



SAFE HARBOR  

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ESTATE LAW

**What You NEED To Know  
Before Starting Your Estate Plan**

## Where Do I Start with Estate Planning?

Many people asked me, “Where do I even start in getting an estate plan?” That’s a great question, and I’m here to answer that for you today.

The first thing you can do is watch videos or read resources from good estate planning attorneys. On our website, [www.SafeHarborEstateLaw.com](http://www.SafeHarborEstateLaw.com), we have some resources available to you and some videos also on our YouTube channel (Safe Harbor Estate Law) so you can start educating yourself on your own without being afraid that you’re going to ask a stupid question or that you should really know something that you don’t already know.

## Why Don’t I Want a Simple Will?

The next question I often get is, “I just want a simple will. Can you just give me a really simple will because I don’t have a lot?”

This is the question that I would like you to think about, if you’re thinking you just want a really simple will. Do you really want a very simple document—something short and sweet, not a lot of legalese? Or, would you rather have the process go really smoothly and simply when you pass away, or when you get ill and can’t handle your affairs?

Most everybody tells me, “I’d like a simple will, but if it has to be a little bit complicated, so that I can have a simpler process later and my loved ones don’t have a mess, then I guess I’ll take the more complicated will.”

The really great part is we deal with the complications. You don’t have to deal with the complications. We make it simple for you—as simple as we can.

## Why Choose a Trust Rather Than a Will?

Next, I want to talk to you about why most of our clients choose a trust over a will once we educate them about their options.

**Reason #1 to choose a trust over a will:** A will is designed for probate. Most people think wills avoid probate, but actually, you often have a probate with a will, not with a trust. With a good trust plan that is well funded, you will not have a probate. You will save time, money, and all your information won’t be made public. That is a major reason why people choose a trust.

**Reason #2 to choose a trust over a will:** The next reason why people choose a trust is to protect the people who are inheriting the money. Some people are minors; some don’t handle money so well; some maybe have a chemical dependency problem; or they may have a special need and are on a government program that they would get kicked off of if they inherited your money. There’s a lot of people that need the special protection a trust can provide so that your money goes to the people you want, and it truly helps them as much as it possibly can.

**Reason #3 to choose a trust over a will:** The third major reason why people really like trusts is: if you lose capacity before you die, they work great. They are more powerful and more flexible. They give you more options and things go so much more smoothly for your loved ones before (and after) you die.

So those are three major reasons. There are others, but 70% to 80% of our clients choose a trust over a will.

## What is The Probate Process?

You probably want to know exactly what probate is. Well, we’ve all heard the expression, “You can’t take it with you.” So, when you die you own things. And since dead people can’t really own things, it has to be transferred into the name

of somebody else. The court process that transfers things out of your name and to the people that you want it to go to (or if you don't have a will, the people who, by law it goes to) that's what the probate process does. It's public. It takes months. It costs fees —additional attorney's fees in addition to court costs. It will give somebody else the power to handle your money and put it where the law says, or where your will says it goes.

## How Do I Avoid The Probate Process?

The main reason I really want my clients' loved ones to avoid probate is that it's a hassle for them. Your loved ones are going to be sad and grieving. It's already a very difficult time. They're dealing with your personal property, with handling the funeral and burial arrangements, and grieving while all of this is going on. Handling the legalities of an estate at the same time is really a hassle. I've had many adult children come in and complain about how difficult it was handling their parents' probate. They are determined to not leave that kind of a mess for their children. So, they do their own estate planning. Not only is probate extra time and extra money, it is really a hassle at an already difficult time.

You have worked so hard in your life to leave a great legacy for your loved ones and for others you've impacted. You want the end of the story to be just as good as the rest of it and have it all wrapped up in a bow, so that you are smoothly transitioning things to your loved ones in the best way possible.

## How Do I Choose An Estate Planning Attorney?

One question I love to get is, "How do I choose an attorney for my estate planning needs?" I have three important questions that you should ask when you're interviewing a potential estate planner.

**Question #1 to ask an estate planning attorney:** How much of your practice is estate law?

It is really important that it's a significant part of their practice and they're not just doing a little estate planning on the side. Most people don't realize that today, most attorneys focus on one or two certain areas of the law. Because the law has gotten so complicated, more and more attorneys have areas that they focus on. I've spent plenty of time cleaning up messes from attorneys who do a little estate planning on the side. It's really important to find somebody who focuses on estate planning.

**Question #2 to ask an estate planning attorney:** Will you really take the time to listen to me and answer my questions even before I hire you?

What you want is a confidential complimentary meeting with someone at the law firm who can answer your questions and will take the time to really learn about you—your goals, your concerns, what's worrying you, what your family relationships and your health and your finances. All those are relevant factors. At our firm, we do that and then we educate you on the pros and cons of what your options are in your particular situation so that you can be educated and empowered to make the best decision for you.

**Question #3 to ask an estate planning attorney:** What can I expect, what's the process, what's the timing, what is the cost?

These are really good questions and any estate planning attorney should be able to answer them. For example, we have the Smooth Sailing System at our firm. We explained to you in that first meeting, how long it will take what's involved in each step, what your part is and what our part is. And we use flat fees, so that you know the cost ahead of time. Then you can decide if you want to move forward.

**If you're interested in a confidential, complimentary one-on-one session to answer more of your questions, please visit our website:**

[www.SafeHarborEstateLaw.com/schedule](http://www.SafeHarborEstateLaw.com/schedule)

**Schedule your 1-hour Life And Legacy Session with Megan Swenson, our Director of Client Relations, today!**

