

Unforgiving

"Unforgiving." That's how my computer consultant once described the new laptop computer he was working on for me. If you've ever accidentally omitted just one teeny letter of your password, if you've ever mistakenly changed a forward slash to a backslash while trying to access your bank's online statement, you know what he means. Your computer won't budge. You're not entering its world until each and every one of your electronic i's are dotted and t's are crossed.

"Unforgiving" is also a good description for the situation that propels many people into my office. Often I am consulted by people whose loved ones have passed on or become disabled. Sometimes they've discovered that their loved one had no estate plan (aside from the one the State Legislature in Tallahassee has in mind for each of us). More commonly, they find there is an estate plan, but it's either outdated or inadequate. The survivors gamely try to untangle the legal and financial mess. But, absent the proper paperwork and legal preparation, they can make little progress. Banks, brocrages, landlords, leases, insurance companies and the courts throw up obstacles as impassible as the log-in screen of your computer when you've forgotten your password.

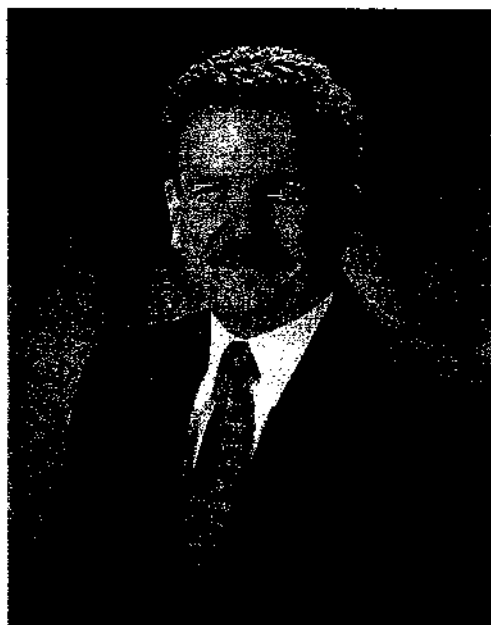
Just today, for example, I was visited by two adult children of a man who was recently hospitalized. The children are clearly well-intentioned but never received any guidance as to their legal rights or responsibilities. They cannot locate any legal documents to enlighten them. Nor do they even know where his assets are or what those assets might be worth. Worse, both kids are from out of town – one from the Midwest, the other

from the Southeast – and have to get back home to attend to jobs and families. They and their ailing father, too, are in legal limbo as bills pile up, business decisions need to be made, etc. Eventually the situation will be resolved, but unfortunately it will likely mean expenses that could have been avoided entirely, lots of frustration, and many hours running through airports for these well-meaning children. Another situation I encountered this week concerns a recently-deceased man who was the primary caretaker for his Alzheimer's-stricken wife who survives him. The husband had appointed his sister his successor trustee under his revocable trust. Unfortunately, his sister – now 83 years old and infirmed herself – is in no position to manage monies for the benefit of her sister-in-law. He could have modified his plan while he was alive to appoint another successor trustee, but obviously it is

too late now. It appears likely the courts are going to get involved, with all the bureaucratic hassle and waste of money that entails.

If you're reading this, you're competent to create a sound estate plan or update an outmoded one. A certified elder law/estate planning attorney can help you dot all your i's and cross all your t's, so that your loved ones can avoid getting mired in these kinds of unforgiving situations.

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