

GUSTAFSON GERVASI LAW OFFICE, LLC

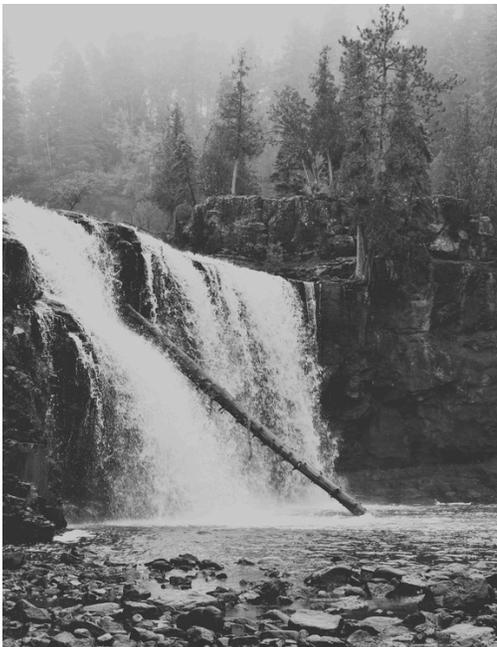
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Dear Reader -

It's Summer in Wisconsin! Like me, you are probably making the most of our long, warmth-filled days. While we are all tired of mosquito swarms, colder days will be here soon enough. As the days shorten, soon school bells will ring and leaves will begin to turn. I'm a self-professed lifelong learner, which is an excellent fit for a practicing attorney. Laws are always evolving to reflect new needs and concerns of society. A key component of my practice is to educate my clients on the basics of Estate Planning and Probate Law. I hope this newsletter will add information to your wheelhouse and make you a more informed consumer when it comes to estate planning, hence the "back-to-school" theme of this newsletter. Be well and enjoy the warm days while we have them!



Gooseberry Falls, Minnesota - my family spent the 4th of July exploring our neighboring state to the north. Safe travels to you if you are out-and-about on vacation.

Pop Quiz Estate Planning 101

- **Do you know where your original will is stored?** Let this remind you that ultimately the original will, not a copy, is what needs to be filed with the probate court. I highly recommend (for Dane Co. residents) storing your will for safekeeping with the courthouse. Details on this process are available on my blog gustafsonlegal.blogspot.com.
- **Do your beneficiary forms say what you think they say?** Confirming your beneficiary designations is a good thing; keeping a paper hardcopy of the designation with your estate plan is ideal. It serves as both a roadmap to where you hold assets as well as proof of the agreement you have with the financial company (i.e. Retirement Accounts, 401k's, Life Insurance) about the disposition of the funds at your death.
- **Does the agent named in your Power of Attorney have a copy of the document?** If you are suddenly incapacitated due to an accident or illness, speedy access to your Power of Attorney for Healthcare and your Power of Attorney for Finances will allow for an efficient and less dramatic transfer of decision making authority. Make sure your agents have copies and know how to easily find them.
- **Did you complete Wisconsin's Authorization for Final Disposition form?** Upon death, the authority of a Power of Attorney for Healthcare ends. Under Wisconsin statutes your next of kin holds the authority to make your burial and funeral arrangements. In some situations this presumption is fine. However, if you want someone other than your next of kin (e.g. life partner you are not married to or your best friend) to make those decisions, take control now and complete this form. It is a free, fill-in-the-blank form available on the Wisconsin Department of Health Services website.

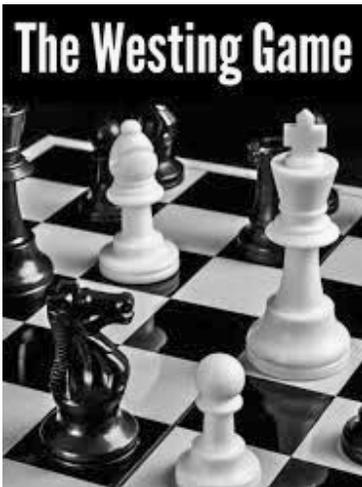
Behind the Wheel – New Concepts in the World of Driving

In what feels like the blink of an eye, my oldest child is now taller than I am, well established in his high school environment, and enrolled in Driver's Ed this summer. While my household is focused on how to start driving, many households are faced with the question of when to stop. A new tool has been developed to ease the transition away from driving. Advance Directives for Driving come in a variety of styles, and they are non-binding. Both AAA and the American Occupational Therapy Association have endorsed non-binding directives that have the driver name a trusted family member or friend who will talk to them about whether it is safe to continue driving. In our car-centric society it may be wise to give this topic consideration before it becomes an urgent matter or results in an accident.



On the topic of accidents, the Wisconsin Division of Motor Vehicles recently added an online feature where a license holder can add an Emergency Contact. The information will not actually appear on your card but will be available only to law enforcement, including police in other states. To add an emergency contact, visit wisconsindmv.gov/emergencycontact for an online application. From the estate planning perspective, it is logical to name the person you appointed as your Agent on your Power of Attorney for Health Care as your Emergency Contact.

Theater Class: The Westing Game on Stage



Lights, camera, action! This past Spring I sat in the auditorium of Vel Philips Memorial High School enjoying a Middle School adaptation of the book *The Westing Game* by Ellen Raskin. Seated next to me was my daughter. She is a huge fan of the book and was thrilled to watch her friends on stage. *The Westing Game* is set in Wisconsin and has a cast of 16 heirs who are summoned to a probate case where the first to solve a puzzle wins control of the late Sam Westing's business and fortune. "Okay mom, so what was wrong with the play?" my daughter asked, knowing that I would struggle to stay silent when probate law is portrayed. "The actors and the play were wonderful, but the law was all wrong: Probate should never be a puzzle to solve. A will should be concise and clear about who does what and what goes where. Also, the lawyer refused to hand out copies of the will. That cannot happen

under Wisconsin Chapter 856! Heirs must get a copy of the will!" I took a breath, and my daughter pointed out that my response was sufficient for the moment. She knew I might go on and on about how the general public is often misinformed about the law because the media go with what is fun or alluring and not with what is accurate. Keep that in mind the next time you turn on a legal movie or attend a performance. It may be entertaining, but it's also high unlikely to be accurate.

From the Podium

I am thrilled to share that I will be the Keynote Speaker October 1st at the Home & Community Educators Annual Education Day at Pine Lake Camp in Westfield, Wisconsin. If your organization would enjoy a "Lunch and Learn" or similar style presentation on the basics of Estate Planning, please contact me at melinda@gustafsonlegal.com to explore a date and time for later this year or into 2025.

Creative Art – Framed Needlepoint

Longtime readers of my newsletter know I have a fascination with the book *The Gentle Art of Swedish Death Cleaning*. It is a quirky little book that encourages you to purge the unnecessary from your home and to do so in a meaningful way. From gifting a bedroom set to a 20 something setting up their first apartment to donating your camera equipment to your favorite non-profit thrift store, the idea is to rehome items now so that your loved ones do not inherit a huge pile of stuff. In our home I applied an artistic approach to clearing out my late parents' home. What had been a crumpled needlepoint project I found stuffed in the back of my parents' linen closet is now a framed piece of artwork hanging over our living room fireplace. The Swedish poem was stitched by my great-grandmother. It is a warm and unique piece of artwork. Be creative: what ideas might you find for items that need a new life?



2024 Caring.Com Annual Wills and Estate Planning Study

- ✓ The findings show a 6% decline in the number of Americans with a will.
- ✓ 64% of Americans believe having a will is important, yet only 32% have one.
- ✓ 43% of respondents indicate they will wait until they have a medical or health crisis to create a plan.
- ✓ Reasons for not having a will: 43% of respondents said "procrastination".

For full survey results, visit www.caring.com/caregivers/estate-planning/wills-survey

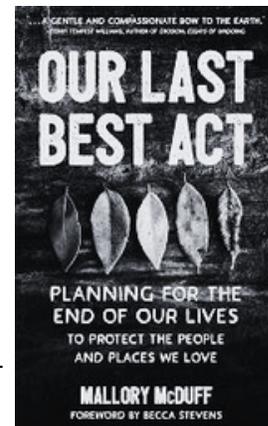
Overlooked Asset, 529 Plan

Creating or updating an estate plan requires attention to beneficiary forms for your assets. Most clients are familiar with beneficiaries on their life insurance policy or retirement accounts. However, one often overlooked asset is the 529 plan. These plans are "tax-advantaged" ways to save and invest for future post-high school career training (university, college, technical school, etc). In general, one person creates a 529 for the benefit of a student. Wisconsin's EdVest 529 Program allows the person who created the account, called the owner, to appoint a Successor Owner in the event of death. If you have 529 plans, you may want to explore whether or not a named Successor Owner fits your needs.

What I've Been Reading:

***Our Last Best Act: Planning for the End of Our Lives to Protect the People and Places We Love* by Mallory McDuff**

Based on the recommendation of a longtime friend, I recently read Mallory McDuff's 2021 book, *Our Last Best Act: Planning for the End of Our Lives to Protect the People and Places We Love*. Unlike many other green burial style books I have read, this one is more memoir than resource guide. McDuff, an environmental educator at Warren Wilson College outside of Asheville, North Carolina spends a year exploring cost-effective and environmentally friendly burial options. She states that many of her friends assume that flame cremation is greener than a conventional burial. While that may be true, she sought alternatives that use smaller amounts of fossil fuels and include the family in after-death care. Chapters explore options such as burials using shrouds and pine boxes to water-based cremation (known as aquamation) to body donation and human composting. Beyond just a memoir, the book introduces the readers to new options in the area of final disposition and includes references to organizations that support further growth in this area. If you are interested in protecting the earth and or a frugal burial, this book would be worth the read.



Interested in learning more about Green Burials? Visit greenburialcouncil.org for a state listing of options. Defined on its web site, Green Burial is a way of caring for the dead with minimal environmental impact that aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and/or preservation of habitat.

Additional Resources:

Funeral Consumers Alliance -- funerals.org

A non-profit organization empowering you to choose simple, meaningful, affordable after-death arrangements.

Keep Learning - Check Out My Blog!

If you enjoy my newsletter, I encourage you to check out a blog that I write on a weekly basis. You can find it at gustafsonlegal.blogspot.com.

Receive an email when a new post appears by clicking on Follow in the upper right corner and then enter your email address. Recent posts addressed:

- 20 Ways to Make Probate More Efficient, May 20, 2024
- Word of the Month - Power of Attorney, May 13, 2024

Staying Connected



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