

**HAVE YOU THOUGHT
ABOUT WHAT WILL
HAPPEN IN THE
EVENT YOU ARE
INCAPACITATED OR
PASS AWAY?**

**HAVING A PLAN IN
PLACE CAN GIVE YOU
PEACE OF MIND.**

- Wills
- Trusts
- Powers of Attorney
- Advance Health Care Directives (AHCDs)
- Probate
- Conservatorships



11501 Dublin Blvd., Suite 200
Dublin, CA 94568
Tel: 925-452-8258
Fax: 925-452-8295
E-Fax: 888-904-4563
E-mail: info@leathermanlawgroup.com
www.trustllg.com

**Estate Planning, Trust,
& Probate Law**



Giving You Peace of Mind

www.trustllg.com

Give Yourself Peace of Mind

Leatherman Law Group is a small, intimate, boutique law firm offering personalized, affordable estate planning services. We believe in focusing solely on the preparation of a plan for administering your legal affairs during life, including both financial matters and emergency medical care, and the disposition of your estate upon death.



WILL

Your will is the linchpin of your overall estate plan. If you were to die without a will, you leave no direction as to how and to whom your assets are to be distributed. This is called "dying intestate," and it results in state law determining how and to whom your assets are distributed.

If you have an estate without significant assets and also do not have any children, a will, along with a financial power or attorney and an advance health care directive, is probably sufficient.

TRUST

There are many kinds of trusts. They can be simple or complex, and serve a variety of legal, personal, investment or tax plan-

ning purposes. A major advantage to establishing a trust is to avoid the time-consuming and costly probate process.

A trust has at least three parties: the person who makes the trust (trustor), the trust manager (trustee), and the trust beneficiary. In some instances, all three parties are represented by one person or a married couple. In the case of a revocable living trust, a person may create a trust and name themselves the trustee who manages the trust assets for their own benefit.

POWERS OF ATTORNEY

A power of attorney is a legal document giving another person (agent) the legal right (powers) to do certain things for you. They can be very limited, for example, allowing someone to represent you in a real estate transaction while you are out of town.

They can be long term or durable, ending only with your death. Typically, they empower your agent to take care of three types of decision-making:

- Financial management;
- Personal care; or
- Health care, now called an "Advance Health Care Directive."

ADVANCE HEALTH CARE DIRECTIVE (AHCD)

The Durable Power of Attorney for Health Care is now called an "Advance Health Care Directive" (AHCD). An AHCD is a document that specifies the type of medical and personal care you would want should you lose the ability to make and communicate your own decisions.

PROBATE PROCEEDINGS

Probate is the court-supervised proceeding used to transfer your assets to your heirs or

beneficiaries. Probate can be an expensive and time-consuming process, and can result in gift, estate, and income tax liabilities. There are informal probate proceedings for small estates under \$150,000. Otherwise, absent a trust, probate is required.

CONSERVATORSHIPS

At times, it is important to protect an individual's personal and financial well being if they are not able to protect themselves. It usually starts when you notice someone in your family who is being taken advantage of or who seems unable to take care of the basic requirements of daily living.

A conservatorship is a court-supervised relationship between an incapacitated adult and one who is appointed to look after that person's needs. Obtaining a conservatorship can be expensive, time-consuming, and embarrassing to the incapacitated person, but in many instances it is necessary.

To appoint a conservator, the court must find by clear and convincing evidence that the conservatee is unable to:

- Properly provide for his or her personal needs;
- Manage financial resources; or
- Resist fraud or undue influence.

Leatherman Law Group can help you with your estate planning. Contact us for a free consultation.



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