

LINDA S. DURSTON

Estate Planning & Elder Law

Estate Planning

Making an estate plan is a major commitment. It involves thinking honestly and openly about our mortality, the strengths and weaknesses of our families, our hopes and dreams. It also involves the creation of a fairly complex set of legal documents. As such, the estate planning process can be emotional and intimidating. It can also be deeply fulfilling and take a great weight off the mind. A complete trust-based estate plan includes the following components:

- Revocable living trust with a schedule of assets and a certification of trust
- Documents for transferring personal and real property into trust
- Pour-over will
- Durable power of attorney for financial management
- Advance health care directive

A complete will-based estate plan includes the following:

- Will
- Power of Attorney for financial management
- Advanced health care directive

Typically the estate planning process begins with your call to the office. We discuss generally what you are looking for in the way of an estate plan (for instance, are you a husband and wife seeking a joint plan, are you a single person revising an existing estate plan, are you planning for any beneficiaries with special needs?). If you wish to go forward, we set an appointment to meet, and we send you a questionnaire that asks you to gather information we will need to assess your particular needs and draft your plan. The process from that initial call typically includes the following:

- An initial in-person meeting in which we review your estate planning questionnaire and your special circumstances, goals and concerns
- I prepare a draft of your estate plan and send that draft to you
- We meet in person (or by telephone) to review the draft plan
- I make any required revisions
- We meet a third time to execute your estate plan, after which I provide you the original and one complete copy of your estate planning documents
- My office sees to the recording of title documents to transfer real property into your trust, then returns those recorded documents to you

In addition to completing the questionnaire as completely as possible before our meeting, I will ask you to bring to our initial meeting any of the following that you may have:

- Your current wills and/or other estate planning documents
- Deeds to all real property (if you don't have deeds, we can get them)
- Marital agreements ("pre-nups" or "post-nups")
- Buy-sell or buy-out agreements for businesses
- Prior gift tax returns, if any
- Trust agreements in which either spouse is a donor, trustee, or beneficiary
- A current statement for the various accounts that are titled into your existing trust, if you have one, or that you want to title into a new trust
- Copies of securities or bonds that you hold in your own name or existing trust
- A current statement of other accounts that are in your estate, including IRAs, qualified plans, annuities, insurance policies and the like
- Promissory notes that you carry
- Information about any partnership or corporate agreements
- Information about copyrights and patents you may hold

I greatly appreciate the faith and confidence my clients put in me as their estate planning attorney. I take pride in making the process as smooth, comfortable and transparent as possible. I recognize that many people put off planning because they don't understand the process or don't know how to resolve certain issues, for instance, who will be their successor trustee, who should look after minor children, and how to leave property for beneficiaries with disabilities and the like. I can help you find solutions to many of your problems. Ultimately, I want my clients to know their options and end up with a plan that will fulfill their well-informed goals.

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