

IN THIS ISSUE:

- Page 1
 - New Office Grand Opening
- Page 2
 - 2019 Client Education Event
- Pages 3 - 4
 - Estate Planning Is Vital for All
- Pages 4 - 5
 - Social Security Disability and the ADA
- Pages 5 - 6
 - The Power and Necessity of the Trust Purpose Statement and the Absolutely Essential Case for the Memorandum of Intent
- Page 7
 - New VA Aid & Attendance Rules
- Page 8
 - Elville and Associates Welcomes Nicole Livingston
- Page 9
 - The SECURE Act
- Pages 10
 - The Importance of the Family Meeting
- Pages 11 - 12
 - Know the Signs of Elder Abuse
- Pages 13 - 14
 - The New Elective Share/Augmented Estate Legislation - What Clients Need to Know
- Page 15
 - The Nature of Genius
- Pages 16 - 17
 - Elville and Associates' Client Care Program
- Page 18
 - Elville and Associates and MIDEO
- Page 19
 - Special Needs Planning
- Pages 20 - 23
 - The Elville Center for the Creative Arts Update
- Page 24
 - Case Study: Invoking the Elective Share
- Pages 25 - 26
 - Upcoming Events and Speaking Engagements
- Pages 27-28
 - Elville and Associates' Attorneys & Staff
- Page 29
 - Ten Things to Look for in an Estate, Elder Law, or Special Needs Planning Attorney
- Page 30
 - Elville and Associates' Purpose Statements and Membership Organizations

NATIONAL ACADEMY OF ELDER LAW ATTORNEYS



ELVILLE
AND ASSOCIATES

7100 COLUMBIA GATEWAY DRIVE, SUITE 190
COLUMBIA, MARYLAND 21046

WITH OFFICES IN ROCKVILLE, BETHESDA,
ANNAPOLIS, BALTIMORE CITY

ELVILLE CREATIVE STUDIOS
111 CHINQUAPIN ROUND ROAD, SUITE 114
ANNAPOLIS, MARYLAND 21401

PHONE: 443-393-7696 FAX: 443-393-7697

www.elvilleassociates.com

Save the Date – Open House and 10-Year Anniversary Celebration May 15, 2020



Elville and Associates is proud to announce its new office location at 7100 Columbia Gateway Drive, Suite 190, Columbia, Maryland 21046. This new 8,600+ square foot facility provides the law firm with much needed room for general expansion, client comfort, client and public education, entertainment for clients and professional advisors, wellness facilities for attorneys and staff, and much more.

Please join us on Friday, May 15th from 5:00 p.m. until 8:00 p.m. for our Open House and 10-Year Firm Anniversary Celebration! Come tour the office, mingle with the Firm Attorneys and Staff, meet new people, and enjoy great food and entertainment. We have so much to be thankful for and couldn't have done it without you, and we can't wait to see what the next 10 years have in store! More details and invitations will be forthcoming in the spring!



2019 CLIENT EDUCATION EVENT

What Families Need to Know about Planning for Loved Ones with Disabilities

SATURDAY, OCTOBER 12, 2019

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 4th.



Estate Planning Is Vital for All, Regardless of Asset Level

Olivia R. Holcombe-Volke, J.D.



Are you over the age of 18? Is your autonomy important to you – your ability to make decisions for yourself? If you ever lost that ability – ever lost the mental capacity – to make decisions for yourself, is it important to you that you personally select the person (or people) who are empowered to make decisions for you? And to specifically and personally choose what decisions they are authorized to make for you, and how – that is, the specific parameters of their authority to act on your behalf?

I have yet to ask these questions of an autonomous adult and hear any answer other than “yes.” While we may not always want to make the truly important decisions - like what to eat for dinner on a Tuesday - the reality is that when it comes to health and finances, we all want to decide such things for ourselves. And, while it may not be at the top of your mind while you are mentally capable of making such decisions (and busy doing so – busy with life!) - this also means that, if you are ever mentally incapable of making such decisions, you absolutely, unequivocally, want the person and specific decision-making authority to have been chosen and specified by you.

Luckily, the law allows you to do so, by signing two, fairly straightforward but immensely powerful, documents: an Advance Directive (sometimes known as a Healthcare Power of Attorney), and a Financial Power of Attorney.

An Advance Directive allows you to name an authorized person as your Agent (as well as any successor/backup Agents – as many as you want), to speak on your behalf to the doctors and other healthcare professionals, and to make healthcare decisions for you. This vital document also allows you to specifically outline and direct your Agent regarding what decisions you want made in certain end-of-life situations, as well as your organ donation preferences, and instructions regarding your final funeral/burial/cremation/memorial service arrangements.

A Financial Power of Attorney allows you to name an authorized person as your Attorney-in-Fact (as well as any successor/backup Attorneys-in-Fact – as many as you want), to access, manage, and use your assets on your behalf (to take care of you and your needs). This vital document also allows you to specifically outline and direct your Attorney-in-Fact regarding what decisions you want made regarding specific assets, and to authorize (or not) the use of certain asset protection strategies in the event you ever need Medicaid or other needs-based government benefits to pay for your care.

What happens if you become mentally incapacitated and you do not have these vital documents in place? Quite simply, the court must get involved. If it is determined by physicians that you are not mentally capable of making decisions



for yourself, and you do not have an Advance Directive (for healthcare) and Financial Power of Attorney (for finances) in place, then the court appoints a guardian of your person (for healthcare) and of your property (for finances) to make all such decisions for you, all to be supervised and overseen by the court. This guardian may be known to you, or may be a complete stranger (often, an attorney) – it is entirely left to the discretion of the court, depending on various factors. This – adult guardianship – can be expensive (the court, the lawyers involved, and the court-appointed guardian do not work for free), embarrassing (no independent and autonomous adult likes the idea that there might ever be an open courtroom in which their mental inability and the decisions that are made for them are aired to the public), and can result in decisions and actions that may not be the decisions or actions that the once autonomous adult would have wanted.

Notice that I haven't even mentioned the “what happens to my stuff when I die?” aspect of estate planning – often the only aspect of which most people think or are aware. This is because the other aspect of estate planning – the “what happens to me and my stuff if I am still alive, but mentally incapable of managing and deciding health and financial issues for myself?” – is, when most people are asked, often considered equally if not more important, and is certainly more widely applicable. While it may be true that some adults feel they do not have enough “stuff” to worry about distributing after death, and therefore do not feel the need nor worry about having a Last Will and Testament in place – all autonomous adults can agree that they absolutely want to control what happens to them and their “stuff” while they are still alive.

Not to diminish the importance of having a Last Will and Testament, which, of course, allows you to dictate where or to whom your estate will go at your death, and by whom it will be handled. And certainly, for parents of minor children (that is, children below the age of 18), a Will should absolutely be in place to name the parents' preferred guardian of the minor children

Estate Planning Is Vital for All, Regardless of Asset Level (continued from page 3)

(that is, who will be legally responsible for the minor children until they become 18, in the event that both parents die).

A common misconception that leads many people to believe they do not need these vital documents is the idea that if they are married, their spouse will be authorized to handle all decisions for them, and be able to access all assets (before and after death). This simply is not true. Even if you are married, you must have an Advance Directive and Financial Power of Attorney in place to ensure that anyone, including your spouse, has the authority to act on your behalf while you are alive, and, at a minimum, a Last Will and Testament in place to ensure that your desired distribution of your “stuff” will take place at your death, whether that desired distribution is to your spouse or otherwise.

This is not to say that an Advance Directive, Financial Power of Attorney, and Last Will and Testament are the be all and end all for everyone. There may well be the need and desire for additional or alternative estate planning strategies, such as Revocable Living Trust or Special Needs Trust-planning. But, at a minimum, every autonomous adult should have these three essential documents in place.

Chances are, you or someone you know is over the age of 18, and has not implemented these vital estate planning documents. Encourage that person to contact us as soon as possible. There is no crystal ball that will allow us to see into the future. But having a plan in place for the unknown will allow us to fully enjoy the present.

Social Security Disability and The Americans with Disabilities Act

Meghan E. McCulloch, J.D.



Social Security disability (known as “SSDI”, for Social Security disability insurance) is a federal disability insurance program that provides a financial benefit to individuals who have worked and paid taxes in to Social Security, but later become unable to work due to their physical and/or mental limitations. The Social Security Administration uses the term “impairments” to describe medical conditions that may result in physical or mental work-related limitations. In order to be eligible for SSDI, the individual’s impairments must render them unable to perform both their past relevant work (defined as any jobs they have performed in the 15 years prior to becoming disabled) and any other work in the national economy for a period of at least twelve (12) months. In most cases, this means that the individual must be totally unable to work in order to receive Social Security disability benefits.



The Americans with Disabilities Act (“ADA”) was signed into federal law in 1990 and provides civil rights protection from discrimination to individuals with disabilities in all areas of public life. In the workplace, the ADA provides protection from workplace discrimination by requiring that employers make reasonable workplace accommodations to employment. Employees can file a complaint with the Equal Employment Opportunity Commission or bring a lawsuit in federal court seeking damages under the ADA if their employer fails to make a reasonable accommodation after a request from



an employee. Under the ADA, an employee or job applicant must be otherwise qualified to perform the essential functions or duties of a job with or without reasonable accommodation. This means that the individual must satisfy the employer’s basic qualification requirements, such as education, experience, and licensing and they must also be able to perform the fundamental job duties, either with or without the assistance of a reasonable accommodation. A reasonable accommodation is an adjustment to a job or work environment that permits an employee with a disability to be able to perform the essential functions of a job. Some examples of reasonable accommodations may include: using or modifying equipment or assistive devices; modified work schedules; reassignment to another vacant job position; job restructuring; and making the workplace itself accessible and usable by people with disabilities. Employers are required under the ADA to make reasonable accommodations to employees or applicants unless doing so would result in undue hardship to the employer, meaning that the accommodation creates significant difficulty or expense to the employer.

Understanding the criteria for SSDI benefits and ADA claims as detailed in this article, it appears that there is an obvious inherent (continued on page 5)

Social Security Disability and The Americans with Disabilities Act (continued from page 4)

contradiction in an individual receiving Social Security disability benefits due to an inability to engage in substantial gainful activity while simultaneously alleging an ADA claim based on an ability to work. However, federal courts have held that the receipt of SSDI benefits does not provide a per se basis for dismissal of an ADA claim. In *Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795 (1999), the U.S. Supreme Court held that a claimant's "pursuit, and receipt, of SSDI does not automatically estop the recipient from pursuing an ADA claim" and went even further to clarify that the receipt of SSDI benefits does not "erect a strong presumption against the recipient's success under the ADA." The Court clarified that "when the Social Security Administration determines whether an individual is disabled for SSDI purposes, it does not take the possibility of 'reasonable accommodation' into account, nor need an applicant refer to the possibility of

reasonable accommodation when she applies for SSDI," and in fact there may be "many situations in which an SSDI claim and an ADA claim can comfortably exist side by side."

From a practical perspective, to be successful with an ADA claim while receiving SSDI, the employee must reconcile the apparent contradiction by showing to the satisfaction of a jury a significant explanation of an ability to continue employment if given a reasonable accommodation. Of course, if the employer offers the accommodation and the employee takes the job, that will eventually result in the termination of SSDI benefits. However, if an individual's medical conditions result in work-related limitations that cannot adequately be addressed with a reasonable accommodation, or if the accommodation needed would result in undue hardship to an employer, Social Security disability may be the best, and quite possibly only, option.

The Power and Necessity of the Trust Purpose Statement and The Absolutely Essential Case for the Memorandum of Intent

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



Everything has a purpose or premise. Every second of our life has its own premise, whether or not we are conscious of it at the time. That premise may be as simple as breathing or as complex as a vital emotional decision, but it is always there.
– Lajos Egri

This year it was my privilege to be asked to write the annual Heckerling Highlights article for the Estates and Trusts Section of the Maryland State Bar Association. After I readily accepted and took off on the project like a teenager who has just been given a new 2019 Ferrari 812 Superfast (789 horsepower by the way), I soon discovered that given the amount of material presented at the gigantic 53rd Annual Heckerling Institute on Estate Planning (January 14-18, 2019) in Orlando, Florida, which I attended, it was going to be no small task to compile a meaningful summary of the five-day conference materials, an academic ultramarathon comprising more than five large binders of printed material and a plethora of articles, many over fifty pages in length. Where to go and what to do? Well, there was nothing else to do but begin, and with that I was hoping the old saying "beginning is half done" would apply. Three months later, still at my desk surrounded by reams of materials and my article journey looking more like I had set off in a Russian-made Lada rather than the iconic Italian stallion, I had an epiphany. After covering and summarizing selected topics of interest over a broad spectrum, including the issue of divorce in estate planning, elder law caselaw updates, estate planning for foreign assets, dealing with I.R.C. Section 199, retirement plans and charitable giving, recent developments, private letter rulings, anti-money laundering ethics guidelines

for lawyers and CPAs and avoiding inadvertent participation in terrorist financing, the selection of fiduciaries, tax basis planning, the modern American family, estate planning and minor children, powers of appointment, asset protection, and much more, including the uses of memorandums of intent, it occurred to me that of all the subject matter presented, possibly the most important takeaways from the Heckerling Conference on Estate Planning, and the two subjects that would be of most



interest and value to our clients on a practical level, especially given recent experiences in our practice over the past five years, was the importance of proper fiduciary selection and the use of letters of intent. The eternal questions relating to who (and what) is a proper fiduciary were addressed. Who is fit to serve as trustee, personal representative, agent under a financial power of attorney, and health care agent? Attorneys should focus their individual planning processes around this issue, as proper fiduciary selection is likely the ultimate reason a plan will work as intended or otherwise fail. The attorney's job is to offer solutions and choices, and to be a counselor. Fiduciary compensation is a big issue. The use of a "fiduciary protector" should be considered. Family structures and demographics in the U.S. have changed and continue to change. Married couples now comprise less than 50% of U.S. households. Unmarried couples, young and old, are the fastest growing demographic in this area. Understanding the differences between the traditional World War II, then "Boomer", then
(continued on page 6)

The Power and Necessity of the Trust Purpose Statement and The Absolutely Essential Case for the Memorandum of Intent (continued from page 5)

Generation X, and now Millennial generations is key to our collective futures in estate planning, as is an understanding of the effects of divorce, blended families, same-sex and interracial marriage, multi-parent and single parent families, and reproductive technology. Intestacy rates appear to fluctuate depending on family circumstances and structure. Flexibility and pace of change dictate that trust design should include statements of intent, one for the trustee and one for the beneficiaries, especially where trusts are to last forever, along with the inclusion of a trust protector. Standard, oft-used form provisions should be reviewed to determine if they speak to the grantor's true intentions and whether they address potential future conflicts between the trustee's fiduciary obligations and the expectations of beneficiaries. Good trust design should recognize the potential for conflict between trustee fiduciary duty and the modes of flexibility now available to the trustee.

From the above we can infer that there is a huge generational gap between the person implementing a trust (the grantor) and the person or persons who will enjoy the beneficial interests of the trust (the beneficiaries). Juxtapose this chasm between the generations, age groups, values, lifestyles, attitudes towards marriage and family, and the evolving definition of what a family actually is, with the continuous changes in Maryland law (for example, the new Elective Share law and the 2019 introduction of decanting legislation), not to mention the same proliferation of statutory change throughout the other forty-nine states (some more than others), and the obvious competition between certain states for trust-related business and assets under management. Because of this divarication, and the reality that nearly all trust documents suffer from "legal document word processing dementia", the act of showing the grantor's intention in trusts has now become a standard part of the estate planning process. The problem is that for most estate planning attorneys and law firms that practice in the area of estates and trusts, especially those who subscribe to the "transactional estate planning" (TEP) school of thought, this vital component is lost on them (they are not consciously aware of it or otherwise do not consider it important). So if you are reading this article with the interest of a student, please take special note of the following important sentence as I repeat: the act of showing the grantor's intention in trusts has now become so important, it must be considered a standard part of the estate planning process.

If you remain intentional, maintain an academic approach to your estate planning, and implement a trust purpose statement (also known as a letter or memorandum of intent), you will be rewarded with the fullest and most complete estate plan possible. You will be "speaking" mainly to the trustee, the person whom you will have carefully chosen (note again the importance of fiduciary selection) and who will internalize and represent your goals, values, and vision into the future, carrying

forth your intentions, and by and through the trust purpose statement, whatever form it may take (provision in the trust itself), memorandum attached to the trust, or separate letter to the trustee, will convey your instructions to the trustee about he or she should use the discretionary powers expressed in the trust. As a basic example of why this is important, consider the common ascertainable standard, health, education, maintenance, and support (HEMS). What does this mean? How is the trustee to use his or her discretionary powers? To one trustee, say a Certified Public Accountant (CPA) with a conservative approach, HEMS may mean that the beneficiary must prove their essential need for distributions, with the trustee taking the approach that the preservation of assets is essential not only for the current beneficiary's future, but for future beneficiaries beyond the current beneficiary; while another trustee may interpret HEMS more liberally, and administer the trust in a manner consistent with more nonconventional notions about the current distribution of funds, even to the extent of exhaustion, for the broader lifetime benefit of the beneficiary. You will also be speaking to a second group of persons – the beneficiaries – who need to know your intentions. Why? Because beneficiaries can cause many problems for trustees, making their jobs, and their lives, extremely difficult and their role as fiduciary impossible. This can cause plan failure in the form of lawsuits against the trustee, the depletion of trust funds in defense of lawsuits, the removal or even the resignation of the trustee, and more.

The role of the trustee was until recently comparably easier, simpler, and more predictable. But in today's world of trusts, where new laws allow for massive flexibility and never before conceivable changes to trust design, even to the extent of significantly altering the structure of trusts and their outcomes, and where trustees must sometimes choose between the flexibility they are allowed by statute and how that flexibility may conflict with their fiduciary duty, it is incumbent upon grantors of trusts to expend significant time during the design stages of their estate planning to envision the future of the trust(s) they are implementing and create a world of instructions and parameters for the trustee to follow and for the beneficiaries to respect that expands upon the grantors true intentions for the trust and its beneficiaries. It is also the responsibility of attorney and law firms that provide estate planning counsel and advice to grantors of trusts to encourage and facilitate a process whereby outstanding trust purpose statements may be created and memorialized for the long-term future. And so, as it likely was in the beginning, we need to think in terms of "simple" - not necessarily a simple approach, but a simplicity in articulating our goals, desires, values, aspirations, and management parameters for the oftentimes perpetual trust entity that we have, in good faith and with the best of intentions, set in motion into the galaxy of the future.

New VA Aid & Attendance Rules as of October 18, 2018

Lindsay V.R. Moss, J.D.



New rules regarding eligibility for VA pension (Aid & Attendance) were implemented by the Department of Veterans Affairs (VA) on October 18, 2018. The new rules are quite comprehensive, but they can also provide more opportunities to qualify for these important benefits. The major changes are outlined below.

1. Look-back and penalty period. There is now a look-back period of 36 months when applying for needs-based VA Aid & Attendance. Any asset that was transferred for less than fair market value during the 36-month period immediately preceding the pension application will result in a penalty period, not to exceed five years.
 - a. Exceptions. There are a few exceptions to the new transfer penalty rule:
 - i. No penalty will be assessed if the transfer was to a trust established for a child who was incapable of self-support prior to age 18.
 - ii. There is no transfer penalty imposed if the claimant's net worth would have been below the net worth limit already (see figures below), regardless of the transfer.
 - iii. A claimant will not be subject to a penalty period if the transfer was the result of fraud, misrepresentation, or unfair business practices related to the sale of financial products.
 - iv. Only transfers that occur on or after October 18, 2018, will be subject to the lookback and transfer penalty rules.
 - b. Annuities may be penalized. If the annuity can be liquidated, then it is counted as an asset. If the annuity cannot be liquidated, then distributions from the annuity are considered income. If the annuity was purchased during the look-back period, then a penalty will be imposed.
 - c. Calculating the penalty period. The divisor used to calculate the penalty is the Maximum Annual Pension Rate in effect as of the pension application date, at the rate of the aid and attendance level for a Veteran with one dependent. In 2019 this figure is \$2,230, and is applicable to all claimants, regardless of marital status. The penalty period will be recalculated if all or part of the gifted money is returned.
2. Net worth. Now there is a bright-line rule regarding the net worth of a Veteran. For 2019, this figure is \$126,420.00, which is also the maximum Community Spouse Resource Allowance (CSRA) amount allowed by Medicaid. This number will increase annually with the cost of living increase issued by the Social Security Administration. If the Veteran or other claimant has a net worth over the threshold and therefore does not qualify for benefits, he or she can spend-down assets by purchasing goods or services for fair market value for any household relative.
 - a. A home/residence owned by the Veteran is not included in the net worth calculation. However, there is a two-acre limit imposed on the home/residence. If the claimant's home/residence is over two acres, then other rules apply and the value of the property in excess of two acres may potentially be included in the net worth calculation.
 - b. The value of "personal effects suitable to and consistent with a reasonable mode of life" is not included in the asset calculation. This would include personal transportation vehicles and most household goods.
 - c. The annual income of the claimant and certain dependents is included in the calculation of net worth. However, reasonable and predictable unreimbursed medical expenses can be deducted from income.
3. More medical expense deductions. The new rules provided an additional Activity of Daily Living (ADL) to include assistance with ambulating within the home. The rules also define Instrumental Activities of Daily Living (IADLs) and set out specific instances when expenses for care that include ADLs and IADLs may be deducted from income. The rules also specify when room and board at a care facility other than a nursing home may be deducted from income as a medical expense.

Please contact Elville & Associates if you have questions about these new rules, or if you would like to discuss whether you or your loved one might qualify for VA pension benefits.

Elville and Associates, P.C. Welcomes Nicole T. Livingston, Leader of Annapolis Office, to Firm

Jeffrey D. Stauffer – Community Relations Director



Elville and Associates recently welcomed Nicole T. Livingston, J.D., to the Firm and its estate planning team. Ms. Livingston will maintain offices at the Firm's new 7100 Columbia Gateway Drive, Suite 190 location, and at the Firm's Annapolis office, located at 1997

Annapolis Exchange Parkway, Suite 367.

Ms. Livingston concentrates her practice in the areas of estate planning and elder law (including guardianship), as well as special needs and advanced tax planning. Furthermore, she creates solutions to client needs concerning asset protection and wealth preservation.

"Elville and Associates is proud to announce that Nicole Livingston has affiliated with the Firm and joined its busy estate planning and elder law practice," said Stephen R. Elville, principal of Elville and Associates. "I am very happy to welcome Nicole to Elville and Associates, and am pleased that Nicole has brought her substantial talents and years of experience to our law firm to assist us in the accomplishment of our mission and vision of educating clients and their families and making planning work, and offering solutions that make a difference in people's lives. We look forward to providing Nicole's clients and professional relationships with the benefit of our firm's substantial resources."

Ms. Livingston, who has been in practice for fifteen (15) years, is a beacon in the Annapolis community. An active member of the Anne Arundel County Bar Association, she is a seasoned speaker, having offered hundreds of educational estate planning workshops in the Anne Arundel County and Central Maryland areas. Ms. Livingston has also implemented thousands of estate plans for families throughout the years. Her warm, relaxed approach provides comfort during stressful times. Her knowledge and ability to explain complex matters in terms everyone understands is a strength her clients appreciate. She enjoys meeting new clients and provides client education to them as part of the estate planning process. Since joining Elville and Associates, Ms. Livingston has begun offering her educational "storytelling" approach in estate planning workshops on a recurring basis.

As Elville and Associates has established a strong reputation for empathy and a "Caring for Clients Model" over the years to coincide with the Firm's mission and vision of educating clients and their families through counseling and superior legal-technical knowledge, Ms. Livingston was attracted to

the Firm's culture and purpose, one that coincided with her own values. She knew she had found the right law firm with which to continue her growth as an attorney and make the biggest difference in the lives of her clients.

"With a focus on education and counseling, Elville and Associates represents my core values for providing legal representation to estate planning clients," remarked Ms. Livingston. "The collaboration of working with clients, their financial advisors, and accountants as a team to properly plan and administer estates is important to me. Providing superior legal-technical knowledge through a customized, personal approach is why I chose to join the team at Elville and Associates."

Ms. Livingston earned her bachelor's degree magna cum laude from Indiana University of Pennsylvania, her master's degree from the University of Maryland at College Park, and graduated with honors from the University of Baltimore School of Law. Previously, Ms. Livingston served as a judicial law clerk to the Honorable Michael E. Loney of Anne Arundel Circuit Court.

Currently, Ms. Livingston is a member of the Maryland and the District of Columbia bars. She is a member of the Estates & Trusts Section, Property Law Section, and Elder Law and Disability Rights Law Sections of the Maryland State Bar Association and is a former member of the Section Council of the Elder & Disability Law Section. Ms. Livingston is also a member of the National Academy of Elder Law Attorneys including the Maryland/DC local chapter, and participates in events with the Women's Bar Association of Maryland. She is also an accredited attorney with the Department of Veteran Affairs. Prior to becoming an attorney, Ms. Livingston worked as a speech-language pathologist in home health care and skilled nursing facilities, which enhances her abilities in her estate and elder law practices.

Nicole Livingston may be contacted at 443-393-7696, ext. 113, or via email at nicole@elvilleassociates.com.

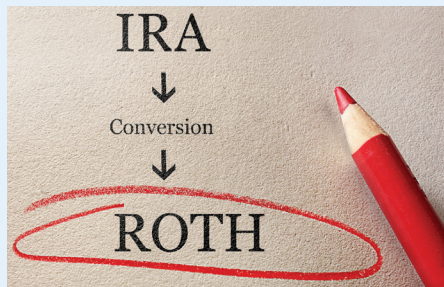


The SECURE Act: Ballistic Missile Alert or False Alarm?

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



Many of us remember the Hawaii ballistic missile red alert that was issued in January of 2018, the one that fortunately turned out to be a false alarm. How could such a thing happen? How could a drill go so wrong and cause so much damage? Estate planners, CPAs, and financial advisors are asking themselves similar questions right now about the proposed SECURE Act, except that this may not be a drill – it may be the real thing. The SECURE Act may impact your estate planning in a significant way - in particular, estate planning for retirement plan assets. The SECURE Act (House of Representatives' version – the 10-year plan) recently passed through the House by way of a 417-3 vote. The Senate is proposing a 5-year plan. Although it is unclear which plan will go forward, it is anticipated that one of the two plans will pass in both the House and the Senate and be signed into law by President Trump soon. If this comes to pass, the new law would go into effect for decedents dying after December 31, 2019 (effective in 2020).



Why is the SECURE Act important and what should you do? The SECURE Act will directly impact the length of time IRAs and Qualified Plans

can defer income tax and be stretched. Unlike the current law allowing inherited IRAs to be stretched out in accordance with IRS life expectancy rules, the SECURE Act would limit the stretch out of IRAs to either 5 or 10 years, with some exceptions (including spouses, persons with disabilities, and chronically ill persons). And yes, the Act also applies to Roth IRAs. Before I go any further, let me say right here – there is no doubt the SECURE Act is **POTENTIALLY TERRIBLE FOR CLIENTS**, and many of our clients are already very upset at the prospect of their estate planning being disrupted, along with lifelong plans to leave children, grandchildren, nieces and nephews, or others retirement plan assets over individual life expectancies thwarted. Nonetheless, all we can do is prepare for the coming changes and get ahead of the income tax planning implications. Along these lines, if the SECURE Act becomes law in its current proposed form, you will need to be aware of the following:

- (1) Conduit trusts will no longer be a long-term viable asset protection planning tool – with all distributions

being forced out to the beneficiary in 5 or 10 years, this technique will be relegated to the shallow end of the pool;

- (2) Accumulation trusts will likely become a tool of choice – however, state law is crucial to success and how much income must be distributed out;
- (3) Roth conversions will become a main strategy for dealing with the new law;
- (4) Charitable remainder trusts and direct charitable gifts will be utilized as powerful strategies for attaining stretch out for certain clients who are charitably inclined;
- (5) Traditional notions such as the deceased spouse leaving 100% of their IRA or Qualified Plan to their surviving spouse may change – for example, it may be advantageous for the surviving spouse to disclaim a certain portion to children, while retaining the balance;
- (6) Migrating IRA funds into life insurance will become an even more powerful alternative strategy; and
- (7) Some clients may utilize the laws of certain states with no state income tax to gain an advantage.

I hope this brief but critical information about the proposed SECURE Act is helpful to you. I will be discussing the impact of this potential legislation with clients, helping to make sense of the changes that



are likely to come, and advising about any needed planning adjustments. If you would like to speak with a member of our estate planning team about this unprecedented situation, please contact Mary Guay Kramer at mary@elvilleassociates.com or Lainey Olson at lainey@elvilleassociates.com. Otherwise, we will be sending out further communications about the SECURE Act as things develop.

The Importance of the Family Meeting in Your Estate Planning Process

Nicole T. Livingston, J.D.



Some clients are reluctant to share their planning with their family. You may feel the plan is private or needs to wait to be unveiled at the time of your death. Perhaps, you do not want to create tension if you chose one family member over another to act as your executor or power of attorney. Many may be uncomfortable bringing up the topic for fear of the reaction from family members. We have found by explaining your estate plan now and having regular meetings with your executor can prevent problems during the administration process. You can tackle difficult issues while you have an opportunity to express your thoughts and feelings. Waiting for the big reveal after your death can cause some families to break up and never speak to each other again.

A good way to start the discussion is to have a family meeting with your estate planning attorney and other advisors, such as your financial advisors and certified public accountant. At Elville and Associates, we encourage you to schedule this meeting with us. We can lead the discussion and bring up uncomfortable topics in a nonconfrontational style. Explaining how your plan works to your family members will allow them to understand why decisions were made and give them an opportunity to ask questions.

Start with a convenient time and location for family members to meet. Your attorney's office is a good location because it conveys the seriousness of the discussion and allows for a clear beginning and end time. Allowing family members to participate and ask questions directly to the drafting attorney may clear up misperceptions they may have. This first step opens the door for more discussions in the future to be held in a less structured setting. During this meeting, no financial discussions of the size of your estate or specific values of your assets needs to be discussed. Instead, the meeting can explain the documents you have prepared and what the family can expect upon your death or if you become disabled.

Initially, there may be anxiety associated with the meeting due to sensitive issues that may be discussed. Planning involving a blended family or a beneficiary who may not be financially responsible to control the inheritance that you leave to him or her can be challenging. If trusts are involved, your attorney can explain why and how they are being used. Your values in creating the plan the way you did can be explained and understood by your family while you are living. No one wants to leave a mess behind and opening this discussion during a family meeting is a good first step to take to leave behind a legacy rather than a lawsuit.

You need to discuss with your health care agent your decisions for end of life care. During the estate planning process, you signed an Advance Medical Directive. The family meeting is an opportunity to discuss the decisions you made. If you allowed your agent to

have flexibility, then explain what you intended this to mean. For example, you may have requested a feeding tube if you are unable to take enough nourishment by mouth. You can discuss with your agent for how long this may last. If the decision is made for you to enter hospice, let your agent know it is okay to discontinue the feeding tube. At some point, with a persistent vegetative state, a feeding tube may be prolonging your life with extraordinary medical bills. This may not be what you intended. You may have wanted a feeding tube for comfort and now it is a burden. It is difficult to document all the variables in a health care situation which is why it is important to have a discussion now about your health care.

Writing a statement about your goals and values and what is especially important to you during the last part of your life can alleviate stress and anxiety family members experience when trying to make final decisions regarding your life. You can locate this paragraph in Part II: Treatment Preferences ("Living Will").

Part III of your Advance Medical Directive allows you to state your wishes regarding your funeral and burial arrangements. You may have decided who should make decisions about the disposition of your body, but you may not have discussed with them what you desire. Some funerals involve many decisions that are like planning a wedding; however, the time frame is much shorter – often having to plan everything within a week or two. The decision of burial or cremation is only the beginning. Your agent may have to locate a church and decide on a ceremony. Or you may desire a memorial service with no religious affiliation. Decisions regarding gospel verses or specific bible readings and who will read them, songs and whether you want a choir or a specific soloist, and the type of church ceremony or memorial service and whether a casket or urn is present will all have to be decided quickly. After that a location for a repast might be required which involves food and beverage selections. Notifying friends and family may be challenging to handle alone and often involves coordination of travel and lodging arrangements. Decisions about flowers or donations in lieu of flowers to a specific charity can be challenging if family members do not agree. Often the task of writing an obituary falls on your agent. It can be contentious if family members all want to have input. You can alleviate some of this burden by discussing your wishes now.

One final thought – your agent needs to have access to these documents. Whether you join DocuBank to store your documents or you use a home safe, you need to inform your agent where the original documents are located and how to access the safe if you are placing your documents in one. Providing your agent with copies now is also a prudent decision. After signing your estate planning documents, you have some work to do to make sure that your wishes are properly followed. We feel a family meeting is the best first step to accomplish this task.

Know the Signs of Elder Abuse and Report It if Necessary

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



On June 15, the World Health Organization (WHO) acknowledged Elder Abuse Awareness Day. Communities across the world participated in activities to bring awareness to a problem that faces many elders and oftentimes goes unnoticed.

I share information about elder abuse every year to bring awareness to our community and perhaps alert others to keep their eyes open to this growing problem.

The WHO has adopted the following definition of elder abuse: Elder abuse (also called “elder mistreatment,” “senior abuse,” “abuse in later life,” “abuse of older adults,” “abuse of older women,” and “abuse of older men”) is “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.”

The key words “any relationship where there is an element of trust” are particularly important. A person or persons known to the elder commit most elder abuse.

Elder abuse may present in various ways and unfortunately is on the rise. Abuse may manifest in one or more aspects such as physical, emotional/psychological, sexual or financial. The National Adult Protective Services Association provides a list of the most reported types of abuse:

- Physical abuse: may include slapping, hitting, beating, bruising or causing someone physical pain, injury or suffering. This also could include confining an adult against his/her will, such as locking someone in a room or tying him/her to furniture.
- Emotional abuse: involves creating emotional pain, distress or anguish through the use of threats, intimidation or humiliation. This includes insults, yelling or threats of harm and/or isolation, or non-verbal actions such as throwing objects or glaring to project fear and/or intimidation.
- Neglect: includes failures by individuals to support the physical, emotional and social needs of adults dependent on others for their primary care. Neglect can take the form of withholding food, medications or access to health care professionals.
- Isolation: involves restricting visits from family and friends or preventing contact via telephone or mail correspondence.
- Financial or material exploitation: includes the misuse, mishandling or exploitation of property, possessions or assets of adults. Also includes using another’s assets without



consent, under false pretense, or through coercion and/or manipulation.

- Abandonment: involves desertion by anyone who assumed caregiving responsibilities for an adult.
- Sexual abuse: includes physical force, threats or coercion to facilitate non-consensual touching, fondling, intercourse or other sexual activities. This is particularly true with vulnerable adults who are unable to give consent or comprehend the nature of these actions.
- Self-neglect: involves seniors or adults with disabilities who fail to meet their own essential physical, psychological or social needs, which threatens their health, safety and well-being. This includes failure to provide adequate food, clothing, shelter and health care for one's own needs.

Abuse and exploitation can be committed by spouses, family members, formal caregivers in the home or in assisted living housing or nursing homes or strangers who prey on the aging population among others who may be trusted friends or acquaintances.

It can be argued that the exploitation of elders that comes in the form of constant barrages of requests from charities, phone solicitation for products to aid a senior and marketing to seniors can also be perceived as a trusted source. It seems as though as soon as the golden age of retirement approaches seniors receive constant and unyielding piles of mail and calls to donate, buy or participate in some way. We must all be very judicious and diligent to protect ourselves from the predators that exploit the older population.

The statement “if you see something, say something” is a perfect reminder that minding your own business is not always the soundest advice. Elder abuse is oftentimes noticed by neighbors, bank employees, family members, friends and acquaintances and either denied or ignored because people

Know the Signs of Elder Abuse and Report It if Necessary (continued from page 11)

don't want to get involved or "stick their noses in." Trust me, if we all paid attention to the warning signs, the true extent of the problem would finally be appreciated. There is much work to be done to strengthen laws, increase and enforce punishment for this serious crime.

I remind the banking industry, there is a mandatory reporting law that you must report any suspicious activity such as someone bringing a customer to the bank and changing their accounts, any suspicion of undue influence to pressure or coerce one to make changes to accounts, withdrawals or moving money. This applies to those who may seem competent to you but may seem to be told what to do and those who you may have noticed odd behaviors over time.

Those suffering from even the earliest effects of some type of dementia become preoccupied with their accounts and may come into the bank or call frequently to "check" on their accounts and balances. They may make repeated withdrawals.

They may exhibit some paranoia about their accounts being tampered with or having money stolen from them. This must be reported! I am personally fed up with banking personnel looking the other way and not knowing what to do. It is your responsibility to protect your customers from abusers and oftentimes from themselves if they clearly seem off or confused and constantly stressed about their accounts. Please report suspicious activity to Adult Protective Services (APS). Just a call can save an elder from abuse or misuse of their funds.

Jill Rosner is a registered nurse, certified aging life care manager and owner of Rosner Healthcare Navigation. She provides patient advocacy and care management services to clients with health and aging issues. Contact her at jillrosnerrn@aol.com or 410-591-6378.



Elville and Associates Would Like to Recognize and Thank Laurie Murphy-Zuiderhof and the Murphy Commercial Team for Their Guidance and Help During the Firm's Transition to Our New Office. ***We Could Not Have Done It Without You!***



Commercial Real Estate Sales and Leasing

- Office Space
- Retail/Restaurant
- Shopping Centers
- Flex/Warehouse
- Land

Our Firm Provides Services that Include

- Landlord Representation
- Tenant Representation
- Acquisitions

- Specializing in Land Assembly
- New Development Consulting
- Investment Sales

Our Specialized Services

- Medical Real Estate and Physician Representation
- Retail Leasing and Franchise Representation
- New Development Leasing
- Land Acquisition for New Development
- Investment Property Sales
- Lease Renewal Negotiation

The New Elective Share/Augmented Estate Legislation – What Clients Need to Know

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



They say that if you simply hang around long enough you will likely see it all. This seems to be the case with one new law that was recently passed by the Maryland Legislature, the new elective share law (House Bill 99; Senate Bill 192), otherwise known among lawyers as the “augmented estate” or “new elective share” legislation. This legislation “hung around” for the past several years and finally will become law (effective October 2020). Here is a brief history.

Under present (still currently existing) Maryland law, a surviving spouse was entitled to elect against the will of his or her deceased spouse to receive one-third (1/3) if there was surviving issue of the decedent, or one-half (1/2) if there were no surviving issue of the decedent, of the “net estate” – basically the net amount of the *probate* estate. This meant that a spouse with bad intentions could disinherit the surviving spouse by up to two-thirds (2/3) and the surviving spouse could only exercise a right of election over the limited statutory amount of the net probate assets described above. Unfortunately for the aggrieved spouse, this also meant that he or she (likely she) had no right of election over assets owned by the deceased spouse that passed outside of probate (passed via non-probate transfer) such as joint accounts, transfer on death designations (TOD), payable on death designations (POD), beneficiary designations (IRAs, Qualified Plans, and life insurance), and real property passing by life estate deed. As a result, a spouse with bad intentions could disinherit a surviving spouse by sixty-six and two-thirds percent (66 2/3%) of the net probate assets, and one hundred percent (100%) of non-probate assets.

Then, beginning in 1990 and leading up to 2008, two cases *Knell v. Price*, 318 MD. 501; 569 A.2d 636 (1990), and *Karsenty v. Schoukroun*, 406 MD 469; 959 A.2d 1148 (2008) changed the status quo, but did not move the needle enough to give a surviving spouse meaningful rights to non-probate property to which they were arguably entitled. Although a full analysis of these cases is beyond the scope of this article, they stand for the proposition that a surviving spouse is entitled to an elective share over an estate broader than the probate estate – an *augmented* estate that includes not only the traditional net probate estate but also the non-probate assets of the decedent spouse. These cases, especially the latter, established certain tests, approaches, and factors by which a court could determine whether the non-probate assets of the decedent would be subject to the elective share of the surviving spouse. Although these cases represented *progress*, an aggrieved surviving spouse nonetheless remained in a situation of great legal uncertainty and disadvantage, considering

that more likely than not she would have to engage in costly and protracted litigation to prevail on the issue of electing against the augmented estate of the deceased spouse.



With the passage of the new elective share law, the Registers of Wills and the Courts will take a formulaic approach designed to bring sensibility and fairness to this complex issue, for both spousal and non-spousal beneficiaries. This will most likely be a difficult and arduous process for all parties involved, especially after implementation in 2020. Since most traditional couples – couples where the union was a first marriage and children from that first marriage exist – leave assets for the benefit of the surviving spouse either outright or in further trust, and the non-probate assets of the deceased spouse usually flow by beneficiary designation to the surviving spouse, the new elective share law will have little or no impact those couples. However, and there are many examples too broad in scope to discuss here, two main categories of surviving spouses will be impacted the most, as follows: (1) the second (or more) marriage surviving spouse with or without children of their own; and (2) the disabled surviving spouse.

The surviving spouse in a second, third, or more marriage who has been *disinherited* by their deceased spouse, usually because he or she has children of their own or other relatives to whom they intend to leave assets at their death (the death of the first spouse to die), will be impacted by the new law. Furthermore, it is important to note that even more impact will inure to the deceased spouse and his or her children because of the new law. The reason is simple – under the new elective share law, where an uninformed spouse in a second or more marriage who with or without the mutual agreement of their spouse leaves assets to their children or other relatives, a very common occurrence), the surviving spouse may thwart the estate plan of the deceased spouse by electing against the probate and non-probate assets of the decedent. This situation may only be legally avoided through the use of pre-nuptial or post-nuptial agreements that specify the waiver of the surviving spouse’s right to a spousal elective share.

Spouses who die leaving a disabled spouse will fare better, and the new elective share law allows for the placement of the surviving spouse’s elective share amount into a testamentary special needs

(continued on page 14)

The New Elective Share/Augmented Estate Legislation (continued from page 13)

trust (a common practice among elder law attorneys) without exposing that statutory elective share amount to the claims of Medical Assistance. This carve-out exception means that elder care planning for spouses where one spouse has an impairment or other disability can continue unabated – a happy result for the benefit of couples who wish to be proactive under circumstances where choices otherwise seem very limited and where long-term care costs continue to devastate family finances.

In summary, the new elective share law which had previously confounded lawmakers, the Registers of Wills, and others for

several years is now the law in Maryland effective next fall (fall 2020). Those persons who plan to disinherit their spouses for bad-intentioned purposes (likely very few), or remarried spouses who plan to leave assets to their children from a prior marriage should they be the first spouse to die (in the new marriage), should take notice of this new game-changing law. Pre-nuptial and post-nuptial agreements, already important asset protection planning tools in and of themselves, will now take center stage as a first and preeminent step in estate planning for many couples, and an important point of client education for all.



Elville Self-Direct Select™

ESTATE PLANNING FOR THOSE ON THE GO.

Elville Self-Direct Select™ (ESDS) gives clients the power to choose their own estate planning experience. Through ESDS, clients can direct their own education-centric planning process, choosing when and how they will matriculate through the important educational system Elville and Associates is known for. Possibly the first program of its kind, ESDS combines technology and leading edge legal-technical knowledge, along with Elville and Associates' commitment to making plans work through client education and continuing education, thereby providing today's legal service consumers with the planning they need and want in the most time-efficient way.

For more information contact our office at 443-393-7696.



Elville Self-Direct Protect™

ESTATE PLANNING FOR INDIVIDUALS AND COUPLES WITH LIMITED MEANS – BUT ENORMOUS NEEDS.

More than 3/4 of individuals and couples age 30 to 44 have no estate planning, while countless numbers of older adults do not have proper planning. With Elville Self-Direct Protect™, clients can get the Will, Power of Attorney, and Advance Medical Directive they need, without sacrificing an educational component, all at one low cost.

For more information contact Brooke Siske at 443-393-7696.



The Nature of Genius

Mark Malinowski – Guest Contributor – Morning Host, 91.5 WBJC



The word “genius” is bandied about a lot these days. It seems that whenever someone dies, somebody calls that person a Genius. This is especially true in the world of popular music, but is certainly not limited to it. Whether it’s a rock musician who sets himself apart from his peers by his actions or an artist that specializes in painting big orange squares, the word “genius” often shows up.

The dictionary (remember those?) says a genius is “one of exceptional intelligence or ability in a specific or general way.” Or words to that affect. Well, that covers a rather broad range. There are some historical figures that we consider geniuses that would probably get no argument from anyone. Leonardo Da Vinci, Galileo, J.S. Bach, Mozart, Beethoven, Shakespeare (if he REALLY wrote all those plays), Einstein, and the list goes on. What makes these individuals geniuses? To my way of thinking (and I am certainly no expert in the field) they changed their art or science in profound ways. In many ways, these aforementioned individuals (and others of their ilk) not only changed their art, but changed the world.

That being said, what about all the other truly talented and creative people in the world, past and present, that are not normally associated with the term “genius?” There are numerous composers who wrote wonderful pieces of music that we don’t hear referred to as “geniuses,” yet every one of them had moments in their careers that set them apart from their peers, and wrote music that is still performed and recorded to this day. At the same time, there are numerous talented individuals who, often after dying, are proclaimed geniuses by their loyal followers.

You may recall (and I’m flattered if you do) a piece I wrote for this same vehicle concerning the comparison between pop and classical music. In that missive, I mentioned how, when told that most pop musicians will, in the next one hundred years or more, be relegated to the dustbins of music history,

while Bach, Beethoven, etc, will still be performed, recorded, and studied. It is a statement that will certainly raise the ire of certain people (my brother took particular umbrage with it). Well, what I’m about to say will probably raise ire with a lot of other people, and maybe some of the same people, but here it goes: When an artist we admire passes away, we like to think of him or her as a genius, because it makes us feel better about our own sensibilities and taste. Let’s face it—we all would like to think that the people we admire are geniuses. The reality is, there are a lot of truly talented people in the world who are not necessarily geniuses. For example, would you consider Roger Federer a genius? He’s won more major titles than any tennis player in history. He’s won more Wimbledon titles than any other male player. He will certainly go down in history as one of the greatest, if not the greatest player in his sport, yet I have not hear the word “genius” associated with him.

Perhaps we should consider someone else. Albert Einstein is universally considered one of the greatest geniuses in history, yet all of his major discoveries were made when he was a relatively young man (Photoelectric Effect, Theory of Relativity). The next 35 years or so of his life were spent trying in vain to discover the Unified Field Theory (the Theory of everything). When Max Planck introduced the world to Quantum Theory (for which he won a Nobel Prize), Einstein said of it “God does not play dice with the world.”

So, you may ask, as well you should, just what the heck is he getting at? Well, I suppose that if I am getting at anything, it’s that one doesn’t have to be a genius to be exceptional at what he or she does. Steven King has written more books than most can count, and I have never heard him referred to as a genius, whereas Thomas Pynchon has written very few by comparison and is considered one of the great literary geniuses of the 20th century. I have to admit, I have tried to read “Gravity’s Rainbow at least 5 times and can never get past page 150. Clearly, I’m not a genius. I suppose my point is, let’s just enjoy the art and science of those we like, and let the moniker of “genius” be left to the historians.

ON THE RADIO

91.5FM
WBJC

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

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



MUSIC & ARTS

Elville and Associates' Client Care Program – Providing the Highest Level of Service, Working to Exceed Every Expectation, and Offering Benefits that Matter to Our Members

Jeffrey D. Stauffer – Community Relations Director



As one of only fifty (50) Client Care Programs in the United States accredited by the Client Care Academy in Boston, Elville and Associates' Client Care Program (CCP) mission is to provide 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. The attorneys and staff at the Firm work diligently to deliver Member services that stand out for their excellence and integrity, and most importantly, that elevate how families are cared for. As the CCP recently surpassed its three-year anniversary, Member benefits continue to grow in scope and depth. As a Member organization, you will want to be sure to take advantage of all the benefits to which you are entitled through the CCP. These benefits include:

Access to Attorneys and Staff

The members of our team will be reasonably available to answer your questions, either by telephone or email, whenever and as often as you would like, including in-person meetings as needed.

Client Education Services

The CCP will provide regular educational workshops for our client Members, their families, successor trustees (and other fiduciaries), and planning team. The topics of these workshops vary and have recently included changes to the trust and estate tax laws, what successor trustees should do if you become disabled and when you die, how to maximize your Social Security benefits, estate and trust administration, and much more. Each fall we will also invite you to our annual Client Education Event.

Document Updates

Our attorneys will review your estate planning documents whenever you reasonably request, and at least every two years, and we will update your planning as the laws change, when your personal situation or goals change, and as the nature and value of your assets change. This will ensure that your estate plan will always be up-to-date.

Asset Review, Tracking and Updating

We will provide regular reviews of your estate plan asset funding and alignment, and will also provide regular funding and alignment updating to ensure that your trust or will-based plan is fully aligned and will work as it was intended.

MIDEO® Consultation and Card (NEW**)**

In the first-of-its-kind partnership in the country, Elville and Associates and The Institute on Healthcare Directives have partnered to offer MIDEO® (My Informed Decisions on VidEO) to our members. MIDEO® is a personalized card with your critical healthcare information on the front that also hosts by video, accessible by a QR code scan, your prerecorded wishes for resuscitation and other healthcare choices. By providing an accurate, up-to-date, easy to review video of you speaking, your personal MIDEO® card will accurately allow your wishes and choices to be carried out correctly by medical professionals. For more information about MIDEO® and The Institute on Healthcare Directives, please contact Community Relations Director Jeff Stauffer, visit www.institutehcd.com or contact Ms. Brandi Monroe at the Institute at monroe@institutehcd.com.

Family Heritage Video

Members are encouraged to participate in their own archival family video production at the Elville Creative Studio in Annapolis. Family members may express themselves and share whatever they want for 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 and the creative possibilities are endless.

Family – Advisor Meeting

Within sixty (60) days after your estate plan is completed (or as soon thereafter as you can arrange for all of your family to participate), we will provide you the opportunity to have a family meeting, to include members of Elville and Associates, your family members, and your financial and professional advisors (those persons who will implement your plan) so we can answer any of their questions, explain how your planning works, and explain how to settle your estate plan upon your passing. The importance of the Family-Advisor meeting cannot be understated.

Coordination with Advisors

Our staff will be available to consult with your financial advisors, accountants, insurance professional, and geriatric care managers. If you do not currently have one of these all-important advisors available to you, we will work in partnership with you to find an appropriate professional relationship that fits your family's needs. Our staff will also provide copies of your documents should you so request.

Elville and Associates' Client Care Program (continued from page 16)

Additional Participation Benefits – DocuBank and Everplans

We will provide free notary public services as and when needed and will provide copies of your estate planning documents to your advisors and others upon your request. You will be enrolled in a health care document retrieval service called DocuBank which provides 24-7 access to your medical records and other documents. You will also have the option of enrolling in Everplans, a state-of-the-art, secure digital archive for all of your essential information (everything your loved ones will need should something happen to you).

Elville and Associates' first CCP Continuing Legal Education Event of the year, "Navigating Longevity," was held on Saturday, March 16th on the Arnold campus of Anne Arundel Community College. Led by one of the region's most sought-after speakers, Ms. Ellen Platt, MEd, Certified Rehabilitation Counselor and Certified Geriatric/Life Care Manager with The Option Group, members and their families were taken on a journey through geriatric care management; cognition, brain health, and dementia; care options; and taking care of the caregiver.

Summertime means fun in the sun, trips to the beach, cookouts, and the CCP's annual Social Event! On Sunday, July 21st, members and their families enjoyed an evening showing of the smash-hit musical, "Grease," at Toby's Dinner Theatre in Columbia. After a dinner buffet was served before the sold-out show, guests were taken back to the 1950s with Danny, Sandy, the T-Birds and Pink Ladies! A stellar cast brought the timeless

classic to life as they acted and belted out "You're the One That I Want," "Summer Nights," "Hopelessly Devoted to You," "Greased Lightnin'" and more to the delight of the audience.

Elville and Associates' is pleased to announce its 7th annual Client Event will be held on Saturday, October 12th, 2019 from 8:30 to noon at the Retreat and Conference Center at Bon Secours in Marriottsville. This year's theme is "What Families Need to Know about Planning for Loved Ones with Disabilities." Along with a superb lineup of presenters, delicious food, door prizes, gift baskets and concert ticket giveaways will highlight the morning, and entertainment will once again 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. Presentations will include "Financial Planning for Special Needs," "The State of Special Needs Planning Today," "An Overview of Waiver Programs," "Special Needs Planning and the Augmented Estate," and a "General Legislative Update." Invitations will be forthcoming in mid-September, and we kindly ask that all RSVPs are finalized by October 4th. Seating is limited and the event will "sell out," so contact our office to reserve your seat soon!

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.

91.5FM
WBJC

Maryland's Classical Music Station

WBJC IS THE CLASSICAL RADIO VOICE OF BALTIMORE CITY COMMUNITY COLLEGE

www.wbjc.com

6776 Reisterstown Road, Suite 202, Baltimore, MD 21215 Phone: (410) 580-5800

Elville and Associates and the Institute on HealthCare Directives Partner to Offer MIDEO® to Firm's Client Care Program Members

Jeffrey D. Stauffer – Community Relations Director



In the first-of-its-kind partnership in the country, Elville and Associates and the Institute on Healthcare Directives have partnered to offer MIDEO® (My Informed Decision On VidEO) to the firm's Client Care Program members. The MIDEO® card is a personalized

card with individuals' critical healthcare information on the front that also hosts by video, accessible by a QR code scan, their prerecorded wishes for resuscitation and other healthcare choices. By providing an accurate, up-to-date, easy to review video of the individual speaking, their personal MIDEO® will accurately allow their wishes and choices to be carried out correctly by medical professionals.

"Elville and Associates is privileged to partner with Dr. Ferdinando Mirarchi and MIDEO® to provide our Client Care Program members with the leading-edge technical tools they need to stay ahead of the curve in healthcare decision-making," remarked Stephen R. Elville, principal and lead attorney of Elville and Associates. "Clients are assured and gratified to know they can implement advanced measures, remain proactive in making their health-related wishes known, and protect themselves to the greatest extent possible in an uncertain world."

Some of the benefits of MIDEO® are:

- MIDEO® helps prevent medical errors related to medical strangers misinterpreting your documents
- MIDEO® ensures the right care at the right time
- MIDEO® is personalized and individualized for you
- MIDEO® is easy to complete and Dr. Mirarchi will guide you through every step
- MIDEO® protects your family from having to make difficult, uninformed decisions that may cause family disruption
- MIDEO® is protection for you and your family that is retrievable anywhere in the country and internationally



The Institute on Healthcare Directives and MIDEO® are spearheaded by Dr. Ferdinando Mirarchi, Chief Medical & Scientific Officer of the Institute on HealthCare Directives and the Founder of MIDEO®. From institutehcd.com, he is "the Principal Investigator of the TRIAD (The Realistic Interpretation of Advance Directives) Research Series which has been featured by the New York Times & Wall Street Journal. His research reveals there is a new nationwide patient safety risk affecting patients who have living wills, Physicians Orders for Life Sustaining Treatment orders and those who are critically ill. His TRIAD VIII study, released by the Journal of Patient Safety, is groundbreaking and reveals patient treatment is much more effective if video testimony is incorporated into their advance care plans. Dr. Mirarchi is also a practicing Emergency Medicine Physician and Medical Director of the Department of Emergency Medicine at UPMC-Hamot in Erie PA."

At Elville and Associates, it has and always will be the firm's mission to offer the very best legal-technical knowledge and service to our clients and communities we serve. We trust this added benefit will prove valuable to our clients and advisor community with whom we partner as a benefit to their clients.

To learn more about MIDEO® and the Institute on Healthcare Directives or to set an appointment, please visit MIDEOcard.com and institutehcd.com, or contact the Institute's Client Relations Manager, Brandi Monroe, at monroe@institutehcd.com.



"It's More than Just a Move, Expect MOR Than Just a Mover"

www.MORlogisticsLLC.com | 844-MOR-TEAM

SPECIAL NEEDS PLANNING AT ELVILLE AND ASSOCIATES



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

Our legal services for special needs planning include the following:

Special Needs Trusts

Public Benefit Preservation

Housing and Support Solutions

Supplemental Security Income (SSI)

Social Security Disability (SSDI)

Financial and other Planning for Children and Adults with Disabilities

Health Care Decision Making

Fiduciary Services

If you have questions or would like to know more about planning for a loved one with special needs, contact Mary Guay Kramer at 443-393-7696.



The Elville Center for the Creative Arts – Creating Beautiful Music Together

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



Since our last Elville Center for the Creative Arts update, the charity was blessed to celebrate its five-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 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.

Looking back over the past five years, it is humbling to see how far the Elville Center has come in its own journey to "Make a Musical Difference in the Lives of Children" and how time flows at an "allegro" pace. As many of you know, the Elville Center's first project started with a phone call from a then 7th-grader at Benjamin Tasker Middle School in Bowie named Daniel Coleman, who heard about the charity on his (and our) favorite radio station, 91.5 WBJC and contacted us to ask for instruments to benefit his school's band and orchestra. Fast forward five years, and the Elville Center is now helping schools and organizations around the state with a whole host of needs, and that young man has grown into an Eagle Scout who is off to college this fall with a list of accomplishments that could practically fill this entire newsletter!

The organizations and programs the Elville Center has partnered with over the past five 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 their leaders' intentions 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. Over the Elville Center's five-year musical journey, we have been fortunate to collaborate with some amazing teachers, school administrators, and business leaders, and we've been blessed to be in a position to offer musical opportunities to thousands of underprivileged students along the way! In this ever-changing, sometimes difficult world in which we live, the Elville Center remains steadfast in its mission of partnering with our communities to help those less fortunate rise above their challenges through the gift and bond of music.

That bond of music brought the Elville Center and Monarch Annapolis together last December, when, through a friend, Instrumental Music Teacher Christine Brimhall heard about the Elville Center and inquired about support for this new charter school. While the staff and students are enthusiastic about music, developing its program has proved challenging, as most of its families do not have the capacity to rent instruments or purchase supplies, and the school has an abundance of neither.



A young girl gets up close with a timpani drum at the ASO's Concerts for Schoolchildren.

However, the Elville Center was able to step in and, at Ms. Brimhall's request, provide the school's music program with a host of reeds and valve oils and other supplies students need for their instruments, as well as a number of percussion instruments to develop that section of the program's band. And, this fall, the Elville Center visited Monarch again with brass and woodwind instruments to boost the school's inventory for incoming students who cannot afford to rent their own instruments, as well as a bevy of reeds, strings, and new instructional books to strengthen the program's supplies as it enters the new school year. While all of our endeavors at the

The Elville Center for the Creative Arts – Creating Beautiful Music Together (continued from page 20)

Elville Center are worthwhile and special in their own way, it is always gratifying to help a school begin its program from the ground up and watch it grow over the years, as is the case with Monarch Annapolis.

“Monarch Annapolis is a Title I charter school in Annapolis, Maryland. There is a lot of interest in instrumental music, but not enough instruments to loan to students, or supplies to support our program,” noted Ms. Brimhall. “Most of our instruments and supplies are made through donations. Instrumental music provides a hands-on arts experience. It is the bridge between many other subject areas, such as math and reading. In instrumental music, students learn to create sound and music while finding other connections to the world and their own lives. For some, it is a creative gap that is filled for thirty minutes. For all, it is the unique experience of working as both an individual participant and a team player. I am extremely thankful for the support provided by the Elville Center for the Creative Arts. Your donations of supplies and instruments is truly appreciated!”

In an important new initiative this past spring, the Elville Center became a Supporter of the Baltimore Classical Guitar Society, an organization that brings the world’s most-renowned classical guitarists to Baltimore for concerts on a recurring basis. In 2018, The Society began offering a “Guitars for Change” program for immigrant children who have encountered adverse experiences. The Society collaborates with Center of Help to offer free guitar lessons to youth at risk for gang induction in an after-school program. The Elville Center has provided



Some of our donated guitars being put to very good use by children in the “Guitars for Change” initiative.

this worthwhile endeavor. If you or anyone you know has a guitar in good condition to donate to the Elville Center, please contact me and know it will go to one of many good causes we support in need of guitars, including “Guitars for Change.”

As Elville and Associates’ reach has extended into Montgomery County on a continuing basis, so too has the Elville Center’s, as donors learn about the charity and refer Montgomery County School music teachers to us that would benefit from

a partnership. One such school is Eastern Middle School in Silver Spring. This school’s instrumental music teacher, Mr. Daniel Puckett, is also a professional musician who has played in world-famous venues, and brings a contagious energy to his classroom and student musicians. However, as is the case with most music programs we visit, due to a lack of funds, instruments and equipment are lacking for many of his students. Over two visits, the Elville Center was able to outfit Mr. Puckett’s program with five violins, two cellos, another cello case, a terrific Kay bass (a first-of-its-kind donated stringed instrument to the charity), along with a much-needed Peavey Keyboard Amplifier the program has needed for many months. And, as we write this article we are preparing to deliver two more violins, a cello, and some brass instruments to Mr. Puckett for the new school year!



We always enjoy visiting our partners with donations in hand, this time with stringed instruments for Eastern Middle’s Instrumental Music Teacher Daniel Puckett!

“Over the past two years the Elville Center for the Creative Arts has been a blessing to me and my students at Eastern Middle School in Silver Spring,” noted Mr. Puckett. “Many of my students can’t afford an instrument to use and to be able to give a student an instrument and see their face light up with excitement is priceless! The Elville Center has also been able to purchase an amp for my keyboard and I use this every day! I am so grateful to Steve Elville, Jeff Stauffer and the entire Elville Center for the Creative Arts program! Thank you so much!”

For a third consecutive season, the Elville Center will be continuing its support as a major sponsor of the Annapolis Symphony Orchestra, a professional orchestra in Annapolis based in the historic Maryland Hall for the Creative Arts. Last year, the Center’s sponsorship paid for the bus transportation and tickets for 625 children, all from Title 1 schools, to attend the Annapolis Symphony Orchestra’s Concerts for Schoolchildren. Continuing our funding for this ASO’s educational initiative is our largest and arguably most important venture of the year, as it positively affects so many underprivileged students and directly fulfills our mission to give children the opportunity to experience cultural events related to music they never would have experienced otherwise. The Elville Center is also proud to note it will also be recognized as an in-kind donor to the ASO for the upcoming season as well.

We can think of no finer partner to help us fulfill our mission
(continued on page 22)

The Elville Center for the Creative Arts – Creating Beautiful Music Together (continued from page 21)

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

“Once again it is my privilege to offer the sincerest thanks of the Annapolis Symphony for the Elville Center’s continuing commitment to our School Concert Access program,” remarked Dr. Patrick Nugent, Executive Director of the Annapolis Symphony Orchestra. “Music Director Jose-Luis Novo and our board chair, Jane Casey, join me and all the musicians of the Annapolis Symphony in expressing our deep gratitude for your gift to help make these concerts a reality. The concerts took place in May, but they were all sold out by New Year’s! There is clearly a demand for these concerts on the part of schools and teachers, and your contribution makes it possible for us to include schools and families that don’t have the resources to afford these concerts. THANK YOU for being such thoughtful philanthropic and cultural leaders!”

On infrequent occasions, the Elville Center will send an instrument out for refurbishment, and it will come back 1) unable to be repaired due to the instrument’s condition or 2) the cost of the repair far exceeds the cost of purchasing a new instrument. In these cases, what does the Elville Center do with such instruments? We would not simply discard them! Rather, with the donor’s permission, they are donated to art teachers and transformed into art projects! And, the Elville Center is pleased that all instruments from our thoughtful donors find good homes and are put to very good use! The Elville Center works to put the “creative” in “creative arts”! One of those schools that is benefitting from the instruments set aside for still-life art design is Charles Carroll Middle School in Prince George’s County.

“Thank you so much to the Elville Center for its generosity and support for my students,” said, Ms. Rachel Held, art teacher at Charles Carroll. “Students in art class will use these instruments to practice observation, choice-making, drawing, shading, imagination, and design. Now that we have a variety of complex and engaging objects to choose from, we will start by setting up a large, multi-sided still-life. Students will make choices about how to draw the subjects in composition, media, and style. Thank you for making a difference in my classroom this school year!”

Lastly, in a new endeavor that is expanding our reach to adults with disabilities, this September the Elville Center established a partnership with CALMRA, Inc., a community-based residential service provider in Laurel which provides homes

and services to adults with cognitive disabilities. One of the many programs CALMRA offers is a Day Program through its Mary Solko Senior Center. The Day Program services include on-site nursing, hot lunches, art therapy, sensory stimulation, physical therapy, and music therapy to its seniors. The Elville Center was approached by its Day Program Director, Ms. Susan Thompson, about providing gently-used instruments to the Senior Center to benefit the music-related activities taking place there, and its first donation included two saxophones, two clarinets, two banjos and a guitar to supplement its music therapy program.

While adults with disabilities are not a population the Elville Center have assisted in the past, we have actively been considering expanding to “Make a Musical Difference in the Lives of ALL” those less fortunate that are interested in partnering with us, including veterans’ organizations, first responder groups, and special needs organizations. Knowing the depth of services and how important CALMRA is to the disabled senior community, the Elville Center is very pleased to be supporting its music therapy program and making it its first non-child centric partner.




Dr. Richard Berg stopped in the office to donate his French 1950s Buffet Crampon clarinet to the Elville Center – a gem!

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 Concerts for Schoolchildren Series. As a 501(c)(3) non-profit corporation, all donations made to the Elville Center are tax-deductible. To donate or learn more about the Elville Center for the Creative Arts, please visit www.elvillecenter.org or, contact Jeffrey Stauffer at jeff@elvillecenter.org or 443-676-9691. 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!



ELVILLE
CENTER FOR THE
CREATIVE ARTS



Make a Musical Difference
in the Life of a Child

Make a monetary pledge or donate a musical instrument today.

DONATE

www.elvillecenter.org



Plans are underway for the Elville Center's
First Annual Fundraiser in 2020!

– Details Forthcoming! –

The Elville Center Needs Your Financial Support

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

Case Study: Invoking the Elective Share

James M. Dore, J.D.



Consider the following scenario -- a couple got married and had two children, a son and a daughter. After many years of marriage and raising the children into adulthood, the wife took ill and passed away. In the year following his wife's death, the husband executed a Last Will and Testament that named his two adult children as legatees, and designated the daughter as primary Personal Representative (PR) of his estate and the son as the alternate PR.

Several years later, the husband remarried. This second marriage lasted over ten years and was by all accounts a happy one. Although the husband allegedly made statements to several individuals about his desire and need to update his estate plan to provide for his new spouse, he never took formal action to do so. After the passage of more time the husband ultimately died, leaving his widow to deal with an outdated estate plan.

Several weeks after her husband's funeral the widow received a letter from the husband's daughter, who was acting in her capacity as PR of the husband's estate. In her letter the PR alleged that because the widow was not named in her late husband's Will, she was not entitled to inherit from her husband's estate. The PR enclosed a check payable to the widow in the amount of \$10,000.00—purportedly given the widow as some sort of consolation-- along with a "Waiver and Assignment" by which the PR asked the widow to waive her right to the estate and assign the entirety of her interest thereto to the son and daughter.

Although the relationship between the widow and her husband's children was cordial, it was not close. Further, the widow was not a native English speaker and, despite being fluent in two other languages, her English was not strong. Unsure of her rights and not wanting to make waves, the widow signed the Waiver and Assignment and returned it to the PR. She did not deposit or cash the check.

The widow was left unsettled by the situation and, questioning whether she did the right thing, sought the advice of friends a few days after returning the signed Waiver and Assignment to the PR. Upon learning of the widow's predicament, her friends wisely urged her to seek counsel experienced in probate law and estate litigation.

The widow's counsel immediately took action to revoke the Waiver and Assignment, and to claim the widow's Elective Share of her late husband's estate pursuant to Section 3-203 of the Estates & Trusts Article of the Annotated Code of Maryland¹.

§ 3-203. Right to elective share

(a) "Net estate" defined. -- In this section, "net estate" means the property of the decedent passing by testate succession, without a deduction for State or federal estate or inheritance taxes, and reduced by:

- (1) Funeral and administration expenses;
- (2) Family allowances; and
- (3) Enforceable claims and debts against the estate.

(b) In general. -- Instead of property left to the surviving spouse by will, the surviving spouse may elect to take a one-third share of the net estate if there is also a surviving issue, or a one-half share of the net estate if there is no surviving issue.

(c) Limitation. -- The surviving spouse who makes this election may not take more than a one-half share of the net estate.

(d) Valuation. -- For the purposes of this section, the net estate and the property allocable to a share of a surviving spouse shall be valued as of the date or dates of distribution.

(e) Applicable share; adjustment. --

Upcoming Events and Speaking Engagements

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

Health and Wellness – Making Sense of Alzheimer’s and Dementia

Thursday, September 5th – 7:00 p.m. – 8:30 p.m.

Howard County Library’s Miller Branch – 9421 Frederick Road, Ellicott City, Maryland 21042

Health and Wellness – Making Sense of Alzheimer’s and Dementia

Tuesday, September 17th – 7 p.m. – 8:30 p.m., Howard County Library’s Main Branch

10375 Little Patuxent Parkway, Columbia, Maryland 21044

Estate and Trust Administration Workshop

Wednesday, September 18th – 2:00 p.m. – 3:30 p.m.

Riderwood Village (open to the public)

3110 Gracefield Road, Silver Spring, Maryland 20904

Aging in Place and CCRC Living 2019

Thursday, September 19th – 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

Wednesday, September 25th – 12:30 p.m. – 2:00 p.m.

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

Estate and Trust Administration Workshop

Wednesday, October 2nd – 11:30 a.m. – 1:30 p.m.

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

Stephen R. Elville & Elville and Associates Present: 2019 Annual Client Event

What Families Need to Know about Planning for Loved Ones with Disabilities

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

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

8,000 Days in Retirement with Baltimore-Washington Financial Advisors

Friday, October 18th – 11:45 a.m.,

Cured Table & Tap Columbia – 10980 Grantchester Way, Suite 110, Columbia, Maryland 21044

Estate Planning Essentials Workshop

Tuesday, October 22nd – 7:00 p.m. – 8:30 p.m.

Sheraton Columbia Town Center Hotel – 10207 Wincopin Circle, Columbia, Maryland 21044

Estate Planning Essentials Workshop

Wednesday, October 23rd – 10:00 a.m. – 11:30 a.m.

Alexandra’s at Turf Valley Resort, 2700 Turf Valley Road, Ellicott City, Maryland 21042

Estate Planning Essentials Workshop

Thursday, October 24nd – 7:00 p.m. – 8:30 p.m.

Sheraton Columbia Town Center Hotel – 10207 Wincopin Circle, Columbia, Maryland 21044

Special Needs Planning and Maryland ABLE

Tuesday, October 29th – 6:30 p.m. – 8:30 p.m.

Abilities Network – 8503 Lasalle Road, Towson, Maryland 21286

Upcoming Events and Speaking Engagements (continued from page 25)

Get Connected – Special Needs Resource Fair (Exhibitor)

Saturday, November 2nd – 9:00 a.m. – 1:00 p.m.

St. Elizabeth School – 801 Argonne Drive, Baltimore, Maryland 21218

8,000 Days in Retirement with Baltimore-Washington Financial Advisors

Wednesday, November 6th – 11:45 a.m. – 1:00 p.m.

Cured Table & Tap Columbia – 10980 Grantchester Way, Suite 110, Columbia, Maryland 21044

Estate and Trust Administration Workshop

Wednesday, November 13th – 2:00 p.m. – 3:30 p.m.

Riderwood Village (open to the public), 3110 Gracefield Road, Silver Spring, Maryland 20904

Estate Planning for the LGBTQ+ Community

Thursday, November 21st, 11:45 a.m. – 1:00 p.m.

The Offices of Baltimore Washington Financial Advisors

5950 Symphony Woods Road, Suite 600, Columbia, Maryland 21044

Stephen R. Elville & Elville and Associates Present: The Advisors' Forum — Understanding Maryland's New Elective Share Law and Its Ramifications for Clients and Advisors

Wednesday, December 4th – 12:30 p.m. – 2:00 p.m.

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

8,000 Days in Retirement with Baltimore-Washington Financial Advisors

Wednesday, February 5th – 11:45 a.m. – 1:00 p.m.

Cured Table & Tap Columbia – 10980 Grantchester Way, Suite 110, Columbia, Maryland 21044

Estate and Trust Administration Workshop

Wednesday, February 12th – 11:30 a.m. – 1:30 p.m.

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

Brain Injury Association of Maryland Annual Conference

Speaking Engagement – Topic TBD

March 2020

8,000 Days in Retirement with Baltimore-Washington Financial Advisors

Wednesday, March 4th – 11:45 a.m. -1:00 p.m.

Cured Table & Tap Columbia – 10980 Grantchester Way, Suite 110, Columbia, Maryland 21044

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

Wednesday, March 11th – 12:30 p.m. – 2:00 p.m.

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

8,000 Days in Retirement with Baltimore-Washington Financial Advisors

Wednesday, April 22nd – 11:45 a.m. -1:00 p.m.

Cured Table & Tap Columbia – 10980 Grantchester Way, Suite 110, Columbia, Maryland 21044

8,000 Days in Retirement with Baltimore-Washington Financial Advisors

Wednesday, May 13th – 5:00 p.m. – 8:00 p.m.

Cured Table & Tap Columbia – 10980 Grantchester Way, Suite 110, Columbia, Maryland 21044

Open House and 10-Year Anniversary Celebration

Friday, May 15, 2020 – 11:45 a.m. – 1:00 p.m.

7100 Columbia Gateway Drive, Suite 190, Columbia, Maryland 21046

Elville and Associates' Attorneys



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

Elville and Associates, P.C.
steve@elvilleassociates.com

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



Olivia R. Holcombe-Volke, J.D.
Partner

Elville and Associates, P.C.
olivia@elvilleassociates.com

Practice Areas
Estate Planning, Special Needs Planning, Asset Protection, Medicaid and VA Planning, Elder Law



Lindsay V.R. Moss, J.D.
Partner

Elville and Associates, P.C.
lindsay@elvilleassociates.com

Practice Areas
Elder Law, Medicaid & VA Planning, Special Needs Planning, Asset Protection, Nursing Home Placement



James M. Dore, J.D.
Partner

Elville and Associates, P.C.
jim@elvilleassociates.com

Practice Areas
Civil Litigation, Guardianships, Fiduciary Representation, Family Law, Probate, Trust Administration



Meghan E. McCulloch, J.D.
Partner

Elville and Associates, P.C.
meghan@elvilleassociates.com

Practice Areas
Social Security Disability, Supplemental Security Income, Elder Law, Estate and Trust Administration



Nicole Livingston, J.D.
Associate Attorney

Elville and Associates, P.C.
nicole@elvilleassociates.com

Practice Areas
Estate Planning, Wealth Preservation, Elder Law, Special Needs Planning, Tax Planning, Guardianship, Asset Protection



Nicholas G. Pycha, J.D.
Associate Attorney

Elville and Associates, P.C.
nick@elvilleassociates.com

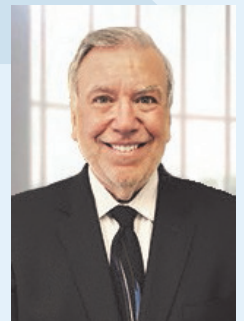
Practice Areas:
Estate and Trust Administration, Estate Planning



Michael H. Joseck, J.D.
Associate Attorney

Elville and Associates, P.C.
michael@elvilleassociates.com

Practice Areas:
Estate and Trust Administration, Estate Planning, Tax



Gary Greenwald, J.D., LL.M.
Of Counsel
Gary Greenwald, P.C.

Elville and Associates' Staff



Mary Guay Kramer
*Executive Legal Administrator,
Funding Coordinator*
Elville and Associates, P.C.
mary@elvilleassociates.com



Jeffrey D. Stauffer
*Community Relations Director,
Executive Director of the Elville
Center for the Creative Arts*
Elville and Associates, P.C.
jeff@elvilleassociates.com



Erin Brooke Siske
Office Operations and Billing Manager
Elville and Associates, P.C.
brooke@elvilleassociates.com



Geniya Simonova
Certified Paralegal – Litigation
Elville and Associates, P.C.
geniya@elvilleassociates.com



Lainey C. Olson
Legal Administrative Assistant
Elville and Associates, P.C.
lainey@elvilleassociates.com



Gosia Szeliga
Administrative Assistant
Elville and Associates, P.C.
gosia@elvilleassociates.com



Lucille A. Elville
*Audio Visual Production Manager,
Manager – Greencrest Productions, LLC*
Elville and Associates, P.C.
lucy@elvilleassociates.com



Grace Bailey
Paralegal – Elder Law
Elville and Associates, P.C.
grace@elvilleassociates.com



Jane Rossheim
Paralegal
Elville and Associates, P.C.
jane@elvilleassociates.com



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

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



1. Provides warm, empathetic approach and caring environment.
2. Attorney is a counselor and not just a technician.
3. Clients are provided with a 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



ElderLawAnswers



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



7100 COLUMBIA GATEWAY DRIVE, SUITE 190
COLUMBIA, MARYLAND 21046

