**Estate Planning:**

Estate planning is one of the most important legal needs that people too often neglect. Estate planning is simply making a plan for the protection, preservation, and distribution of your assets. Everyone has an "estate plan", even if they do not have a Will or a Trust. Such a lack of planning is an "estate plan" in which the State will determine who will get your assets after a lengthy probate process. Estate planning is among the most serious obligations we all face as adults. Our approach in preparing for our clients' futures entails prudent planning and thoughtful consideration of the specific circumstances of each case. We believe that a positive commitment to this process will help assure security and peace of mind. Do not continue to procrastinate, make an appointment with an attorney and counselor to discuss your estate plan.

**1.WHAT IS ESTATE PLANNING?**

An organized plan for the creation, protection, preservation, management and distribution of an estate.

**2.WHO NEEDS ESTATE PLANNING?**

Anyone who either (1) has assets, or (2) owns things that they want to pass on to their heirs after their death.

An "estate" is simply the things someone owns, in other words your money, personal possessions, car, real property, etcetera.

Your "heirs" are the people you want to get your things when you die. If you don't pick them State law will for you!

**3. TYPES OF ESTATE PLANNING:**

LESS CONTROL
- Give it away while you're alive
- Joint Tenancys, Totten Trusts, Designation of Beneficiary
- Wills (Simple or Complex)
- Trusts (Simple or Complex)

MORE CONTROL

**4. PROPER GOALS OF ESTATE PLANNING**

- Pass wealth and sentimental items to your heirs
- Avoid or reduce delay and grievance
- Avoidance of judicial procedures and costs (i.e. Avoid Probate)
- Control over distribution and/or management
- Minimize taxes

**Estate Planning Issues Involving Non-Citizens:**

Marital Deduction: Ex. Married couple, one spouse is a non-citizen. If the surviving spouse is a non-citizen, property passing from the deceased spouse to the non-citizen surviving spouse does not qualify for the marital deduction unless: (1) the non-citizen spouse becomes a citizen prior to filing the federal estate tax return, or (2) the property passes to a "qualified domestic trust" where the trustee is a citizen, and where the non-citizen spouse is the beneficiary. (26 U.S.C. Section 2056(d)(2))

Reiprocal Rights of Inheritance: If at the time of death of the decedent reciprocal rights to inheritance existed between citizens of the U.S. and the foreign national's country, the foreign national is entitled to receive a share of the decedent's probate estate. (California Probate Code
Sections 6102, and 12500 et seq. (See also former Section 259).)

Trading with the Enemy Act: Pursuant to 50 U.S.C. Sections 5(b) and 7(c) gifts to foriegn nationals may be seized by the federal government if either: (1) the U.S. Government is at war with the foriegn national's country, or (2) the foreign national's country is designated "enemy" status.