

# Trusts and Estates

We understand that each client's financial and family situation is unique. By analyzing our clients' objectives in light of current laws and rulings, our attorneys create estate plans that are responsive to our clients' wishes, while emphasizing both immediate and long-term tax savings.

Estate planning, estate settlement and trust administration are critical components of the full range of services provided by the Trusts and Estates Group to our clients.

We are familiar with the most sophisticated methods of estate planning, including the use of grantor retained annuity trusts, installment sales of assets to grantor trusts, life insurance trusts and split-interest charitable gifts to maximize the amount of assets you transfer to succeeding generations. Changes in regulation can cause your current estate plan to have unintended adverse results, usually for your surviving spouse, so we have learned and developed tactics to revise your estate plan as needed to preserve your intent as the law changes. We address complex tax and non-tax issues related to estate and trust administration.

## **PREPARATION OF WILLS AND TRUSTS FOR INDIVIDUALS**

Our attorneys prepare customized estate plan documents for clients, including wills, revocable trusts, durable powers of attorney, healthcare proxies, living wills and HIPAA authorization forms. Such documents are sensitive to the tax and non-tax objectives of our clients.

## **PLANNING FOR LIFETIME GIFTS**

After modeling a client's estimated estate tax liability, we discuss sophisticated lifetime giving techniques to reduce this liability. Techniques include discounted annual exclusion gifts to family members, the creation and

funding of irrevocable trusts such as grantor retained annuity trusts (GRATs) and qualified personal residence trusts (QPRTs), and the formation of family limited partnerships or family limited liability companies. Non-tax lifetime gift considerations may include discussions regarding family vacation residences, interests in family businesses, and the disposition of valuable family heirlooms.

## **CHARITABLE GIVING**

We assist individuals, estates, trusts, and corporations with charitable objectives - helping them to analyze alternative methods of making such gifts, and formulate charitable giving plans, including the use of direct gifts, charitable lead trusts (CLTs), charitable remainder trusts (CRTs), charitable gift annuities, donor advised funds, pooled income funds (PIFs) and bargain sales to charities, to maximize tax and non-tax benefits of making charitable contributions.

## **DRAFTING PRENUPTIAL AGREEMENTS**

Our attorneys work with clients to draft and negotiate prenuptial agreements and provide advice relating to the negotiation of prenuptial agreements for clients, prior to marriage. Our attorneys look at the current and potential assets of the client and their fiancée, highlight any vulnerable assets and provide recommendations for ensuring security for such assets.

## **ADMINISTRATION AND SETTLEMENT OF ESTATES**

When someone dies, we guide the family through the estate administration process, which includes filings in state probate courts, federal and state estate tax, income tax returns and the disposition of the person's assets according to his or her estate plan.

## **POST-MORTEM ESTATE PLANNING**

In certain instances, tax or dispositive objectives, not set forth in an estate plan during life, can be achieved after death through disclaimers, various elections, funding and allocation decisions.

#### **FIDUCIARY SERVICES**

Our attorneys serve as trustees and executors for clients' trusts and estates in addition to providing guidance to others who serve in these roles.

#### **GUARDIANSHIP, CONSERVATORSHIP AND OTHER PROBATE COURT PROCEEDINGS**

Our attorneys have significant experience advancing and defending contested and uncontested claims in multiple jurisdictions.

**For further information about our Trusts And Estates practice, please visit our website at [www.zag-sw.com](http://www.zag-sw.com) or contact:**