



UNDERSTANDING THE LEGAL
FRAMEWORK OF ESTATE
PLANNING



**MOUNT
PLEASANT**
COMMUNITY
DEVELOPMENT
CORPORATION

**LEGAL ASPECTS OF
WILLS, PROBATE,
AND TRUSTS BY
ARTHUR WEISS-ATTORNEY**



**MOUNT
PLEASANT**
**COMMUNITY
DEVELOPMENT
CORPORATION**

Arthur Weiss
Attorney

MPCDC -PROBATE, ESTATE PLANNING & WILLS WEBINAR
MARCH 31,2026 TIME : 7PM-8:30 PM

MPCDC - Power of Attorney & Health Directive Webinar

April 28,2026 Time 7PM-8:30 PM

Microsoft Teams meeting

Join: <https://msteams.link/YHCP>

Meeting ID: 220 415 783 068 92

Passcode: gU7m5YL7



Bio



THE LAW OFFICE OF
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LAW | TAX | FINANCE



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About the Firm

The Law Office of Arthur Weiss is a client-focused practice dedicated to delivering practical, results-driven legal representation. Founded on the principles of integrity, diligence, and personalized service, the firm works closely with clients to understand their challenges and provide clear, effective solutions.

Arthur Weiss brings extensive legal experience and a disciplined, detail-oriented approach to every matter. His practice emphasizes thoughtful legal analysis, strategic advocacy, and responsive communication, ensuring clients remain informed and confident throughout the legal process.

Practice Areas

- Law: Civil and business representation
- Tax: Guidance on compliance, disputes, and planning
- Finance: Advisory services for individuals and businesses

Philosophy

Whether advising individuals, families, or businesses, Arthur Weiss is dedicated to protecting clients' interests and achieving favorable outcomes with professionalism and respect. His approach combines legal expertise with a commitment to client empowerment, ensuring every case is handled with care and precision.

FOUNDATIONS
OF ESTATE
PLANNING



COMMUNITY SEMINAR OVERVIEW AND GOALS

Purpose of the Seminar

The seminar aimed to provide practical understanding of wills, probate, and trusts to reduce family conflict and financial stress.

Communication in Estate Planning

Estate planning is a form of communication that clearly expresses wishes about property, guardianship, and financial responsibilities.

Demystifying Legal Terminology

The seminar explained probate, executor duties, and trust structures in simple language to enhance understanding.

Ongoing Estate Planning

Estate planning is an ongoing process that benefits all estates, with consideration for local laws and continued education.

Legal Advice Disclaimer Information is educational only; consult legal professionals for personalized advice



PURPOSE AND FUNCTION OF WILLS



Communication and Property Transfer

Wills clearly express asset distribution and transfer property legally after death, ensuring personal wishes are respected.

Beneficiaries and Flexibility

Wills can designate beneficiaries such as individuals, charities, and institutions, offering flexibility in legacy planning.

Executor and Probate Process

The executor administers the estate and ensures probate follows the testator's instructions for an orderly process.

Guardianship and Legal Protection

Wills can appoint guardians for minor children and include formal execution to prevent fraud and misunderstandings.

Role of Wills

Wills are written instructions that dictate property distribution and management after death.

Common Pitfalls

Vague language, outdated beneficiaries, or missing signatures can invalidate a will or cause disputes.

WILL SUBSTITUTES AND WHEN WILLS MAY NOT BE NEEDED



- **Understanding Will Substitutes**
- Will substitutes transfer assets outside probate, using beneficiary designations and trusts to simplify estate settlement.
- **Benefits of Will Substitutes**
- Substitutes can reduce costs, avoid probate delays, and allow direct asset transfer without court involvement.
- **Limitations and Cautions**
- Substitutes may cause unequal distributions or conflicts and are not ideal for complex estates requiring guardianship planning.
- **Choosing the Right Approach**
- Individuals assess whether a will, substitutes, or both best fit their financial situation and personal needs.

PROBATE AND
EXECUTOR
RESPONSIBILITIES



PROBATE PROCESS EXPLAINED



Probate Process Overview

Probate is a court process that validates wills and appoints executors to manage and distribute estate assets.

Asset Identification and Management

Executors identify, secure, and inventory assets such as real estate and bank accounts without beneficiaries.

Debt and Tax Settlement

Probate ensures debts and taxes are paid before assets are distributed to heirs, protecting all parties legally.

Importance of Planning

Proper estate planning can reduce probate costs and delays, easing the burden on surviving family members.

Probate Process Stages

The process includes will validation, executor appointment, asset identification, debt notification, and estate distribution.

Addressing Probate Concerns

Probate can be time-consuming and public but is necessary ;planning ahead can reduce burdens for families.

ENTERING AND CLOSING PROBATE

Entering Probate Process

Probate begins when the executor files the will and documents with the court to gain legal authority.

Executor Responsibilities

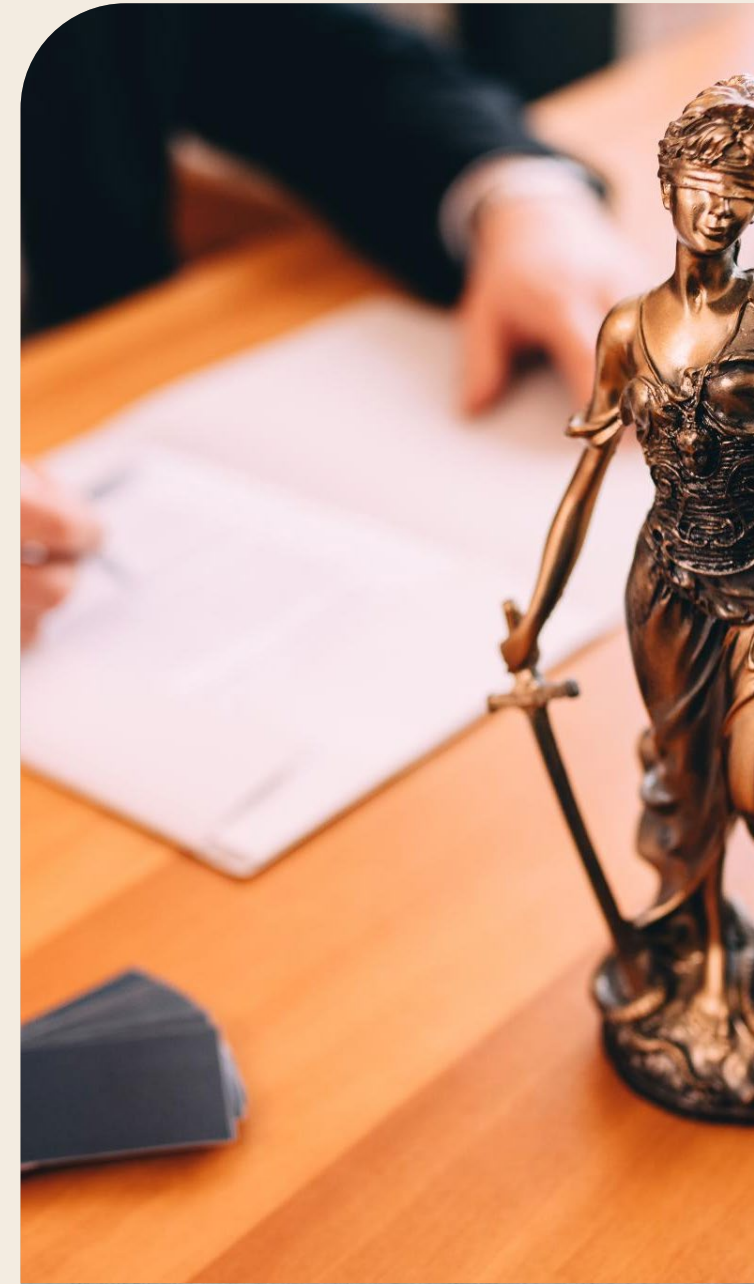
Executor must notify creditors, value assets, and keep accurate records throughout the probate period.

Closing Probate

Probate closes only after debts and taxes are paid and assets are distributed per the will or law.

Importance of Proper Process

Improper distributions can cause personal liability; careful planning ensures responsible estate management.



EXECUTOR DUTIES AND LEGAL LIABILITY

Asset Protection Responsibilities

Executors must secure and protect estate assets immediately to prevent loss, misuse, or damage.

Debt Prioritization and Payments

Executors are required to pay debts like taxes and medical expenses in statutory order before distributing assets.

Fiduciary Duties and Legal Liability

Executors act as fiduciaries and must adhere to legal duties, ensuring transparency and avoiding personal liability.

Importance of Professional Guidance

Seeking professional advice is encouraged to manage executor duties diligently and avoid legal issues.



TRUSTS
AND
ESTATE
PLANNING
TOOLS



TRUST STRUCTURE AND FAMILY LIVING TRUSTS



Roles in a Trust

Trusts involve a trustor, trustee, and beneficiary, with overlapping roles in family living trusts during the trustor's lifetime.

A Key Trust Roles

Trusts involve three key roles: trustor who creates, trustee who manages, and beneficiary who receives assets.

Avoiding Probate

Family living trusts allow assets to pass directly to beneficiaries, saving time and preserving privacy by avoiding probate.

Proper Funding Importance

Trusts must be properly funded by retitling assets to the trust to ensure effective probate avoidance.

Estate Planning Benefits

Living trusts complement wills and provide continuity, especially for managing real estate and incapacity situations.

HEMS STANDARD AND TRUST SAFEGUARDS



Definition of HEMS Standard

HEMS stands for Health, Education, Maintenance, and Support, guiding trustee distributions to meet beneficiaries' essential needs.

Protecting Trust Assets

HEMS limits distributions to essential expenses, preventing misuse and preserving trust funds for long-term financial security.

Balancing Flexibility and Discipline

HEMS provides trustees flexibility to address real needs while maintaining discipline to avoid depletion of funds.

Reducing Legal Risks

Clear HEMS guidelines protect trustees from legal uncertainty and help prevent family conflicts and creditor claims.

ACTION
STEPS AND
COMMUNITY
TAKEAWAYS





KEY TAKEAWAYS FOR COMMUNITY MEMBERS

Estate Planning as Care

Estate planning is an act of care using wills and trusts to reduce stress and conflict after death.

Legal Roles and Responsibilities

Executors and trustees have real responsibilities requiring organization, transparency, and understanding of liabilities.

Importance of Local Laws

State-specific laws shape estate plans; reviewing documents after major life changes is essential.

Value of Education and Discussion

Community education helps make confident estate planning choices and avoids costly mistakes.

NEXT STEPS AND FOLLOW-UP ACTIONS

Post-Meeting Survey

Completing the post-meeting survey helps improve future programs and address participant needs effectively.

Estate Planning Review

Participants should review their estate planning documents and consult professionals to identify and fill gaps.

Family Communication

Sharing estate planning information with family aligns expectations and helps avoid future misunderstandings.

Ongoing Planning Process

Estate planning is continuous; taking small thoughtful steps now prevents hardship later.

Interconnected Estate Tools Probate wills, trusts, and estate planning work together to reduce family stress and provide clarity.,

Encouraging Education and Review

Participants are encouraged to review documents and attend future community educational sessions.

