



# WALT SHURDEN LAW

December 2017

611 Druid Road East, Suite 712 • Clearwater, FL 33756

## Three powers to give your family to take some pain out of long term care

By Walt Shurden

More people are planning ahead for their long-term care than ever before. Though some just purchase long term care insurance, many consult attorneys who file for Medicaid and VA benefits to be sure they have delegated the specific powers their child/agent will need. Some of these powers may seem scary, but if used correctly they preserve resources for you during your life and may also save an inheritance for your loved ones.

**Power to Create Trusts.** Like a chameleon changing colors, these entities let your Agent comply with different Medicaid, VA, and IRS rules. Trusts come in different colors, including one that is used to receive title to your assets so you can get past the five-year Medicaid look-back. This trust gives you the right to reside in your home (thank you very much you say?) without losing homestead exemption, and with the ability to maintain the exclusion of capital gains on the sale of your home (when you enter long term care), as well as favorable tax treatment (stepped up basis) at death.

**Power to Make Gifts.** The ability of your trusted Agent to get all your money out of your name is very important for long term care planning success. But the context under which you approve of gifting is equally important. While you should not approve annual gifting to spread your wealth, you should approve one-time massive gifting if you have a long-term care event! This type of gift is not intended to be used by anyone else while you are alive. The idea is to hold the gifted monies outside your name, but still be available to meet your needs. Your durable power of attorney document should require your agent to consider (1) the resources available to pay for your care after the



making of the gift, (2) your goal of preserving the largest possible amount for your beneficiaries at your death.

**Power to Name Beneficiaries.** If you are approved for Medicaid long term care services the State will keep track of everything it pays on your behalf. At your death Medicaid may look to recover against assets that remain in your name after your death. Therefore, you should give your Agent the power to name beneficiaries on all of your assets, including real estate. If your Agent does use this power and names beneficiaries then that designation must be consistent with the persons that you named as beneficiaries under your Will.

### Our Goal

*To provide exceptional legal service to our clients.*

## Enjoy the Season



Following are just a few of the festivities available in our area during the holiday season:

**Lights of Lake Park** – Spectacular light display. December 1st – 31st, 6:00-10:00 p.m., 102nd Avenue & 109 Avenue N. Seminole. There is no admission fee, but donations are welcome and benefit Suncoast Hospice.

**Holiday Light Parade** – Lots of lighted floats and bands. Downtown New Port Richey, December 9th starting at 6:00 p.m. Free admission.

**Holiday Lights in the Gardens** – Florida Botanical Gardens, 12520 Ulmerton Road, Largo 5:30-9:30 p.m. Beautiful stroll through more than a million twinkly lights and animated figures. Admission is \$4 with ages 12 and younger free.

**Experience Bethlehem** – Walk through Bethlehem with shops, dancers, and live animals. Visitors are encouraged to bring a canned good as their “tax” to be paid for admission. Hope United Methodist Church, 2200 Little Road in Trinity. December 1– 4th 6:00-8:30 p.m.

**Oakdale Christmas House** – Voted among the best light displays in the US. More than ½ million lights. 2719 Oakdale Street S., St. Petersburg. 6 – 10:00 p.m. November 24th through January 3rd.



## IN OUR EAR

### Do I need an attorney before applying for long term care help from Medicaid?

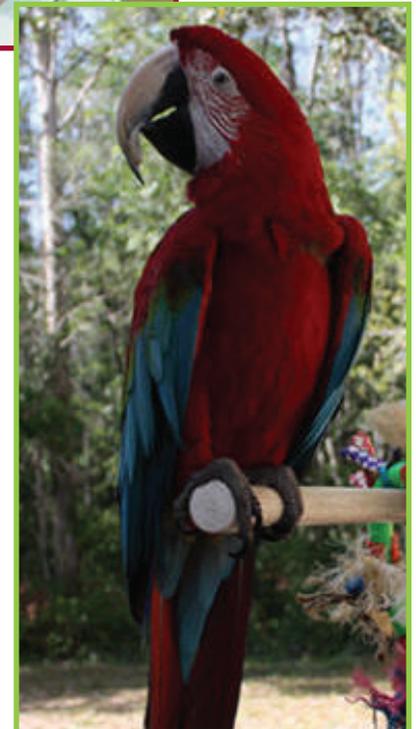
You would need an attorney if your loved one is over the income or asset limit permitted by the Medicaid program. From your attorney you would learn what you can do legally to still qualify for assistance. To get more information you may download [Steps to Becoming Medicaid Eligible](#) from our website at [www.waltshurdenlaw.com](http://www.waltshurdenlaw.com) or call our office and we will mail a copy to you.

## This Month's Spotlight



### Dori Hampl

**Dori Hampl** owns and operates a business called, “Just Winging It” Mobile Bird Service. As well as servicing tropical birds for owners in their homes, Dori also rescues birds whose owners can no longer care for them. At times her flock has consisted of over 40 parrots. Dori takes her favorites to assisted living facilities, and nursing homes to entertain the folks there. She also uses them as a teaching tool at local schools in Pinellas, Pasco, and Hernando Counties.



Thank you, Dori, for your community service.

# International Coastal Cleanup



Walt, his family, and members of his staff have been participating in the local coastal cleanup for a while now.

Today, plastic has been found in 62% of all sea birds and in 100% of sea turtle species. A problem as big as plastic in the ocean requires a big response! Nearly 12 million people in 91 countries have been part of the world's biggest volunteer effort to protect the ocean. The effort is headed by the Ocean Conservancy, a group organized to protect the oceans and keep them clean.

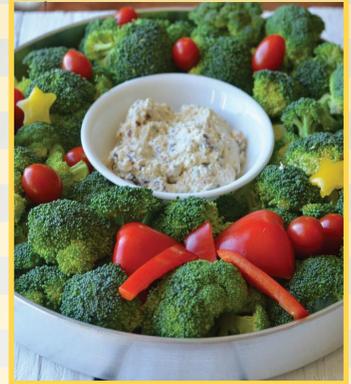
The cleanup is done in Florida twice a year, in the Spring and in the Fall. Almost every county in Florida has a leader who organizes smaller groups to clean areas of the coastline. Hillsborough County is organized by Keep Hillsborough Beautiful, Pasco County collection is run by Pasco County Utility Services, and Keep Pinellas Beautiful organizes the Pinellas County effort.

This year Walt and his family participated in the cleanup at Indian Rocks beach access. Bette and her family took part in the Green Key County Park effort. Keep your eyes open for opportunities to register to help at your favorite beach or waterway. The coast is especially in need of clean up in the Spring.

# Christmas Wreath

To make this tray, simply used a round platter, with a small bowl in the middle.

Filled the platter with broccoli and cherry tomatoes. You can also add a couple of slices of yellow pepper cut into a star shape to make it extra festive.



Then, for the bow, simply slice off a piece of the top of a red bell pepper, and then cut two strips out of the side for the ties on the bow.

It is nice to take something to a party that will not pack on the pounds. Bring this to your next holiday buffet and it will be gobbled up!

# Books that make a great holiday gift

Following is a list of books that people in our office have read or own and recommend as gifts:

## Young Adult

The Giver, one of a quartet by Lois Lowry

Turtles all the Way Down, by John Green

## Mysteries

The Girl Before, by Rena Olsen

Baby Doll, by Hollie Overton

## General fiction

Say Goodbye for Now, by Catherine Ryan Hyde

The Secret Daughter, by Kelly Rimmer

## Non-fiction / Motivational

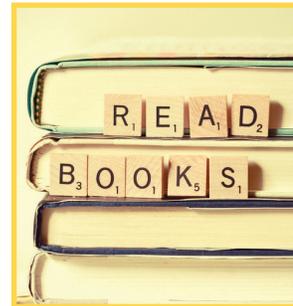
Thinking for a Change: 11 ways highly successful people approach life & work, by John C. Maxwell

The Greatest Generation, by Tom Brokaw

## Coffee Table books

Florida: Then and Now, by photographer David Watts

Florida's Fabulous Waterbirds: Their Stories, by Winston Williams



# WALT SHURDEN LAW



**WALT SHURDEN**  
Board Certified Elder Law Attorney

611 Druid Road East, Suite 712  
Clearwater, FL 33756  
P: 727.443.2708  
F: 727.255.5004  
www.waltshurdenlaw.com  
Walter B. Shurden, P.L.

PRSR STD.  
U S POSTAGE  
**PAID**  
TAMPA, FL  
PERMIT NO. 2032

## Legal Term of the Month

**Gag Order** – A judge’s order that a case may not be discussed in public. Recently misused in the media to describe non-disclosure documents.

## How to get off the Newsletter List

If you would like to have your name removed from our newsletter list, please email your request to [jennifer@shurden.net](mailto:jennifer@shurden.net) or call our office at 727-443-2708.



**Fishing off Sand Key**



**Indian Rocks Fair**



**Hayes' morning walk**