



# THE ELVILLE BENEFACTOR

*Planning for Life, Planning for Legacies. What's Your Legacy?*

ELVILLE  
AND ASSOCIATES

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## Client Education Event: Save the Date

Please join us on THURSDAY, SEPTEMBER 26, from 5:45 – 8:00 p.m. at Linden Hall in Ellicott City (4765 Dorsey Hall Drive, 20142), for our 2013 CLIENT EDUCATION EVENT. Along with the main presentation, “Health Care Decision Making”, we will discuss long-term care insurance, updates in Maryland and Federal law, the Client Advisory Board, and answer questions. This event is part of Elville & Associates’ philosophy of continuing client education and Legacy Planning, and presents an opportunity to bring children, beneficiaries, fiduciaries, professional advisors, and others into contact with the ideas and concepts behind your planning and the attorneys at your law firm. Door prizes will be awarded and food and refreshments will be served. Space is limited. Please respond now to guarantee your seat by contacting Mary Guay Kramer at 443.741.3635 or [mary@elvilleassociates.com](mailto:mary@elvilleassociates.com).

**In our efforts to be a more sustainable firm, we are offering our clients the option of receiving our newsletter electronically rather than in print. If you would prefer the electronic version to print, please email [erin@elvilleassociates.com](mailto:erin@elvilleassociates.com) and put electronic only in the subject line**

## The End of DOMA (But Not Really)

By Barrett R. King, Esq



The two recent Supreme Court decisions of *U.S. v. Windsor* and *Hollingsworth v. Perry* have significant and historic impact, and many clients have been eagerly awaiting the decision of the nine Jus-

tics. The public discussion perhaps centered on Windsor’s repeal of Section 3 of the Defense of Marriage Act (“DOMA”) which defined marriage at the federal level as between one man and one woman<sup>1</sup> and Hollingsworth’s effectively repealing Proposition 8 in California, which defined marriage as between one man and one woman for the State of California.<sup>2</sup>

The holding in Windsor, that DOMA Section 3 violates the Equal Protection Clause and therefore is repealed, applies only to the federal government as DOMA is federal law. It is worth stating here that Section 2 of DOMA, which permits states to ignore the effect of a same-sex marriage performed in another state, remains intact. In Hollingsworth, on the other hand, the Court effectively took a pass and did not rule on whether California (and therefore all states) can limit the definition of marriage to one man and one woman.

These opinions do not hold that same-sex marriage has been federally recognized, but that states are free to choose whether to expand their laws to explicitly include same-sex marriages and, by extension, (at least for now) that individual states may choose to prohibit same-sex marriage. Chief

<sup>1</sup> *U.S. v. Windsor*, 570 U.S. \_\_\_\_ (2013).

<sup>2</sup> *Hollingsworth v. Perry*, 570 U.S. \_\_\_\_ (2013).

<sup>3</sup> *The states that recognize same-sex marriage, along with the District of Columbia, are: Massachusetts, California, Connecticut, Iowa, Vermont, New Hampshire, New York, Maine, Maryland, Washington, Delaware, Rhode Island and Minnesota.*



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## The End of DOMA (Continued)

Justice Roberts, in his dissenting opinion in *Windsor*, states “We [the Supreme Court] may in the future have to resolve challenges to state marriage definitions affecting same-sex couples.” *Windsor*, 570 U.S. \_\_\_\_ (2013). These rulings clear up the status of same-sex marriage in the thirteen states and the District of Columbia that recognize such marriage as of August 1, 2013.<sup>3</sup>

It is likely that state laws and constitutional amendments prohibiting same-sex marriage will be before the Court in the coming terms. For now, states that permit same-sex marriage will recognize such unions performed in other states, and the federal government will also recognize those unions for tax and other purposes. What remains unclear is how so-called domestic partnerships and civil unions (which are not “marriage” in the strict legal sense) will be treated for federal marriage benefit purposes. Similarly unclear is how federal law will treat couples who reside in a state where same-sex marriage is not recognized, but who travel to a state like Maryland, where it is legal, to marry. In any case, what can our married same-sex clients in Maryland and the District of Columbia do now to take advantage of the change in federal law?

The striking down of Section 3 of DOMA extends immigration benefits, employer sponsored health and retirement for spouses (at the private, federal and military levels), Family Medical Leave Act (“FMLA”), Medicare spousal protection, estate tax planning (the unlimited marital deduction and portability of unused estate tax exemption, for example), and the ability to file federal taxes as “married filing jointly”, as well as other benefits to married same-sex couples. For many taxpayers, joint income tax filing status will result in less tax owed, but could result in higher taxes, especially if both spouses are high earners.

With the current landscape for same-sex marriage around the nation, now the discussion may turn to the practical tax implications of *Windsor* on many families. While *Windsor* was widely spoken of as the “DOMA case”, it all began when Edie Windsor and Thea Spyer met in 1963. Eventually marrying in Canada in 2007, Thea died in 2009 and left her estate to Edie. While the estate was exempt from New York state estate tax because same-sex marriage was recognized

there, Thea’s estate did not qualify for the unlimited marital deduction for federal estate tax under Code Section 2056(a) because of DOMA.<sup>4</sup> Edie, as the Personal Representative, paid \$363,053.00 in estate tax and thereafter sued for a refund and a declaration that DOMA Section 3 violated the Equal Protection Clause of the Fifth Amendment to the United States Constitution. As explained herein, she was successful.

Married same-sex clients (and this assumes a marriage performed in one of the fourteen jurisdictions mentioned above) can now engage in much more favorable estate planning than before. Until the *Windsor* opinion, for example, married same-sex clients residing in Maryland were being advised that they could not engage in estate tax planning. The Comptroller’s position was that Maryland’s estate tax laws used the DOMA definition of marriage and therefore there was no such thing as same-sex marriage for estate tax purposes. Therefore, estates with more than \$1,000,000.00 were subject to the tax.

With the repeal of that provision of DOMA, this can no longer be a problem for such married couples. This eliminates the gift tax for married couples as spouses can transfer unlimited amounts to one another during lifetime, free of federal gift tax. Similarly, it allows the estate of the first spouse to die to utilize a marital deduction for transfers to the surviving spouse. Clients in Maryland and the District of Columbia with estates in excess of \$1,000,000, and up to \$5,000,000 for federal estate tax purposes, can now plan their estates such that they will not owe a single dollar of federal or state estate tax at the death of either spouse. Prior to Maryland voters supporting same-sex marriage at the ballot box, this was not possible and, to make matters worse, a 10% inheritance tax was assessed on the transfer of property to the surviving spouse in a same-sex marriage for all assets except a primary residence.

Married clients, regardless of sexual orientation, should review their estate plans to ensure they have taken full advantage of all planning opportunities available to them as the law in this area has changed significantly in the last three years.

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<sup>4</sup> 26 U.S.C. § 2056 (a).

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## What Clients Need to Know About Manual Release 159

By Stephen R. Eliville, Esq.



On April 30, 2013, a landmark change occurred in the world of the Maryland Medical Assistance (Medicaid) program: the release of Medical Assistance Manual Release 159 – clarifications regarding transfers made exclusively for purposes other than qualifying for Medical Assistance. Manual Release 159 (“MR-159”) funda-

mentally changes the previously inflexible presumption that any gift or disposal of assets was made for reasons relating to establish-

ing financial eligibility for Medicaid. In other words, prior to MR-159, any transfer or disposal of assets for less than fair market value (uncompensated transfers) to someone other than a spouse (and a few other limited exceptions) was presumed to be made for purposes of qualifying for Medicaid.

MR-159 states “an individual may not be determined ineligible for Medical Assistance by reason of the transfer of any asset, excluded or non-excluded, if [t]he individual furnishes convincing evidence that the asset was transferred exclusively for a purpose other than

## What Clients Need to Know (Continued)

to qualify for Medical Assistance[.] This has been codified in the Code of Maryland regulations at COMAR 10.09.24.08-1B(8). Although the prior presumption that any disposal for less than fair market value was made to establish or continue Medicaid eligibility or to avoid Medicaid liens or recovery provisions continues, that presumption may now be rebutted by way of authentic documentary evidence that the disposal was exclusively for a purpose other than the foregoing.<sup>1</sup> The magnitude of this change is comparable to the biggest landmark changes in the estate planning world in the past fifty years – the unlimited marital deduction (1981) and portability (2011).

Under current Maryland law, all uncompensated transfers (transfers for less than fair market value) to someone other than a spouse are “penalized”. In simplest terms, the “penalty” for such transfers is derived by dividing the amount of the uncompensated transfer by \$6,800.00 (the state’s divisor). For example, if father and mother transfer \$68,000.00 to their daughter then apply for Medical Assistance within five (5) years of the date of transfer, a penalty period of ten (10) months would be assessed ( $\$68,000.00 / \$6,800.00 = 10$ ). The “penalty” is the number of months the applicant will be deemed ineligible for Medical Assistance benefits. With the introduction of MR-159, caseworkers at local departments of social services are now directed to recognize valid alternative purposes for uncompensated transfers and to understand the kinds of evidence that will be sufficient as “convincing” under the Regulations.

As mentioned above, transfers made exclusively for a purpose other than to qualify for Medicaid must be established and substantiated by written evidence including bills, written agreements, affidavits, oral agreements that are reduced to written form at a later time, bank records, promissory notes, loan agreements, correspondence, and income tax forms. The Medicaid applicant has the burden of proof. According to MR-159, the following list of circumstances may constitute evidence that a disposal of assets was made exclusively for a purpose other than to qualify for Medicaid and no penalty will be imposed if the assets were transferred for less than fair market value (this list is not exclusive – other reasons may be acceptable):

- The traumatic onset of a disability after a disposal (e.g., accident, stroke, or heart attack);
  - Expenses related to traumatic onset of disability including payments made for family members’ travel expenses to visit the Medicaid applicant (including but not limited to airfare, train fare, bus fare, gas, mileage reimbursement, accommodations and food);
  - The unexpected loss of income or resources that would have provided payment of the Medicaid applicant’s expenses and needs;
  - The unexpected loss of health insurance coverage;
  - A natural disaster affecting the Medicaid applicant or a family member;
  - Serious financial hardship for a family member evidenced by

an eviction notice, shut-off notice, foreclosure notice, repossession notice for business or farming equipment, or bankruptcy filing;

- Contribution to household expenses, including, but not limited to, rent, mortgage utilities, cable, home maintenance, transportation and food, evidenced by written agreement or an oral agreement restated or ratified in written form at a later date;
- Charitable contributions up to \$200.00 per donation per organization, or any amount if there is a consistent pattern of giving over several years, to an educational institution, religious institution, or other organization with a benevolent purpose and 503(c)(3) tax exemption status;
- Previous oral agreements for (generally among family members) for compensation/payment for services reduced to writing at the time of application;
- Traditional gifts of up to \$200.00 per person per event, or any amount if there is a consistent pattern of giving over several years, to family for weddings, holidays, religious milestones, graduation, birthdays and new births;
- Payments to help family members of close friends or relatives (as defined) for documented expenses for education;
- Payments to help family members of close friends or relatives (as defined) for documented medical expenses; or
- Payments to modify a house for accessibility to enable the Medicaid applicant to live there (including building an addition to the house), provided the Medicaid applicant lives there for any period of time.<sup>2</sup>

MR-159 also clarifies and modifies certain provisions relating to the return of gifted assets, the use of gifted funds for payment of long-term care or other expenses for the Medicaid applicant during the penalty period, treatment of penalties, the definition of family members for purposes of allowable transfers, and the rules relating to undue hardship. It also provides for a further significant change concerning the ability to restate or ratify prior agreements. For example, if a relative provides care for another family member, they can be legitimately paid but they cannot enter into an agreement for compensation retroactively after the care has been provided. However, oral agreements for compensation/payment for services (prior to care being provided) may be restated or ratified at a later date in written form. Similarly, oral agreements for a promissory note, loan, or mortgage may be restated or ratified in a written agreement at a later date.<sup>3</sup>

MR-159 dramatically changes the landscape of Maryland Medical Assistance Long-Term Care. This change will hopefully represent a new standard of reasonableness in a process too often fraught with added tension and suffering for individuals and families who are already dealing with an enormous life event. Clients who have questions or concerns about any long-term care or related asset protection issue should contact Mary Guay Kramer to set an appointment.

<sup>1</sup> *Maryland Medical Assistance Manual, Section 800.23 (2013).*

<sup>2</sup> *Maryland Medical Assistance Manual, Section 8.23 (2013).*

<sup>3</sup> *Maryland Medical Assistance Manual, Section 8.19 (2013).*

# Medical Adult Day Care - What It is and How Can It Help You

By Lindsay V.R. Moss, Esq



Many of our clients are helping to care for a loved one, such as a disabled spouse or an older parent. Part of comprehensive estate planning includes making decisions about the type of care one wants for their loved ones as they age. One alternative many people are not aware of is Medical Adult Day Care. Many families want their loved one to continue to

live at home and be an active member of the community for as long as possible. However, older people and those with physical and cognitive challenges may be unable to cope with the demands of independent living. Marianne Meighen, President of Maryland Association of Adult Day Services (MAADS), explains that “medical adult day care centers provide daytime assistance and care; allowing older people or those with disabilities to remain in the community while maintaining their independence and dignity.” These types of programs offer an alternative to placement in a long-term nursing facility, while at the same time providing respite for those giving care at home.

Medical Adult Day Care not only provides medical care to clients, including assistance with activities of daily living (toileting, bathing, feeding, etc.), medication administration, wound care, mental illness management, dementia care and case management and oversight by a team of medical professionals including a Registered Nurse and Social Worker, it also provides a socially engaging atmosphere, offering activities such as arts & crafts, sporting activities, games and exercise. Community outings like bowling, shopping trips and lunch at restaurants

are generally offered. Local musicians often come to perform. Medical Adult Day Care provides breakfast, lunch and an afternoon snack, and also has morning and afternoon transportation available for clients. Staff is available throughout the day to provide assistance with any personal needs that might arise. This service can provide much needed respite to caregivers while offering an enjoyable day of activities and care to clients.

There are many different funding programs that cover some or all of the costs associated with medical adult day care. The Veteran’s Administration has a community-based care funding program that can cover the cost of medical adult day care for two days a week for those that are eligible and are enrolled in the VA Healthcare System. Most counties in Maryland have dedicated senior care funding to assist people who have an income that is too high to qualify for Medicaid, but too low to be able to afford to pay for private services. Many people are not aware that a spouse or parent may qualify for Maryland Medical Assistance (Medicaid) through a “spenddown” of their assets. Once qualified for Medicaid, there is a medical day care waiver program that will cover the total cost (for those who qualify for a nursing home level of care). The Medical Day Care Waiver program is currently the only waiver program in Maryland that has open slots and no waiting list.

Most people see placement in a long term care facility as a last resort. Medical Adult Day Care can be a great alternative, enabling family members to live in the home for as long as possible. As part of assisting clients with comprehensive elder care planning, Elville & Associates can assist individuals and families with finding the right Medical Adult Day Care.

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## The Facts: Maryland Inheritance Tax

By Bridgette E. Becker, Esq



Inheritance tax is defined as the tax that Maryland imposes on certain individuals for the “privilege of receiving property that passes from a decedent.”<sup>1</sup> The tax is collected by the Register of Wills in decedent’s county of domicile at death, meaning that the tax is imposed on the recipient, no matter where he or she may reside, if the decedent was a Maryland

resident at death. Many individuals do not realize that the inheritance tax exists and that it can make an impact on both probate and non-probate distributions.

The state of Maryland imposes inheritance tax at the rate of ten percent (10%) on all non-exempt transfers. The tax is collected on all probate property reported in a regular estate and all non-probate property reportable on an Application to Fix Inheritance Tax on Non-Probate Assets. One important distinction is Maryland does not collect inheritance tax on probate property in a small estate.<sup>1</sup> Currently, the Register of Wills considers a small estate to be \$50,000 or less and extends the amount to \$100,000 or less if the surviving spouse is the sole heir or legatee of the decedent.

### Who is subject to inheritance tax?

Inheritance tax does not apply to the decedent’s surviving spouse, or to children or parents of the decedent.<sup>2</sup> “Child” includes stepchildren and former stepchildren, and “Parent” includes stepparents and former stepparents. Grandparents, brothers, sisters and spouses of the decedent’s children are also exempt. As a general rule, other relatives of the decedent would most likely be subject to inheritance tax when receiving assets from the decedent. Nieces, nephews, and further remote relatives are generally subject to inheritance tax.

### Which transfers are exempt from inheritance tax?

As stated above, inheritance tax does not apply to any property passed from a decedent to their surviving spouse, children, parents, grandparents, or spouses of their children. Inheritance tax also does not apply to the proceeds of a life insurance policy payable to a beneficiary other than the estate of the decedent.<sup>3</sup>

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<sup>1</sup> Md. Code Ann. Tax – General §7-203(h) (2013).

<sup>2</sup> Md. Code Ann. Tax – General §7-203(b)(2) (2013).

<sup>3</sup> Md. Code Ann. Tax – General §7-203(d) (2013).

## The Facts on Maryland Inheritance Tax (Continued)

Non-profit organizations receiving property that passes from a decedent do not have to pay inheritance tax on the property received.<sup>4</sup> This is important to keep in mind during estate planning as these organizations will receive the total gift intended by the decedent free of inheritance tax when passed through a will or trust.

Domestic partners may also be exempt from inheritance tax.<sup>5</sup> Maryland does not impose this tax on a joint primary residence that at the time of death was held in joint tenancy by the decedent and the domestic partner if the residence passes from the decedent to the domestic partner or for the use of the domestic partner. In order to qualify for this exemption, domestic partners must have a signed and notarized Affidavit of Domestic Partnership to state they are domestic partners.

Small transfers from the decedent to an individual may also be exempt from inheritance tax. Maryland does not require the individual to pay inheritance tax if they receive a total of \$1,000 or less from a decedent.<sup>6</sup> This applies even if the individual is not a member of an exempt category.

Is all property transferred from a decedent subject to inheritance tax? Both probate and non-probate property can be subject to inheritance tax. Any property passing through a Will or under the laws of intestacy is subject to inheritance tax. Property held jointly with the decedent as a joint owner in real or personal property is also subject to inheritance tax. Common examples of joint property owned with the decedent can be joint real property, joint bank accounts, joint credit union accounts or any other account that is jointly held with the decedent.

Transfers made in contemplation of death by the decedent may also be subject to inheritance tax if they occur within the last two years of the

decedent's life. Any transfer of property by the decedent to an individual in the nature of a final distribution or property moved into a joint ownership with another person within two years of death may be subject to inheritance tax.

Any property over which the decedent retained any dominion or control at the time of death is also subject to inheritance tax. Many individuals do not realize that this category includes trusts, annuities, and payable or transferable on death accounts (also known as P.O.D. or T.O.D. accounts). It is important to clarify that for all of these types of property, the inheritance tax only applies if an individual does not fall into one of the exempt categories above.

### When is inheritance tax due?

Inheritance tax is due for probate property when the personal representative accounts to the Register of Wills for the distribution of the taxable property to an individual or organization. Inheritance tax for non-probate assets is due on non-probate property when the Register of Wills bills for the amount reported on the Information Report or the Application to Fix Inheritance Tax on Non-Probate Assets. Inheritance tax is always calculated using the fair market value as of the decedent's date of death.

Clients are well advised to plan accordingly for applicability of the inheritance tax, particularly if your intended heirs are collateral heirs such as nieces or nephews. It is the standard practice of the Registers of Wills to impose an additional tax of 1.1% when the inheritance tax applies and the decedent's Last Will & Testament instructs that any inheritance tax will be paid from the estate and not the heir or legatee.

<sup>4</sup> Md. Code Ann. Tax – General §7-203(e) (2013).

<sup>5</sup> Md. Code Ann. Tax – General §7-203(f) (2013).

<sup>6</sup> Md. Code Ann. Tax – General §7-203(g) (2013).

## Client Advisory Committee



On May 22, 2013, the Client Advisory Committee held its first annual meeting. The agenda included a broad discussion and open forum designed to generate any and all suggestions for the improvement of the firm's services to its

clients and their families. The firm's principal, Stephen Elville, was delighted with the ideas and potential initiatives offered. The firm is committed to the on-going consideration and implementation of the ideas provided.

All clients should note the following summary of comments and ideas from the meeting:

- (1) Legal language is a barrier - attorneys should strive to simplify provisions and documents;
- (2) For lengthy documents, the firm should provide bullet point summary explanations for clients;
- (3) Educational materials, including those that illustrate the life cycle of the planning process should be utilized;

(4) For the Updating and Continuing Education program (UP), the firm should send post cards as a reminder to clients that their annual or semi-annual meeting needs to be scheduled;

(5) The firm's education system should continue to be streamlined as to both process and illustrative materials to save time for clients and for the firm;

(6) Webinars should be utilized;

(7) Group client meetings should be utilized to educate about estate planning and elder law essentials – in these meetings, clients would benefit from the questions of others;

(8) A package of information should be sent to all new clients;

(9) All new clients or prospective clients should receive an introductory video (CD or download);

(10) Technology should be utilized in a limited way. The firm should not over-utilize technology but should keep its personal touch focus;

(11) Flow charts should be used to illustrate estate planning provisions and structures;

(12) The firm should facilitate a spreadsheet for all client information – not just financial information. This should encompass a list of important people/contacts, and an organized list of agents/fiduciaries;

Elville & Associates sincerely thanks the members of the Client Advisory Committee for their commitment of time and effort, and also for their passion and willingness to assist our firm as we strive for constant improvement.



## Advocates Trust Services

Elville & Associates has recently joined Advocates Trust Group, LLC, a Delaware Trust Company. Through this affiliation, Elville & Associates will be able to offer clients the finest leading edge Delaware tax advantaged trusts and trust services, including dynasty trusts, directed trusts, asset protection trusts, income tax savings, and the advantages of the Delaware court system. Delaware is the nation's leading domestic asset protection jurisdiction.

### On the Radio



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



## Upcoming Events and Speaking Engagements

Please visit our website, [www.elvilleassociates.com/news-events](http://www.elvilleassociates.com/news-events), for frequent updates on our events and speaking engagements.

### Announcing Our 2013/2014 Advisory Forum

Below is our 2013/2014 schedule so you can save the dates for future forums and register now for the October 16th forum on 'What Financial Advisors Need to know about Special Needs Planning; the Fundamentals of Special Needs Planning'. To register, please email us at [erin@elvilleassociates.com](mailto:erin@elvilleassociates.com), put October 16 Forum in the subject line and we will look forward to seeing you. Please save the dates below; as they near we will send a reminder with the presentation topic. We hope to see you there.

October 16, 2013 at Rockville conference room from noon to 1:30pm - 1700 Rockville Pike, Rockville, Maryland 2085

October 23, 2013 at Linden Hall in Columbia from noon to 1:30pm - 4765 Dorsey Hall Drive, Columbia, Maryland

Upcoming Advisory Forum sessions: January 15, 2014; January 22, 2014; April 16, 2014; April 23, 2014; July 16, 2014; July 23, 2014; October 15, 2014; October 22, 2014

### You are Invited to Elville Associates' Meet & Greets

Upcoming Meet & Greet Dates: October 17, 2013; November 21, 2013; December 19, 2013; January 14, 2014; February 20, 2014; March 20, 2014; April 17, 2014; May 15, 2014; June 19, 2014; July 17, 2014; August 21, 2014

## Our Attorneys



### **STEPHEN R. ELVILLE, Esq., LL.M.**

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

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

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

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



### **BARRETT R. KING, Esq.**

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

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

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

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

## Our Associate Attorneys

### LINDSAY V.R. MOSS, Esq.



**Practice Areas:** Elder Law, Estate planning, Special Needs Planning

**Education:** J.D., University of Baltimore School of Law; Mount Royal Scholar, B.S., Towson University, Magna Cum Laude; Honor's College, Dean's List

**Bar and Court Admissions:** Maryland Court of Appeals; Maryland State Bar Association; Estate and Trust Law Section; Elder Law Section; Health Law Section

**Practice Focus:** Ms. Moss assists clients in a variety of elder law and special needs matters. She routinely drafts wills, trusts, powers of attorney, and living wills/advance directives.

**Previous Work:** Ms. Moss comes from a diverse background. Upon admission to the Maryland bar, Ms. Moss worked as an associate with a Columbia-based law firm concentrating primarily in family law matters. She quickly learned that her passion was working with the elderly and disabled and in 2008 accepted a position as Director of an Adult Medical Daycare Center located in Annapolis, Maryland. In this position she gained a vast knowledge of the complexities of various Federal and State programs, as well as benefits offered through the Veteran's Administration. Ms. Moss joined Elville and Associates, P.C. in 2013 and continues to devote her efforts and her passion for helping the elderly and disabled in elderlaw.

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

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### MEGAN P. HASKINS, Esq.



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

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

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

**Practice Focus:** Ms. Haskins assists clients in a variety of elder law and special needs matters and in drafting of wills, trusts, powers of attorney, and living wills/advance directives.



## MEGAN P. HASKINS, Esq. - CONTINUED

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

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

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## BRIDGETTE E. BECKER, Esq.



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

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

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

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

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

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

## Our Firm



### MARY GUAY KRAMER

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

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### ROSE ANN SCHULER

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

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### DEBORAH ELVILLE

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

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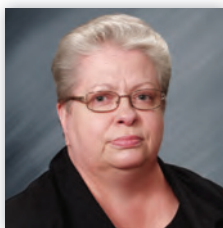


### KATHY YARRISH

Mrs. Yarrish recently joined Elville & Associates in April 2013. She has over 15 years of professional experience in accounting, project management and customer service. Kathy has worked for various businesses including government contractors and technology solution providers. She currently assists Deborah Elville in the billing department.

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## Our Affiliations



### CATHY LONAS, RN, BSN, MSBA

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

# Ten Things To Look For In An Estate Planning Attorney

By Stephen R. Eliville, Esq.

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

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## ELVILLE & ASSOCIATES' VISION & MISSION STATEMENTS

### VISION STATEMENT

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

### MISSION STATEMENT

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

# SERVICES OFFERED BY ELVILLE & ASSOCIATES

## ESTATE PLANNING AND TAXATION

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

## ELDER LAW

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

## SPECIAL NEEDS PLANNING

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



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