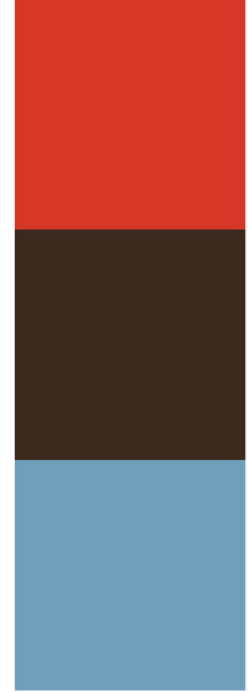


Estate Planning: Marital Trust Planning



A Legal Professional Association

Estate Planning Webinar Series

- *Planning Tools To Protect You and Your Spouse -*
This presentation will provide a summary of estate planning options to protect you, your spouse and children through provisions in your trust agreement.
- *June 23rd-Estate Planning for Special Circumstances*
- *All presentations can be found at www.brouse.com*

Estate Planning Blog

For additional information, see

<https://www.brouse.com/trusts-estates-blog>

Disclaimer

- Any opinions offered are our own and not those of Brouse McDowell LPA. This presentation is provided for general informational and educational purposes only. No information contained in this presentation is to be construed as legal advice. This presentation is not a contract for legal advice and does not establish an attorney-client relationship.
- Entering into an attorney-client relationship is a mutual agreement, requiring the exchange of information and the execution of an engagement letter between the client and Brouse McDowell LPA.

INTRODUCTION

Marital Trust Planning: Planning Your Estate for Your Surviving Spouse

HOW CAN I PROVIDE FOR MY SPOUSE AFTER I'M GONE?

Marital Planning: Last Will and Testament

- Memorializes wishes and estate planning objectives and provides for distribution of tangible and intangible property as well as real property
- Public record when filed with the probate court
- Designates Executor and Guardian (if minor children)

Marital Planning:

Surviving Spouse's Probate Rights

- Provided for under Ohio Revised Code
- Provision for intestate (no will) succession
- Automobiles totaling up to \$65,000.00 and one watercraft and motor
- Spousal Allowance of up to \$40,000.00 of probate assets
- Right to live in residence for one (1) year and receive residence as part of probate inheritance
- Right to purchase assets at appraised values

Marital Planning: Non-Probate Options

- Joint tenancy with rights of survivorship
- Beneficiary designations:
(Life Insurance; Retirement Accounts)
- Lifetime gifting (gift tax free)

Marital Planning: Concerns:

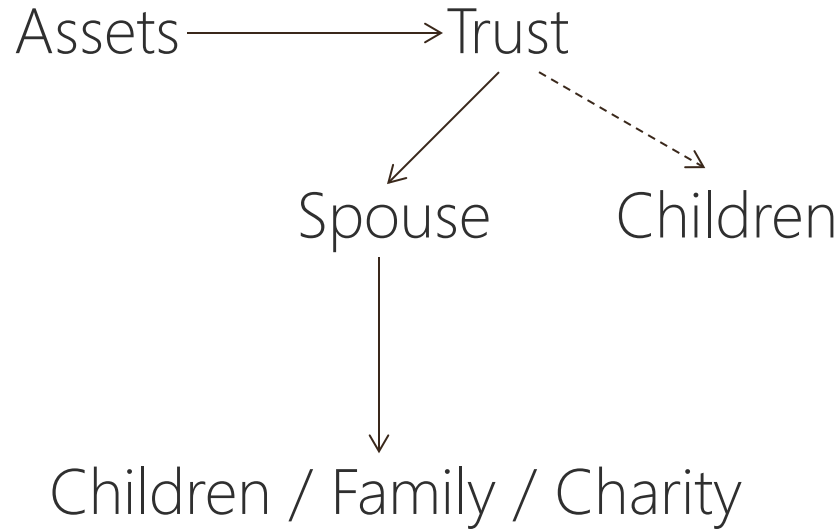
- Quality of life; maintaining manner of living
- Incapacity
- Financial awareness/knowledge
- Remarriage
- Blended Family (Longevity; Emotional Strain)
- Predators / Creditors

Marital Trust:

What Does It Do?

- Memorializes your wishes and objectives
- Can nominate a disinterested person or institution to serve as trustee

Marital Trusts: Common Structures:



Marital Trusts:

Common Provisions:

- Surviving Spouse receives all net income; may receive additional amounts for Health, Education, Maintenance, and Support (HEMS)
- Surviving Spouse can be permitted to live in residence with provisions to determine how expenses such as taxes, maintenance and insurance are paid

Marital Trusts: Taxes

- Unlimited marital deduction for property passing outright to surviving spouse or in trusts meeting certain criteria (e.g., QTIP (Qualified Terminable Interest Property); Right of Withdrawal)
- Strategies for obtaining income tax basis step up
- Lifetime deferral on distributions from retirement accounts

Marital Trusts:

Integrating Your Estate Plan

- Review current estate plan and assets
- Review assets in light of objectives
- Discuss objectives and wishes for your estate plan
 - Providing and protecting children/beneficiaries
 - Creditor and asset protection
 - Reduction or elimination of estate taxes by maximizing deductions and credits
 - Business succession planning
 - Charitable bequests

Closing Thoughts

The current coronavirus pandemic has brought to the forefront the importance of estate planning documents and implementing an estate plan. One of the most important things you can do for yourself and your family is to work with an experienced estate planning attorney to prepare an estate plan to ensure your objectives and wishes are met and provide peace of mind that your family is protected.

Next Up

Please continue to follow us for future updates, webinars, client advisories and blogs at:

www.brouse.com

Thank you!

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