



**KLIEM & BALUSEK**  
ATTORNEYS AT LAW



**GENERAL LEGAL  
MATTERS  
AND THE ESTATE  
PLANNING  
PROCESS**

# Presented By:



Diane R. Kliem  
Attorney/CPA/Mediator

# MISSION STATEMENT



“We provide prompt and responsive legal services to individuals and businesses at reasonable prices and with exceptional quality. We are committed to and active in our communities and dedicated to our clients and take our responsibility as their advocate and representative seriously.”



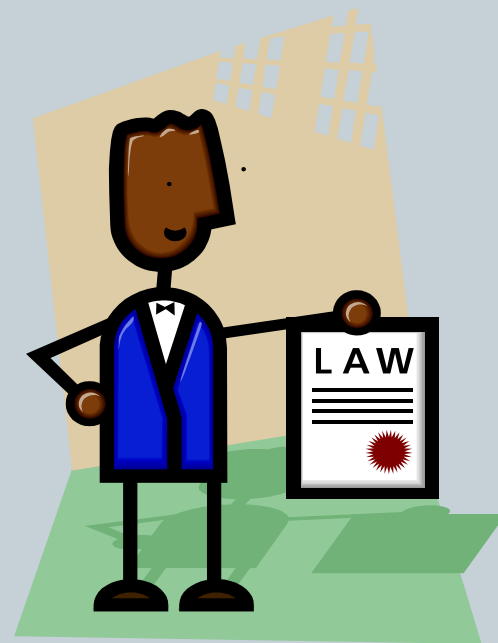


# Our areas of practice



## Primary Practice areas:

- Estate Planning- Wills, Trusts, Probate
- Business Law
- Real Estate
- Debt Collections, Contract Law
- General Litigation Matters
- Oil & Gas
- Serious Personal Injury (referral)
- Some Family Law- Agreed Divorce, Adoption, Pre-nups, Name Change



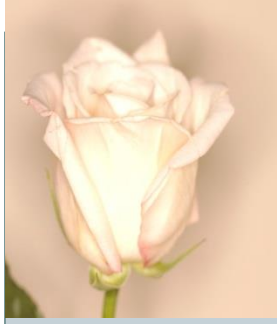
# Why hire an attorney for legal matters and document preparation when I can do it myself or get it from the internet?



*“HE WHO REPRESENTS HIMSELF HAS A FOOL FOR A CLIENT”- ABRAHAM LINCOLN*

*“YOU CAN LOOK ON THE INTERNET AND LEARN HOW TO TAKE OUT YOUR OWN KIDNEY BUT THAT DOESN'T MEAN IT'S A GOOD IDEA”- DIANE KLIEM*

*“A GOOD PORTION OF MY BUSINESS IS FIXING WHAT PEOPLE HAVE DONE THEMSELVES OR TELLING THEM I CAN'T HELP THEM BECAUSE DOCUMENTS OR LEGAL PROCEEDINGS WERE DONE INCORRECTLY”- DIANE KLIEM*

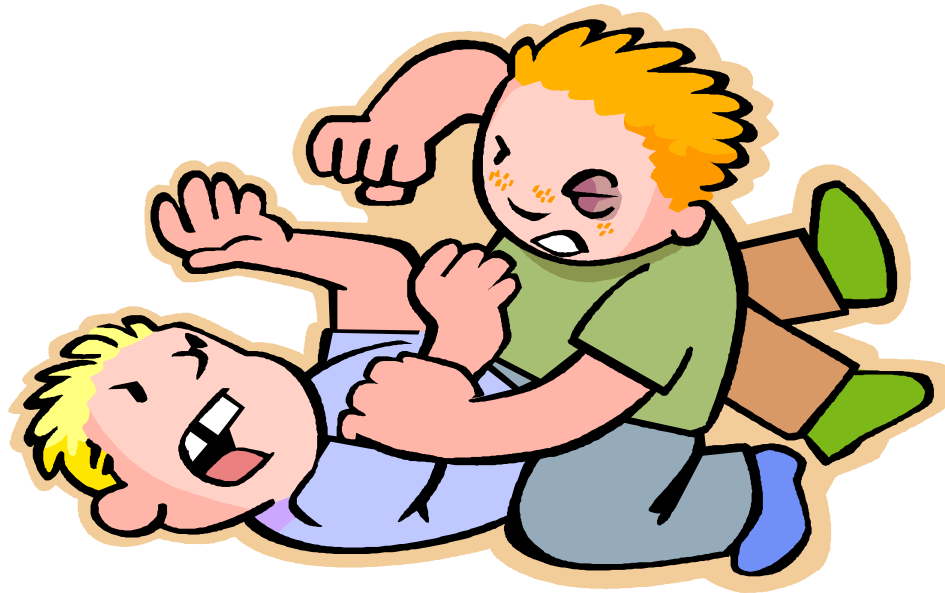


# Why should you have a Will?



- Do you want the default State of Texas provisions?
- Less costly (even if State of Texas provisions) than without a Will to pass property/probate.
- Can arrange for special provisions such as testamentary trusts, special needs trusts, exclusions, tax planning, contingencies and more.
- Guardian provisions for minors or incapacitated persons.
- Property can pass easier with little to no clouds on title.

**Perhaps Most Important:**  
May eliminate family conflict



# Why should I have powers of attorney?



## TWO TYPES:

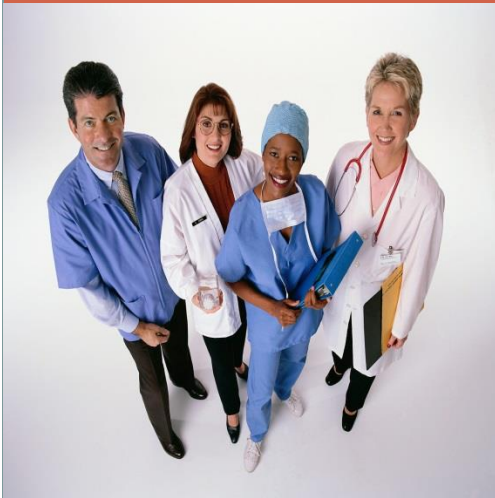
**1. DURABLE POWER OF ATTORNEY- (WHAT IT DOES)**

**2. MEDICAL POWER OF ATTORNEY- (WHAT IT DOES)**





# Other Documents To Have As Part of Your Estate Plan



## 1. HIPAA RELEASE

## 2. DIRECTIVES TO FAMILY AND PHYSICIANS (LIVING WILL)

# Beneficiary Designations

1. **T.O.D., P.O.D.**
2. **JOINT WITH RIGHT OF SURVIVORSHIP**
3. **TENANTS IN COMMON**
4. **ISSUES WITH FREEZING OF ACCOUNTS**
5. **ISSUES WITH MINORS AS BENEFICIARIES**
6. **ISSUES WITH BENEFICIARIES WHO PREDECEASE**





# Medicaid Planning

- **ESSENTIALLY OWN NOTHING  
IN YOUR NAME**
  - **5 YEAR LOOK BACK RULE**
  - **SOME EXCEPTIONS SUCH AS  
FOR VETERAN BENEFITS OR  
“LADYBIRD DEED”**
  - **MUST GIVE UP CONTROL OF  
ASSETS**

# Business Planning & Succession Plans

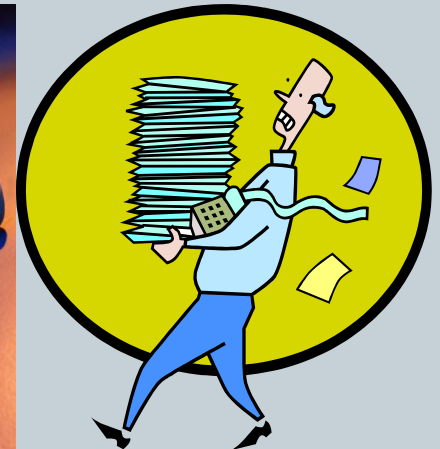


- ✓ MAY BE IN THE WILL
- ✓ SHOULD ALSO REVIEW CORPORATE AND BUSINESS DOCUMENTS
- ✓ GIFTING MAY BE SOMETHING TO USE TO PASS BUSINESS INTEREST UNDER THE EXEMPTION EACH YEAR
- ✓ RECOMMEND REVIEWING WILLS AND BUSINESS DOCUMENTS WITH CLIENTS EVERY 5 YEARS OR SOONER IF MATERIAL CHANGES OCCUR

# What is Probate?



- A process designed to validate a Will and appoint the Executor/Administrator through a court proceeding
- A way to obtain clear transfer of title
- A way to account for all assets, claims in an estate
- Technical, like the IRS Code in many ways





## Application to Probate Will

Court Hearing to obtain Order Probating Will & Naming Executor

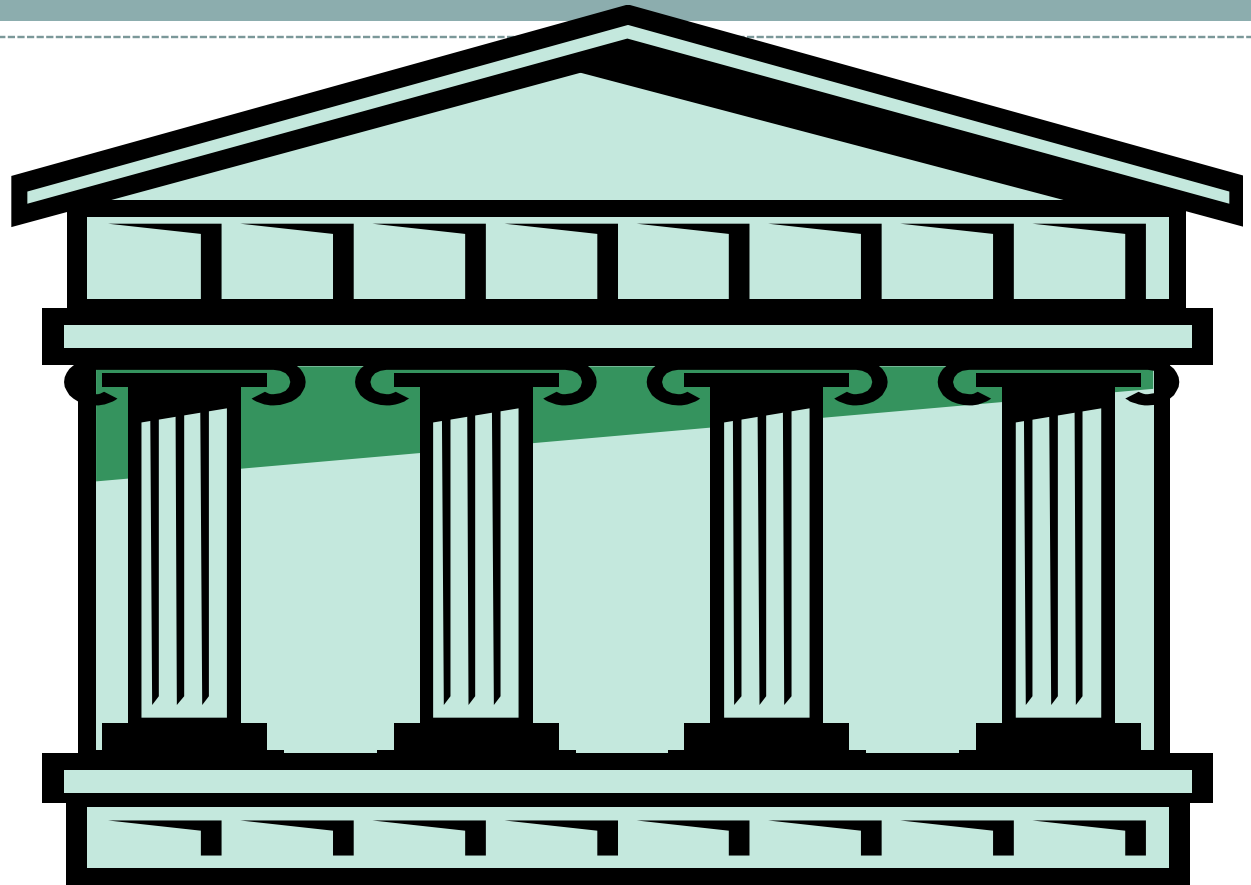
Send notices to beneficiaries

Notice to Creditors in local newspaper

Affidavit of Compliance with notice requirements

File Inventory and Appraisal and List of Claims

Pay bills as required, Make distributions as required.



# The Probate Proceeding

# Two of the biggest myths attorneys hear:

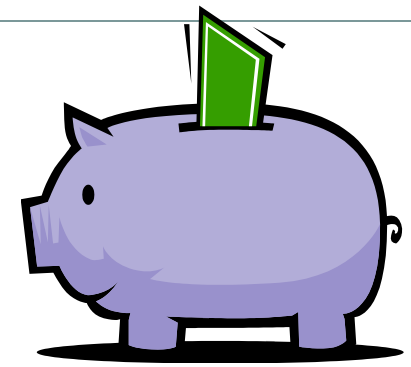
## Avoid Probate



## I need a trust

- In Texas, with a properly drafted and executed will, probate is usually inexpensive, between \$1000 and \$2000. Often in drafting a trust, the drafting alone is more.
- Litigation is a completely different thing!

- It depends on what you are trying to accomplish.
- Trusts are great vehicles for protection, spreading out income and may be great medicaid planning devices but you need to know the “downside”.



# What about a Trust?



- 1. THERE ARE SEVERAL TYPES THAT ACCOMPLISH DIFFERENT THINGS (IRREVOCABLE, SPECIAL NEEDS, INSURANCE, FAMILY TRUST, ETC)- FAMILY DYNAMICS AFFECT.**
- 2. CAN BE A PROTECTION MECHANISM UNDER THE RIGHT CIRCUMSTANCES.**
- 3. MEDICAID PLANNING.**
- 4. SOME CONTROL FROM "BEYOND THE GRAVE".**
- 5. WORK WITH OTHER PROFESSIONALS- HEALTHCARE PROFESSIONALS, INVESTMENT AND INSURANCE PROFESSIONALS, ACCOUNTANTS AS PART OF AN OVERALL PLAN.**
- 6. VARIOUS TAX PLANNING QUESTIONS MAY AFFECT- AGE OF PLANNERS, INCOME PRODUCING CAPACITY, BASIS OF ASSET.**



# The Kliem & Balusek Team



# Our Location and Contact Info



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- Convenient appointments
- Complete Estate Planning  
Questionnaires



**KLIEM & BALUSEK**  
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And Remember Ladies- support each other!



*Because there are enough crowns to go around*