amount and that benefit amount does not increase once you reach full retirement age. If you file for both early retirement and disability and your disability claim is ultimately not approved, you are stuck with that reduced early retirement rate for the rest of your life. This is important to consider when deciding whether and when to file for early retirement benefits.

If you've already started collecting early retirement benefits through Social Security, but stopped working due to a medical condition, it may not be too late to change course. If the Social Security Administration determines that you became disabled before you began to receive early retirement, you would be entitled to retroactive benefits equal to the difference between your early retirement payment and your full SSDI benefit amount and your benefits going forward



would be the full SSDI amount, rather than the reduced early retirement rate. Additionally, if you can prove that your disability started before you were eligible for early retirement, you will get the benefit of a “disability freeze” when your benefit amount is calculated. This may be a good time to explain how Social Security benefits amounts are determined. Both SSDI and retirement benefits are calculated using a formula that is applied to your average indexed monthly earnings during the 35 years in which you earned the most money while working. A “disability freeze” automatically disregards any low earning or zero earning years on your record for the period that your disability prevented you from working. Without the “disability freeze,” years with no earnings or low earnings would otherwise reduce your benefits. However, it is very important to note that if you have started receiving early retirement benefits and want to apply for disability, you must do so before you are one year past your full retirement age.

If you file for both early retirement and disability benefits, but Social Security decides that you did not become disabled until after you began to receive early retirement benefits, you will not receive any retroactive payments, but your early retirement benefits will simply convert to your SSDI benefit amount. Once you reach full retirement age, your full retirement benefits will be reduced based on how many months you received early retirement benefits.

Ultimately, there are many factors to take into consideration when deciding when to file for Social Security benefits, but it is important to be aware of all of the options that are available to you. If you are considering filing for disability, it is always a good idea to consult with an experienced attorney to get advice about how best to present your claim to the Social Security Administration.

ELVILLE AND ASSOCIATES' SPECIAL NEEDS PLANNING



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.

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 - ▶ 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 443-393-7696.

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Senior Home Seller? Here's the Solution! (Part 2 of 2)

Victoria B. Hathaway – Guest Contributor – Director of The Silver Group of The Bob Lucido Team of Keller Williams Integrity



There are right ways and wrong ways to go about rightsizing, home selling, and selecting your new home, and it's never fun having to experience the "learning curve," especially if it's been many years since you have moved. The process of home selling has changed greatly

thanks to technology and the invention of the Internet. Expectations by Buyers are also very different these days, making an experienced agent invaluable for guidance and advocacy. Remember, feeling that the move (the house, the contents, choosing where to move, setting up a new home) will be overwhelming is normal!

In my role as my Team's senior move specialist, my joy is to work along with our real estate agents to help our older adult clients navigate the entire process with a complete array of resources and services in full support, all the way through settlement and beyond.

Previously in this newsletter, I provided guidance on choosing the right agent, what happens during the home visit by the agent including an examination of market analysis & pricing, timing of the sale, and staging. Next steps for navigating the process?

Relocating:

Where are you going? This is one of the first questions your Agent should ask in order to understand the overview of your needs and to create your best path. Different and common scenarios include moving to a condo or one-level home, in with adult children, moving out of state to retirement meccas such as Florida and Arizona, and moving to local retirement communities. One of my passions is making sure that Sellers are as educated as possible about all of the choices available to them. Many people don't know the very important differences between 55+, CCRC, Independent or Assisted Living communities and the health and financial formats for each can vary greatly. For example, some communities require health as well as financial clearances, some have buy-in fees and some do not. Some are fee-simple ownership and some have leases, even if they appear to be similar. If you are moving to a location that has not incorporated safety features found in "universal design" construction, be sure to ask for resources for the specialty companies who install grab bars for example, as these can literally be life-savers. Sometimes in-home care is needed if your loved one has been ill and needs help in the interim before the move. I take pride in being able to share these resources as well.



Senior Living Search:

Did you know that there are specialists who can help with your research into the various kinds of senior living communities? Life Care Managers are able to help guide you to the communities that would be your best fit and are also able to provide assessments for level of care, family counseling, and to be a part of the conversation between legal and financial advisors for families when a move is happening quickly or unexpectedly due to health events or the loss of a loved one. Sharing this resource with my clients is often a life-saver for families when events feel overwhelming and an expert is needed.

Downsizing:

Downsizing possessions is your next target. Ideally you have been chipping away at this task well ahead of time, as it can be a lot to tackle simultaneously with preparing your actual home. You will want to have a grasp of the square footage and storage you're leaving and those figures for where you're moving to, and you'll also want a space plan to help you decide what you will want to take and, more importantly, what will fit, look great and serve you in your new home. Once you know what you're taking, decide what you'd like to offer to family and friends if treasured heirlooms or larger pieces just don't work in the new space. Hold on to everything else in order to research and have the best outcome from a potential estate sale. The more items you have, the larger the sale, the more likely you are to have a higher-dollar final sale, so don't let your items be "cherry-picked" prior to having a professional consult with an estate sale expert. Then you can identify what items aren't saleable and arrange for donation and maybe a tax benefit. Finally, you may need your home to be "cleared" of any last items, which can be done by friends & family or by a professional hauler.

Senior Home Seller? Here's the Solution! (continued from page 16)

Moving:

If it's been years since you have moved, you should rely on your Agent for recommendations for a trusted professional mover who is well-established and also offers short and long-term storage. For short-distance and smaller moves, some real estate firms offer free moving trucks as a convenience and cost-savings to their clients. Move Managers, also called Transitioners or Downsizers, are a relatively new type of moving service and they can be a boon to you if you are overwhelmed, busy, distracted, and in need of "more" than what an ordinary moving company is able to provide. These providers can help coordinate work being done to prepare the home for selling, estate sale processes, space planning the new home, sorting, packing, the actual move, unpacking and setting up on move-in day. Think boxes gone, pictures hung, clothes in closets and beds made. They are an amazing resource and the best ones work closely with your Agent.

Power Of Attorney:

I have many stories about the problems my clients have faced when they did not have a Power of Attorney in place. Many clients have one that turns out to be non-functional due to being old or "stale" or written without sufficient detail such that it is not enforceable. Make sure you have one, and make sure it's recent and air-tight! Unforeseen health events that cause homeowners to be unable to complete contracts during the home selling process have caused a lot of heartache, trouble, expense and complete destruction of planned-for timelines in the sale/move/purchase timetable. Consulting your current attorney, or better yet, upgrading to an elder law specialist, is one of the best things you can do for yourself, your spouse, and your family.

Financial Management:

Even though the demands of selling and moving make you extremely busy in the short term, this is still a time when it is ideal to revisit or create the best financial structure for your future. Think both big and small picture. Having guidance for the savviest ways to handle your homeselling profit, your retirement community's buy-in expenses, understanding capital gains, etc. are important opportunities to design the best outcome for the long term. For the day-to-day, I like to make sure there is awareness of professionals called Daily Money Managers. They are exactly what they sound like and are an important resource for people who no longer want the tasks associated with managing their finances, who are struggling to maintain them due to health reasons or the demands of technology, and perhaps most importantly for

spouses who are at sea if the managing spouse becomes ill and is no longer able to maintain the household accounts. I strongly encourage all of my clients to consult with a Daily Money Manager as part of their pre-crisis planning, and if health issues are already looming, do not wait to learn about this service and put it in place. The opportunity for teamwork between the professional and both spouses is a golden one, and early intervention means that the ill spouse can be a part of the hand-off, and that a non-managing spouse can have peace of mind should anything unexpected occur going forward.

VA Benefit:

In the spirit of understanding there's a lot going on when you're selling your home BUT you don't want to miss out on any resources to which you are entitled, please know about the Veterans Administration's "Aid & Attendance Benefit" which can provide monthly income for Veterans and their spouses at the Assisted Living level of care. Having an elder law attorney who is certified to guide you on eligibility and the chance to learn about how he or she can help you to structure your assets to better position you for eligibility is an opportunity you don't want to miss. Again, think pre-crisis research and planning!

For the past several years, twenty-five percent of all home sellers in the U.S. have been 65 years old or older. Being a home seller is a powerful position to be in both as a group and as an individual! I believe in harnessing all of the resources available to my clients with an emphasis on educating and supporting them along the way. My goal is for my clients to have the smoothest transition possible, with the clearest path to an organized, relaxed, risk-managed new and easier lifestyle!

Victoria Hathaway is the Director of The Silver Group of the Bob Lucido Team of Keller Williams Integrity. She is a Realtor, Certified Senior Advisor (CSA), Certified Senior Housing Professional (CSHP), Seniors Real Estate Specialist (SRES), Board Member of the Coalition of Geriatric Services (COGS), and serves the Aging Studies Advisory Board, Johns Hopkins University. She may be reached at 410-979-4284 or via email at Victoria@BobLucidoTeam.com.

Aging in Place Doesn't Just Happen, It Takes a Plan

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



On Wednesday, May 23, I attended the McDaniel College Center for Aging's update on Aging in Place. Not surprising, the results of a recent survey given to those over 60 indicated that over 90 percent of the aging population (which is rapidly growing) wants to age in their own home.

The exciting news is that more and more services are available to those who wish to "Age In Place." The reality is that most are unaware of those services which exist and how to find them. Another reality, those services are fee for service not covered by insurance or subsidies. And finally, what the survey did not ask, are you willing to do what it takes to actually have the possibility of successfully aging in place?

It seems that everyone wants in on this new catch-phrase and yet the number of people who are willing to make the lifestyle, health or economic changes to be successful pale in comparison.

So what does it require on your part to age in place? First, proper planning and setting reasonable expectations is essential. If you wish to age in place, you just can't "wish" it, you have to be proactive. Assuming that your home is an appropriate setting and refusing to make the appropriate modifications if necessary will most certainly not achieve the desired result.

It is important to take a good objective look at your current living environment. Is it safe and accessible? You may not be the one to make that determination. I can't tell you how many times I've heard, "that rug is fine, it's been there for 30 years and I've never had a problem." You might not be shocked if you're the child of a parent who has been putting up the good fight against change.

Ah, change. It's the resistance to change that usually results in the change that we try so hard to control. We won't change, we don't need to change, we're fine ...

And then the crisis that brings us to the very thing we fear the most — dependence on others. If only we were hard-wired to roll with change and go with it before we are dragged there, things would be so much easier. But we aren't, at least most of us.

So instead of putting some doubled-sided tape on the rug that slides under your feet or removing it, we say, "It's fine." Instead of moving to a home whether it be an apartment, accessible home or retirement community, we trudge up and down the steps with bad knees until we can't and then it happens, the dreaded dependence.

Aging in place is entirely possible if you are open-minded and



make a plan. If you think it's just going to happen, you may be disappointed.

The survey, which asked if people wished to age in their homes, had some responses that indicated that they did not. Perhaps some of those people were realistic and knew that they must make a transition to a new home or living environment in order to age in place.

Planning cannot start too soon. What is it that you intend to do? Where do you intend to live? Is it accessible should the unexpected happen and you need to live on one floor with a full bath and all the things you need? Do you have doorways and a shower that can accommodate a wheelchair if needed for recovery from surgery?

If you want the best shot at continuing in your own home as you age, staving off chronic conditions such as high blood pressure, heart disease and diabetes is important. Improving or staying healthy requires a healthy lifestyle and exercise.

It's not too late to become motivated to get up and get moving. The single best thing you can do is exercise 30 minutes per day. Do something, walk, play pickle ball, garden, exercise in a chair, whatever it takes to keep yourself moving!

I can't help but remember the back of a T-shirt on a man I was following while running in a race: "I'm running faster than the guy sitting on the sofa!"

So get out there and walk, run or raise your legs in a chair faster than the guy sitting on the sofa! Do what it takes to have a shot at the golden dream: Aging In Place.

Jill Rosner is a registered nurse, certified geriatric 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

How One Thing Might Lead to Another

Mark Malinowski – Guest Contributor – Morning Host, 91.5 WBJC



I was going to write a piece about pianists in the first part of the 19th century, and while doing my research, realized that one can't really discuss this era of pianists without looking at a famous violinist.

To begin, keyboard players in the baroque and classical eras were generally taught to sit straight, not move around very much, and keep the hands right over the keyboard. Quite frankly, that was the best way to play the instruments of that time. The organ, the harpsichord, and the clavichord were the primary keyboard instruments, and a soft touch was really all that was required. The harpsichord and clavichord didn't have a dynamic range (changing volume), and achieving that on the organ required the use of additional stops and opening the swell pedal to get more into the pipes. The keyboard itself had nothing to do with it. In fact, we know from CPE Bach that his father (Johann Sebastian), the greatest keyboard player of his time, didn't press on the keys so much as he "stroked" them. Carl said that his father kept his fingers curved, and would basically draw back on a finger to play a note. An interesting technique that would work for an organ or harpsichord, but not very well for a piano. That is perhaps why, when J.S. Bach visited the court of King Frederick the Great of Prussia, where his son Carl was the court harpsichordist, that when introduced to a pianoforte built by Silberman (one of the most respected organ and harpsichord builders of the time) that he was dissatisfied with the instrument. That did not sit well with Silberman.

The piano was invented around 1700 by Bartolomeo Christophori. The original name of the instrument was "Gravicembalo col piano e forte." That means, "large harpsichord with soft and loud." This became shortened to "pianoforte." The first ones probably didn't sound that great, and there was a lot of developing that had to happen over the next couple of decades. During the first part of Mozart's life, the harpsichord was still the primary keyboard instrument. The pianoforte was considered still somewhat experimental. Designs improved over the years, and before too long, the pianoforte (or fortepiano as it was called in England) eclipsed the harpsichord, which became an anachronism. Muzio Clementi is considered the father of the pianoforte because it is felt that he was the first composer to really approach the instrument as a new instrument, and not as a modified harpsichord. A new style of writing was needed for this instrument, and it was Clementi that set the standard.



By the 1830's, the pianoforte was pretty much the instrument that we know today. Makers such as Steinway, Erard and Playel improved the sound, the range, and the reliability of the instruments. This paved the way for the great surge of piano virtuosos in the 19th century.

This is where we stop looking at pianists and discuss a violinist. Nicolo Paganini was the greatest violinist of his time, perhaps the greatest who ever lived. He was not only a musical genius, but he was also the first musical PR genius. He was able to do things on the violin that nobody had ever seen before, and back in those dark days it was thought that the only way someone could do that would be if he were in league with the devil. When Paganini heard that story, he hit upon the most brilliant musical marketing campaign ever. He was tall and gaunt, which gave him a somewhat fiendish appearance. Couple that with wearing a long black cloak, and arranging stage lighting so that he was lit from below only, and then gesticulating wildly while playing unbelievable music on the violin, and he would fill the concert hall every time. It is hard to imagine how one musician could capture the world's attention like that, but he did, and one of the first people to really take note of it was Franz Liszt.

If One Thing Might Lead to Another (continued from page 19)

Liszt was fascinated with Paganini, and realized that if that sort of thing could work for him, why should it not work for a pianist? Thus was born the “pianist performer.” Gone were the days of sitting still at the keyboard with fingers curved and never lifting more than an inch above the keys. The modern pianoforte allowed one to play loudly, and that was achieved by hitting the keys harder, and that meant raising your hands way above the keyboard to come crashing down in an explosion of sound. Additionally, the innovation of dampening and sustain pedals gave the pianist the opportunity to pull off some of the same stunts on their instrument that Paganini did on his. Before you knew it, there were touring virtuosos all over the place, and each one had his own trademark. Sigismond Thalberg developed a technique that created the impression of a third hand at the keyboard. Alexander Dreyshock astounded listeners with his freakish technique playing thirds, sixths, and octaves. It was said that he could play Chopin’s “revolutionary” etude at tempo in octaves.

Of course, there was Chopin. Perhaps the most refined of them all. He could do anything the others did, but just couldn’t do it very loudly. It was said that his dynamic range was amazing but never got very loud. This served him well when playing for small groups, which was his preference. He

once said of Liszt, “he plays my music the way I wish I could.” Chopin was plagued with ill health much of his life, and was too weak to play with great force. He compensated for it with great sensitivity, and a rubato that, by all accounts, could not be matched.

Of course, there was Liszt. He was the standard by which every touring virtuoso measured himself, and most came up short. He was a rock star in his day. Women would swoon and actually throw their underwear at him! How ’bout that, Tom Jones! Liszt was important not only in developing piano technique, but in fostering interest in musicians that might otherwise be forgotten. Let’s not forget that Franz Schubert was relatively unknown outside of Vienna. Liszt was a great advocate of his music and really brought it to the attention of the rest of Europe. He was also generous with young composers and helped them when he could. There is the story of young Edvard Grieg approaching Liszt with his recently completed piano concerto, and asking the maestro if he might be willing to look it over and tell him what he thought. Liszt took the music from the young Norwegian, went the piano, and sightread it, doing a reduction from the orchestral score as he played! They don’t make ’em like that anymore.

Well, I suppose I could go on and on, but we’ll save something for the next time we are together.

ON THE RADIO



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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.



A Guide for Making Room for Grief in Work & Life

MaryBeth Hyland – Guest Contributor – Founder of SparkVision



Have you ever created intentional space in your work/life for grief?

I never knew it was possible until earlier this month.

I may be relatively young, but I've had my share of deaths to process in life. In all instances, I went through the motions and then seemed to just move on. As in, I went to a funeral, accepted condolences, and then got back to my routine – at work, at home, with loved ones and strangers.

This included my father's passing a couple of years ago. My grief consisted of a few days on the couch, eating junk food and watching movies. Then I picked myself up and moved forward. No self-care, no reflection. That is certainly one way to handle it, but what I did this month was so much kinder to myself. And, just maybe, the kindest thing I've ever done for myself.

My grandfather died peacefully, a week short of his 93rd birthday. Knowing that he was only going to be with us for a short while longer, I made some very adult decisions.

Decision #1: There was literally nothing more important in my life than saying goodbye to my Poppi in the way that felt like I was honoring him.

Decision #2: I was going to allow my daily experience and grief to be the priority in my life by making space for it.

Once those decisions were cemented in my mind as the only things with real significance, everything else fell into place as if I knew exactly what to do...

1. I canceled all my non-essential meetings. There were FIFTEEN of them! To be kind to myself, I blind-copied everyone at once (opposed to personal emails for every person), told them why I needed to reschedule and counted that task as "done" in a matter of a few minutes. The immediate weight that came from reclaiming a minimum of 15 hours of my week was enormous. Everyone was so extremely kind and supportive of my need to reschedule. I kept 3 essential meetings (reviewing proposals and onboarding a new client) and used the rest of my time working on things that bring me joy and add great value to my business. And it got me thinking...why did I have 15 non-essential meetings on my calendar, anyway?

2. Made space for self-care every day. Things like, taking a bath, reading, writing, getting a massage. Every day there was one scheduled item of self-care on my agenda. In a week, I had given myself the gift of self-care in a way that seemed like a pure indulgence. Each act of self-care rejuvenated me in a way that felt like, "Yes. My body is important to care for. My spirit is important to nourish. Thank goodness I can move slowly and be kind to myself." When I look back, none of those actions

were longer than 90 minutes and took way less than the time I had given myself space for by removing the non-essential meetings.

3. I reignited good habits. I meditated, did some form of physical activity and cooked the most delicious meals with my husband every night. These, again, seem like a luxury to me when I do all three in one day – let alone all three for weeks straight each day. These habits are direct reflections of my values and things that always make me feel centered and on a good path whenever I regularly activate them in my life. I just didn't think I had space for them, all in one day, before. I was so very wrong.

Having done these 3 things literally changed my life. It helped me to realize my values more deeply, appreciate the supportive people in my life and make space to cherish the memories of my grandfather. In a time when we are all working so damn hard, it's hard to push pause. But when you do, your soul thanks you.

I spent nearly two weeks making room for grief, which felt like I was swimming in warm molasses – in the best possible way. In a matter of minutes of making these executive decisions in life, I gained immense clarity and gratitude for the gifts in simplicity.

I am always saying, my goal is to "live a simple and purpose-filled life. The last gift my Poppi gave me was the realization that I can have that now. I am the one getting in my own way of making that a reality and that was an epiphany that I will take with me as I build the life I want to live.

So while I offer these suggestions as a possible guide in grief, we must remember that at the end of the day, grief is a walk alone. Others can be there and listen but you will walk down your own path, at your own pace, with your own pain. You will come to your own peace, in your own time, in whatever way makes sense for you. My experience is not yours and it is not a suggestion that one size fits all. It's far from that when it comes to loss.

I was reminded that grief is the last act of love we give to those we loved. Where there is deep grief, there was great love. And that's what my life has felt like lately. Fueled in love, reflection and gratitude. The grief isn't gone, it's just taken a new shape for me. One that I never knew was possible, one that I wish for everyone to experience if they're able to make space for it in life.

MaryBeth Hyland, founder of SparkVision, believes that when you connect people through purpose, there's no limit to what they can do. Her organization helps multi-generational teams who need an unbiased partner to identify the gap between their current and ideal culture. Grounded in her BA in Social Work and MS in Nonprofit Management, this millennial leader is sought after for her ability to create movements that resonate. MaryBeth has been honored in Maryland as 'Innovator of the Year,' 'Women on the Move,' 'Top 100 Women,' 'Top 100 Millennial Blog,' 'Civic Engagement Leader' and 'Leading Women.'

Upcoming Events and Speaking Engagements

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

Estate Planning Seminar

Tuesday, July 17th, 2:00 p.m. – 3:30 p.m.

Riderwood Retirement Community, 3140 Gracefield Road, Silver Spring, Maryland 20904

AXA Advisors – Continuing Education Presentation – Elder Law and Eldercare

Wednesday, July 25th, 12:00 p.m. – 1:00 p.m.

The Office of AXA Advisors, 6200 Old Dobbin Road, Columbia, Maryland 21045

Workshop – How to Select the Best Assisted Living Facility for You or Your Loved One

Tuesday, August 14th, 11:45 a.m. – 1:00 p.m.

The Office of Baltimore Washington Financial Advisors, 5950 Symphony Woods Road, Suite 600, Columbia, Maryland 21045

Elville and Associates Presents: Client Care Program Social Event – Mamma Mia at Toby's Dinner Theatre

Sunday, August 19th, 10:30 a.m. – 2:30 p.m.

Toby's Dinner Theater, 5900 Symphony Woods Road, Columbia, Maryland 21044

Estate Planning and Elder Law Essentials Workshop

Thursday, August 30th, 1:00 p.m. – 2:30 p.m.

Damascus Senior Center, 9701 Main Street #2, Damascus, Maryland 20872

Estate Planning and Elder Law Essentials Workshop

Friday, September 7th, 11:00 a.m. – 12:30 p.m.

Rockville Memorial Library, 21 Maryland Avenue, Rockville, Maryland 20850

Morgan Stanley – Continuing Education Presentation – Eldercare

Tuesday, September 11th, 9:00 a.m. – 10:00 a.m.

Morgan Stanley, 2330 West Joppa Road, Suite 255, Lutherville, Maryland 21093

Trustee Selection – How to Choose the Right One for You

Tuesday, September 11th, 11:45 a.m. – 1:00 p.m.

The Office of Baltimore Washington Financial Advisors, 5950 Symphony Woods Road, Suite 600, Columbia, Maryland 21044

Stephen R. Elville & Elville and Associates Present: The Advisors' Forum

Thursday, September 13th, 12:30 p.m. – 2:00 p.m.

Oakland Manor, 5430 Vantage Point Road, Columbia, Maryland 21044

Estate Planning Essentials Continuing Education Program for Social Workers

Tuesday, September 26th, 12:30 p.m. – 1:30 p.m.

Washington MedStar Hospital, 110 Irving Street N.W., Washington, D.C. 20010

Estate Planning Essentials Workshop

Thursday, September 30th, 12:00 p.m. – 1:00 p.m.

The Nielson Company, 7000 Columbia Gateway Drive, Columbia, Maryland 21046

Health and Retirement: Planning for the Great Unknown

In Partnership with the Halsey Collins Muller Group of Merrill Lynch

Wednesday, October 3rd, 6:00 p.m. - 8:30 p.m.

Food Plenty, 12250 Clarksville Pike, Clarksville, Maryland 21029

Upcoming Events and Speaking Engagements (continued from page 22)

Estate Planning and Elder Law Essentials Workshop

Thursday, October 4th, 6:00 p.m. – 7:30 p.m.

Gaithersburg Library, 18330 Montgomery Village Ave, Gaithersburg, Maryland 20879

12th Annual One Step Closer Walk/5K – Howard County Autism Society Sponsor

Saturday, October 6th, 2018

Centennial Park in Ellicott City, Maryland 21042

Workshop – Understanding the Differences Between Alzheimer's and Dementia

Tuesday, October 9th, 11:45 a.m. – 1:00 p.m.

Baltimore Washington Financial Advisors, 5950 Symphony Woods Road, Suite 600, Columbia, Maryland 21045

Estate Planning Seminar

Tuesday, October 16th, 2:00 p.m. – 3:30 p.m.

Riderwood Retirement Community, 3140 Gracefield Road, Silver Spring, Maryland 20904

Stephen R. Elville & Elville and Associates Present: 2018 Annual Client Event

“Medicare Concepts 2018: A Continuing Discussion With Mark W. Trent, President of Medicare Supplement Services”

Saturday, October 20th, 8:30 a.m. – 12:00 p.m.

Retreat and Conference Center at Bon Secours, 1525 Marriottsville Road Marriottsville, Maryland 21104

Estate Planning & Elder Law Essentials Workshop

Wednesday, October 24, 2:00 p.m. – 3:30 p.m.

Rockville Senior Center, 1150 Carnation Drive, Rockville, Maryland 20850

Mid-Atlantic CPA Practitioners' Conference, Speaking Engagement – VA Aid & Attendance

Thursday, October 25th

Martin's West – 6817 Dogwood Road, Baltimore, Maryland 21244

Workshop – Aging in Place or Continuing Care Retirement Community Living?

Tuesday, November 13th, 11:45 a.m. – 1:00 p.m.

The Office of Baltimore Washington Financial Advisors, 5950 Symphony Woods Road, Suite 600, Columbia, Maryland 21044

Estate Planning Essentials Seminar (open to public)

Thursday, November 15th, 6:30 p.m. – 7:30 p.m.

Navy Federal Credit Union, 12244 Rockville Pike, Rockville, MD 20852

RSVPs required. Please contact Jeff Stauffer at 443-393-7696 or jeff@elvilleassociates.com

Stephen R. Elville & Elville and Associates Present: Client Care Program Continuing Legal Education Event

“Navigating Longevity” – Guest Speaker Ellen Platt of The Option Group

Saturday, December 8th, 10:00 a.m. – 12:00 p.m.

Anne Arundel Community College – The John A. Cade Center for Fine Arts (room 219)

101 College Parkway, Arnold, Maryland 21012

Stephen R. Elville & Elville and Associates Present: The Advisors' Forum

Thursday, December 13th, 12:30 p.m. – 2:00 p.m.

Oakland Manor, 5430 Vantage Point Road, Columbia, Maryland 21044

1st Annual Elville Center for the Creative Arts Fundraiser

TBD, late 2019

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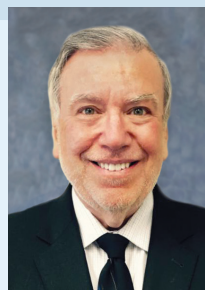
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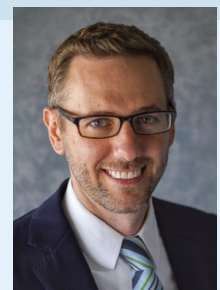


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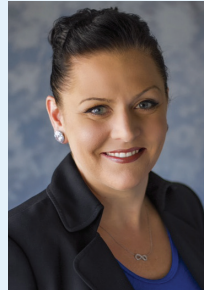
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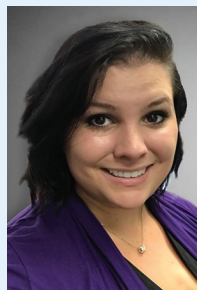
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Ten Things to Look for in an Estate, Elder Law, and Special Needs Planning Attorney

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 unique estate planning or elder care planning experience, and not just a transaction.
4. Provides an interactive planning process in partnership with clients – emphasis on client's goals (not a paternalistic approach).
5. Ensures Financial Advisor/CPA – collaborative approach with goal of inclusive advisory team effort; works in good faith with Financial Advisors and/or CPAs to implement all appropriate solutions in best interests of the client.
6. Timely and structured process – encourages clients to complete the planning process and discourages procrastination.
7. Asset alignment – planning attorney and firm's asset alignment coordinator oversee and ensure proper asset alignment with 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 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-annually, and facilitates client-attorney contact throughout the years via newsletter and other communications.
10. Value-added services – provides client access to latest in contemporary 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 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



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 Trust™
- 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



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