



Robert C. Adamski, Attorney at Law

Robert C. Adamski has practiced Inheritance Law and Real Estate Law in Florida since 1979. Inheritance Law encompasses the disciplines of Estate Planning, Wills and Trusts, Estate and Trust Administration, Inheritance Protection and Inheritance Enforcement.

During his career, Mr. Adamski has helped thousands of clients plan their estate. He has handled over a thousand inheritance disputes both in and out of the courtroom.

Mr. Adamski is a member of the Estate and Trust, Tax, Elder Law and Real Estate Sections of the Florida Bar. Mr. Adamski served as City Attorney for the City of Cape Coral. As a member of the community Mr. Adamski is active in civic organizations throughout Lee County. Mr. Adamski is licensed to practice in all Florida State Courts and the United States Supreme Court.

Mr. Adamski offers complimentary initial estate planning consultations.

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The hiring of a lawyer is an important decision and should not be based solely upon advertisement. Before you decide ask us to send you free written information about our qualifications and experience.

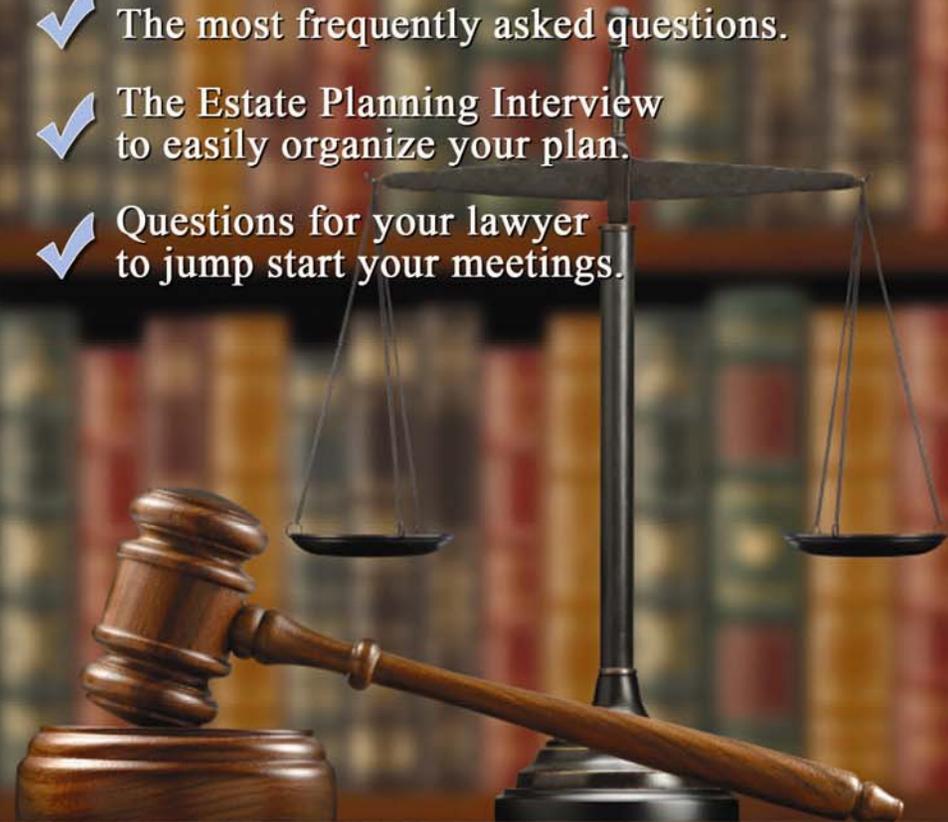
Estate Planning Made Easy

9th Edition
2009
Price \$4.95 - Free to clients.

How to plan your estate and talk to your lawyer

Contains:

- ✓ The most frequently asked questions.
- ✓ The Estate Planning Interview to easily organize your plan.
- ✓ Questions for your lawyer to jump start your meetings.



By Robert C. Adamski, JD

the author of

*Inheritance Hijackers, Who Wants to Steal
Your Inheritance and How to Protect It*

Robert C. Adamski, J.D.
Inheritance Attorney



Dear reader,

This booklet is provided to educate and help guide readers through the often confusing and complicated estate planning process.

Part 1 answers The Most Asked Estate Planning Questions. This section corrects many misconceptions about the estate planning process and will bring more questions to mind.

Part 2 provides an Estate Planning Interview to organize your thoughts and information as well as alerting you to many potential issues and concerns.

Part 3 jump starts your meeting with your lawyer with important questions you should ask.

Be aware that estate planning is more than simply putting your intentions down on paper and minimizing costs and taxes. You must be aware that inheritances are often stolen, or hijacked, before as well as after death. Your estate planning should include the element of inheritance protection. Work with your attorney to identify and neutralize possible threats of inheritance theft.

Learn more about estate planning, inheritance protection and real estate law at my web site www.RCAdamski.com. Learn much more about inheritance theft and protection in *Inheritance Hijackers, Who Wants to Steal Your Inheritance and How to Protect It*. Details are on the inside back cover of this booklet. Sign up for my free monthly email newsletter containing law updates and useful information by visiting my web site.

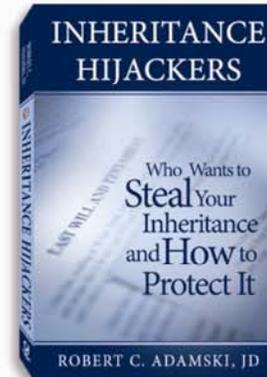
Best regards to you and yours,

Robert C. Adamski

INHERITANCE HIJACKERS



Who Wants to Steal Your Inheritance and How to Protect It



The legal and practical advice in this book teaches:

- Who steals inheritances
- Why, When, and How inheritances are stolen
- Why we are all potential victims
- How to protect yourself

Includes Q&A's on inheritance law, quizzes to determine the security of your estate, and checklists on how to protect yourself.

During **ROBERT C. ADAMSKI'S** thirty years of practicing law, he has handled more than a thousand inheritance disputes and helped thousands of clients plan and settle estates. He has broad experience in law, government, and business and is an avid community volunteer. He practices law in Florida where he lives with his wife and family.

"Attorney Adamski's book is the first to explain the complex and fascinating elements of inheritance theft. *Inheritance Hijackers* is a must read for anyone giving or expecting an inheritance."

~ Richard Raymond Rich, Rich Investments, Inc., Investment Counselor

"*Inheritance Hijackers* gives a comprehensive view of how the legal system deals with (inheritance problems). This book should be read by lawyers and laymen alike."

~ Bradley H. Trushin, JD, Inheritance litigation attorney, Fort Lauderdale, Florida

HOW TO ORDER THIS BOOK:

Online at: www.ProtectYourEstate.net or www.RCAdamski.com

Pickup: Attorney Adamski's law office in Cape Coral, FL for \$16.95 plus sales tax of \$1.02. Total \$17.97 with no shipping.

By mail: for \$16.95 plus sales tax of \$1.02. Total \$17.97 with FREE shipping. Send a check or money order to: Attorney Robert C. Adamski, 1714 Cape Coral Parkway East, Cape Coral, FL 33904.

By credit card via telephone: for \$16.95 plus sales tax of \$1.02. Total \$17.97 with FREE shipping. Telephone: 239-542-4733

National and international release of *Inheritance Hijackers* is April 1, 2009 when the book will be available through all book stores and online book sellers.

How to use this booklet

Estate planning is one of the most important tasks a person undertakes during their lifetime. Proper planning assures last wishes are carried out and helps avoid disputes among beneficiaries. This booklet is offered to help make your estate planning an easy, fruitful, efficient and pleasant experience.

This primary goal of this booklet is assist in organizing your thoughts. Read Part 1, The Most Common Estate Planning Questions. Then review Part 2, The Estate Planning Questionnaire, to see what information your lawyer will be looking for when planning your estate. Read Part 3, Questions for Your Lawyer, to stimulate your thoughts. You should then return to and complete Part 2 before your first visit to your lawyer.

Be as candid as possible in this endeavor. This questionnaire was designed to be completed at home at your leisure, allowing time to make decisions after sufficient deliberation. Do not worry if you do not understand or can not answer a question. Estate planning is complicated and can be confusing. I have answered many questions in each of the thousands on estate planning interviews I have conducted. Your lawyer expects questions and will be happy to provide answers and guidance.

Be as candid as possible. Your lawyer is obligated to keep your information absolutely confidential.

Take your time and discuss your decisions with your family if you wish. Communication and understanding are important elements in avoiding family feuds and inheritance litigation among family members.

For more information on estate planning you can visit my website at www.RCAdamski.com. You may also review my book *INHERITANCE HIJACKERS, Who Wants to Steal Your Inheritance and How to Protect It*. Chapter 2, Estate Planning 101, addresses estate planning.

Please remember that no amount of information can substitute for the advice and judgment of an experienced attorney who can guide you through the estate planning process and avoid pitfalls.



THE MOST COMMON ESTATE PLANNING QUESTIONS:

What is Estate Planning?

Estate Planning is the process of organizing your assets to safeguard them during your lifetime and transfer them as you desire at your death.

How does a person transfer property at death?

Property owned at death is transferred either by will, trust, or operation of law such as joint ownership.

May a person dispose of their property in any way they desire?

The answer is “yes” with two major exceptions. First, you may not disinherit your spouse without your spouse’s consent, in a marital agreement. Second, surviving spouses and children possess special rights to your homestead property.

What is a Will?

A Will is a written document which directs distribution of your estate and names the estate administrator, known in Florida as a "personal representative". Wills must be in writing and properly signed and witnessed. Wills must be administered through the court supervised probate system.

What does A Probate of an Estate mean?

Probate is the court supervised administration and distribution of your assets after your death. The Probate Estate comprises all the property the decedent owned at death which does not pass by trust or operation of law. For example, jointly owned property passes to the surviving joint tenants by operation of law.



Why is probate administration necessary?

Because we are not here to speak for ourselves after death the law safeguards our last wishes. Probate proceedings are conducted under strict court supervision with several procedural safeguards.

What fees, costs, taxes and time periods can be expected in a probate proceeding?

Fees and costs can consume three to eight percent of the estate, depending on many factors. Administration of a formal probate estate will take six to nine months, perhaps longer if complications develop.

How can I avoid Probate?

The only way to avoid Probate and the court system is by good planning to transfer your assets outside the Probate system. The safest way to do this is by creating a trust during your life. Not only will a trust save money in administration of your estate after your death, but your assets will be handled better during your lifetime. But beware. Care is required when utilizing trusts, especially in choosing an administrator.

TRUSTS AND HOW TO USE THEM:

What is a Trust?

Trusts are forms of private administration of assets as opposed to public administration of assets in a probate administration. A Trust is a written document which you, the Settler, creates to manage your assets. In the typical trust the Settler maintains control over the trust assets and acts as trustee as well as beneficiary of the trust. Trusts efficiently transfer assets without undue interference from the government and significantly reduce administration expense.



The Revocable Living Trust is created during your lifetime to hold and manage your assets during your life and then to manage and/or distribute assets after your death. Advantages include:

- Economy and Efficiency.
- You retain control over your assets even if you become incompetent thus avoiding the need for a court supervised guardian.
- Protection of beneficiaries from creditors.
- Married Couple Trusts provide for both spouses during life.
- Credit Shelter or By-pass Trusts, and QTIP and other tax saving trusts can save thousands in estate taxes.
- Special Needs Trusts provide for disabled children or special situations.

It is easy to see why the Revocable Trust has replaced the will as the most popular estate planning tool.

Testamentary trusts are trusts imbedded in a will and which become operational only after your death. Persons who do not mind the costs of probate and younger persons who do not immediately need the features of a present trust but who do need to plan for special situations in the event of untimely death use this estate planning tool.

Generation Skipping Trusts transfer assets directly to grandchildren and save taxes.

Charitable Trusts provide tax savings and present income.



Irrevocable Trusts are not meant to be amended and provide special benefits. Present gifting to irrevocable trusts takes valuable and appreciating assets out of your estate and can save taxes for future generations.

Irrevocable Insurance Trusts avoid tax on insurance proceeds.

Is my estate subject to Federal Estate Taxes?

The latest tax law complicated estate planning for all but the poorest Americans. The 2009 personal exemption from estate taxes is \$3,500,000.00, and can be doubled for married couples. The estate tax ends in 2010 but will be revived in some form in 2011. All estate plans should be reviewed annually as the estate tax law fluctuates.

What about estate tax in Florida and other states?

States commonly impose estate or death taxes in addition to the Federal Estate Tax. The Federal Estate Tax allows credit for taxes paid directly to the states. Florida now imposes a tax equal to the Federal Tax Credit which results in no additional tax being paid. If the Federal Estate Tax is phased out Florida may impose a tax of its own to reclaim lost revenue. For now, at least, Florida is known as a good place to pay estate tax. Most other states impose estate tax at much higher rates.

Are there dangers in using a trust?

Because trusts are not usually subject to supervision by the court system, trust administrators can easily manipulate trust purposes and assets. The administrator has a fiduciary duty to the beneficiaries of the trust. Unfortunately, that duty is often breached. Trusts have been called the “most abused planning device.” Abuse leads to litigation which costs time and money. Care in choosing an administrator is of utmost importance.



Can I avoid probate costs?

Probate expenses run between three and eight percent of the estate value. Additional fees are warranted if there is an estate tax return to be filed or complications arise, such as litigation over creditor claims or a dispute with a family member. The safest and most cost efficient way to avoid the probate court system is to create a trust to keep your assets safe during life and transfer them at your death.

Is my homestead an important asset?

The importance of your homestead as an estate asset can not be overstated. Your homestead is a large asset which is exempt from all creditors claims during your life and at your death, but only if handled properly in your estate plan. To protect your homestead status the ownership and control of your homestead should never be changed without consulting your lawyer. Something as simple as adding a child as an owner will have significant tax consequences both during life and at death. This asset should receive special attention in any estate plan.

Is my estate safe from inheritance thieves?

This is the last question in this article, but it is often the most important. Inheritance theft is as ancient as the dispute between Cain and Able. I call these thieves “Inheritance Hijackers”. Trillions of dollars will be stolen by Inheritance Hijackers in the next two or three decades. It is difficult to overstate the depth and complexity of the problem. The best protection is a solid estate plan and constant vigilance over your assets and your family situation. Even then there is no absolute guarantee that the inheritance you expect to give or receive is safe.



OTHER TOPICS TO CONSIDER:

- Second marriage estate planning to protect both sides of the family. Step-children are very vulnerable to financial abuse when their parent dies and leaves the estate in the hands of a surviving spouse who may disinherit the children of the deceased spouse. Careful planning is necessary to insure all family members are protected.
- Unmarried partners need written agreements and well written estate planning documents. When a partner becomes seriously ill or dies the other partner is often without any legal rights.
- How do Retirement Funds fit in? Most retirement accounts and plans allow the owner to name the beneficiary and avoid probate administration at death. Individual Retirement Accounts can be rolled over to a beneficiary at the owner's death. Unfortunately, the proceeds of most retirement plans are subject to income tax and estate tax at the owner's death.
- Life insurance is very useful in providing liquidity to pay estate taxes and expenses. Insurance proceeds are subject to estate taxation unless you create a tax avoidance Irrevocable Insurance Trust.
- Government benefits such as Medicaid are a complicated area requiring special attention. Under present law Medicaid is a benefit to the middle class. Your homestead and some other property need not be sold before you qualify for Medicaid benefits.
- Living Wills are a dignified means of communicating your last health care wishes. Health Care Surrogates are appointed by you to make your health care decisions if you are not able to make them yourself.
- Durable Powers of Attorney are good planning tools if used carefully, but are dangerous in the wrong hands.



Estate Planning Interview and Organizer

This information is held in strict confidence and will not be released without the client's permission.

Complete this Estate Planning Interview before your appointment as best you are able. Call if you have questions before your appointment. **Please Print**

Date _____, 20__

YOU:

Name _____

Street: _____

City/ State/Zip: _____

Home Phone: _____ - _____ - _____ Other: _____ - _____ - _____

E-mail _____

Age: _____ Full time Florida resident? _____

US Citizen? _____ Profession: _____

Married _____ How Long? _____

Single _____ Divorced _____ Widowed _____ When? _____

First marriage? _____ If not, is previous spouse alive? _____

If married, do you have a marital agreement? _____

If so, please bring a copy to our interview.

Do you any wills or trusts? _____

If so, please bring a copy to our interview.



SPOUSE (if living):

Name _____

Street: _____

City/ State/Zip: _____

Home Phone: _____ - _____ - _____ Other: _____ - _____ - _____

E-mail _____

Age: _____ Full time Florida resident? _____

US Citizen? _____ Profession: _____

Married _____ How Long? _____

Single _____ Divorced _____ Widowed _____ When? _____

First marriage? _____ If not, is previous spouse alive? _____

If married, do you have a marital agreement? _____

If so, please bring a copy to our interview.

Do you any wills or trusts? _____

If so, please bring a copy to our interview.

**CHILDREN AND OTHER BENEFICIARIES:**

Please list all beneficiaries. Name ALL of your natural and adopted children even if they will not receive any part of the estate. If you do not have children include all who would inherit your estate if you died without a will, even if they will receive nothing from you.

1. Name: _____

Age: _____ Relationship: _____

Parent: _____

2. Name: _____

Age: _____ Relationship: _____

Parent: _____

3. Name: _____

Age: _____ Relationship: _____

Parent: _____

4. Name: _____

Age: _____ Relationship: _____

Parent: _____

5. Name: _____

Age: _____ Relationship: _____

Parent: _____

6. Name: _____

Age: _____ Relationship: _____

Parent: _____

Do you anticipate additional children? _____

Do any beneficiaries have disabilities or special needs?



YOUR PLANS BEFORE DEATH:

Do you live: Alone? _____ As a married couple? _____

Who else lives in your household? _____

Do you plan to make significant gifts to individuals *before* your death? _____

Do you plan to make significant gifts to charities *before* your death? _____

Have you made gifts to any person in excess of \$12,000.00 in any calendar year? _____ Who? _____
How much? _____

Do you anticipate an inheritance? _____
From whom? _____
When? _____ Value: _____

Are you a beneficiary of a trust created by another? _____
Present benefits: _____
Future benefits: _____

Do you have long term health insurance? _____

Do you have these documents:

Durable Power of Attorney? _____

Living Wills? _____

Health Care Surrogate? _____

Pre-need Guardian? _____

If so, please bring them to our interview.

**YOUR ESTATE AFTER YOUR DEATH:**

How would you like to distribute your estate after your death?

If any beneficiary dies *before* you (and your spouse) do you want the beneficiary's children to inherit the beneficiary's share? (For example, if your child dies do you want his or her child to inherit that share of the estate?)

Do you wish to disinherit anyone? _____

Who? _____

Their relationship to you: _____

Who will administer your estate or trust after your death?

What is the administrator's relationship to you?

Where does the administrator live?

Alternate administrator if needed:



What is the alternate administrator's relationship to you?

Where does the alternate administrator live?

If you have dependents, who will be guardian if necessary?

What is the guardian's relationship to you?

Alternate guardian if needed:

What is the alternate guardian's relationship to you?

Are you concerned about estate taxes at your death?

What are your other concerns, estate planning and otherwise?



ASSETS:

You may provide a financial statement in lieu of this form. Be sure to note any accounts in joint names with others, or with a pay on death provision, in trust for status, or beneficiary designation. These accounts will not be governed by your will or trust.

Residence/Home

Value: _____ Owner: _____

Other Real Estate

1. Describe: _____

Value: _____ Owner: _____

2. Describe: _____

Value: _____ Owner: _____

3. Describe: _____

Value: _____ Owner: _____

4. Describe: _____

Value: _____ Owner: _____

5. Describe: _____

Value: _____ Owner: _____

6. Describe: _____

Value: _____ Owner: _____

7. Describe: _____

Value: _____ Owner: _____



Cash and cash equivalents such as brokerage accounts:

1. Describe: _____
Value: _____ Owner: _____
2. Describe: _____
Value: _____ Owner: _____
3. Describe: _____
Value: _____ Owner: _____
4. Describe: _____
Value: _____ Owner: _____
5. Describe: _____
Value: _____ Owner: _____

IRA or other retirement accounts:

1. Describe: _____
Value: _____ Owner: _____
2. Describe: _____
Value: _____ Owner: _____
3. Describe: _____
Value: _____ Owner: _____
4. Describe: _____
Value: _____ Owner: _____
5. Describe: _____
Value: _____ Owner: _____

**Closely held corporation, limited liability company or partnership:**

1. Describe: _____
Value: _____ Owner: _____
2. Describe: _____
Value: _____ Owner: _____

Notes, Mortgages and Obligations payable to you:

1. Describe: _____
Value: _____ Owner: _____
2. Describe: _____
Value: _____ Owner: _____

Personal property (car, boat, motorcycle, antiques):

1. Describe: _____
Value: _____ Owner: _____
2. Describe: _____
Value: _____ Owner: _____

Debts:

1. Describe: _____
Amount: _____ Owner: _____
2. Describe: _____
Amount: _____ Owner: _____
3. Describe: _____
Amount: _____ Owner: _____



LIFE INSURANCE:

1. On whose life? _____ Face Amount: _____
 Cash Value: _____ Owner: _____
 Beneficiary: _____
2. On whose life? _____ Face Amount: _____
 Cash Value: _____ Owner: _____
 Beneficiary: _____
3. On whose life? _____ Face Amount: _____
 Cash Value: _____ Owner: _____
 Beneficiary: _____
4. On whose life? _____ Face Amount: _____
 Cash Value: _____ Owner: _____
 Beneficiary: _____

Do you have any assets, such as an annuity contract, which will pay income to your beneficiaries after your death?

Other assets: _____



PROTECTING YOUR ESTATE:

- Are you dependent upon anyone for care, transportation or other support? _____
 Who? _____
- What is their relationship to you? _____
- Do you make your own health care decisions or does someone assist you? _____
- Do you have complete control of your assets or does another person assist you? _____
- Do you pay your own bills? _____
- Do you fear anyone may attempt to steal or mishandle your assets before your death? _____
 Who? _____
- Do you fear anyone may attempt to contest your estate plan?

 Who? _____
- Do you need protection from any person? _____
 Who? _____
- Will you drive yourself to the lawyer's office or will another person provide transportation? _____
 Who? _____
- Has anyone exerted any pressure on you to give them gifts either before death or at your death? _____
 Who? _____



- Have you made previous wills or trusts? _____ If so, please bring copies to our interview.
 - During the last twenty years have you changed the beneficiaries in your will or trust? _____ If so, please explain in our interview.
 - Have you told anyone you intended to make a gift to them in your will or trust and now have changed your mind about making that gift? _____
 - Has anyone told you they expect you to leave them an inheritance? _____
 - Do you intend to give anyone a gift of inheritance by giving them insurance policy proceeds or a like gift, rather than a gift in your will or trust? _____
 - Have you given anyone their inheritance while you are alive rather than giving it to them at your death? _____
 - Are there step-children who may expect an inheritance? _____
 - Do you owe child support or benefits to a former spouse which are in arrears or must be paid at your death? _____
 - If you are single, do you have prospects of marrying? _____
 - Do you have trusted financial advisors? _____ If so, do they become involved in your estate planning decisions? _____
 - Have you ever been tested for Alzheimer's Disease? _____
 - Have you been seriously ill in the last five years? _____
 - Has your competence ever been questioned in any legal proceeding, such as a guardianship proceeding? _____
 - Do you have any legal judgments against you? _____
 - If you have been convicted of a felony please disclose it during our interview.
 - Is there anything else you would like your lawyer to know?
-
-



Questions for your lawyer. A list of questions to jump start your conversations with your lawyer.

Is a will or trust better for me and my beneficiaries? What are the advantages and disadvantages of both in my case?

What must my beneficiaries do to obtain their inheritance? How much will it cost and how long will it take?

I am concerned that I may become ill and spend time in an expensive nursing home. How does that situation affect my assets and my family? What government plans may help me in that situation?

How is my homestead handled at my death?

How are my retirement accounts handled at my death?

How are insurance policies handled at my death?

Is my estate subject to estate or death taxes? If so, how can I legally avoid these taxes?

Who has the right to challenge my will or trust and what are the chances they may be successful?

Do you see that I may be vulnerable to an inheritance thief? How can I best protect myself?

Will you contact me if the laws change and affect my estate plan?

Where should I store my estate planning documents? Who should have copies?

What is your fee? Are there other costs?

