

The Owl

on with life



august 2015

The goal of this newsletter is to encourage people who are growing older to keep on with the business of living. The experience of growing older should focus on achieving and maintaining a quality of life that is enjoyable and desirable.

In each edition of The OWL, the spotlight is on a West Michigan agency or program that provides a service, program, or benefit to our community. In this edition, we focus on FRIENDSHIP MINISTRIES.



Friendship MINISTRIES

Friendship Ministries is an organization that ministers to church communities and those with intellectual disability. One of the primary avenues of ministry is establishing and supporting Friendship groups. Friendship groups provide opportunities for persons with intellectual disability to meet for friendship, social activities, and Bible study. Groups are located throughout the United States and

Canada. Over 1250 groups currently exist and approximately 75 different denominations have churches that host and sponsor Friendship groups. *Friendship Ministries* has designed a Bible study curriculum specifically for those with intellectual disability. Coming this fall is a new unit in the curriculum called *Courage*, which highlights the courageous lives of Joshua and Caleb. For more information about starting a group or learning the location of a group near you, call 888.866.8966 or visit their website www.friendship.org.

PROTECTIVE LEGISLATION

Protecting the lives of those living with disabilities

July 2015 marks the 25th Anniversary of the *American with Disabilities Act*. Since its passage, the Act has made significant strides in alerting individuals and communities to the needs of persons with disability. The Act has also led to reduction in bias and discrimination against persons with disability. Public buildings, churches, schools, work places, entertainment venues and the like have undergone renovation to create access for persons with disability. But despite greater attention to identifying barriers that prevent people with

disability from enjoying full access to restaurants, buildings, bus stops, employment, worship opportunities, etc., the battle for equality continues.

President Obama signed into law in December 2014 legislation designed to make the lives of persons with disability more financially secure. The **ABLE Act** permits family members and friends of persons with disability to make financial gifts toward an account for the benefit of the individual. The Act is designed closely to the **529 Education Plan**, under the Internal

Revenue Code, which helps parents build a savings account for their children to be used toward college tuition and expenses. **ABLE** stands for **Achieving a Better Life Experience**. In Michigan, the legislature will consider 4 bills this fall that will create a Michigan **ABLE Act**. Michigan's Act will outline how gifts can be made and how the account may be used. More information will appear in The OWL when the bills become law.

Swagman Estate Planning and Elder Law Services

Wills • Trusts • Probate Services • Durable Power of Attorney for Finances & Health Care
• Guardianship and Conservatorship • Long Term Care and Medicaid Planning
• Accredited Attorney for Veterans Benefits

A Will or Trust?

Clients often ask me, “Am I better off with a will or a trust?” And the best answer to that question is, “It depends.” I’m not dodging the issue! It often takes a lengthy conversation and review of the clients’ assets to determine what estate planning documents fit that clients’ objectives and their situation. An objective may be to include charities and family members in the distribution plan. Or, an objective may be to help an adult child with a disability or to avoid creditor issues. Another objective may be to distribute trust assets over a period of time rather than all at one time.

The client’s situation may be a factor, too. A client with a will who later becomes incapacitated may not be able to make changes to his or her document. However, a client with a trust likely has a successor trustee who can manage the trust during times of disability or incapacity, and trustee may amend the document if necessary. A client who desires flexibility may be more satisfied with a trust. Clients with lesser funds and minimal personal property may find a will meets his or her needs just fine. Age of the client is a situational factor, too. During the years a client is working and

accumulating assets, property, and accounts, a trust document is dynamic, taking into consideration continuing financial growth, tax implications, and also the unexpected change of circumstances. Clients in their 70’s or 80’s, however, may find that once beneficiary designations are settled, a will is pretty good at taking care of any loose ends.

If you know of a family member or friend who would like estate planning services, please consider referring them to Beth A. Swagman, PLLC.

FINANCIAL SCAMS

Several scams were reported in the previous edition of the OWL. Here are a few more to be aware of:

SCAM: You receive a notice in the mail that you have won a lottery or sweepstakes of several thousand dollars - even though you did not buy a ticket or enter a contest. You are asked to send a check for a few hundred dollars to claim the prize.

RESPONSE: Do not send money to claim a supposed prize.

SCAM: If you recently signed a deed for property you own, you might receive a letter informing you that for \$89.00 a company will provide a registered copy of the deed.

RESPONSE: You can request a certified copy of the deed from the Register of Deeds office for \$20.00; purchase a copy of the deed on-line for \$1.50 plus \$1 for each additional page; or obtain a copy from the person who prepared the deed at no charge. Hint: Deeds are recorded, not registered, so that may be a tip you are being scammed.

SCAM: You receive a letter from a law office with an out-of-state or out-of-country address. The attorney (or barrister) informs you that a relative has died leaving you some property. You are requested to send a check as a retainer fee for the attorney to secure the property on your behalf through estate proceedings in that state or country.

RESPONSE: Beneficiaries of an estate proceeding do not pay for the estate to be probated; expenses to settle an estate come from estate assets. And, if the decedent is not identified, it is probably a scam. Further, you might check with other relatives to see if they have been contacted. Or, you might consider contacting a local attorney to check out the matter before writing a check to someone you don’t know. If it sounds too good to be true....

SCAM: Salesperson comes to your house asking if your heating bills are too high. Because most of us think heating bills are high, we tend to agree. Then the salesperson asks to see the bill and offers to provide alternative gas or electric heat at a lower cost.

RESPONSE: Be very careful. Salesperson may represent a company with name or initials similar to your energy provider, but that person does not represent your provider. Also, salesperson wants you to sign a contract for a period of time; after that period of time, the price of gas or electric can skyrocket. Be wary of signing a contract. You don’t have to purchase gas or electric from DTE or Consumers Energy with a yearly contract. Signing a contract without knowing all the details can have consequences.