



WALT SHURDEN LAW

November 2015

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Change Your Estate Plan If Your Spouse Has Dementia

By Walt Shurden

Your spouse has dementia. You know you need to make some legal changes. However, you may be uncertain about what to do or how to do it. Here are a few tips.

Change your Will or Trust

Change your Will if it leaves everything to your spouse. Even though your spouse may have a progressive disease, you could still die first. You are putting your assets at risk if you leave them directly to your spouse. At your death your spouse may have to enter a long term care facility. Assets held directly in your spouse's name will disqualify your spouse from receiving financial help from Medicaid, and leave them vulnerable to financial exploitation. So, as you can see, leaving everything to your spouse actually makes your spouse less financially secure.

Instead, leave your assets in Trust for your spouse. If you die first the Trust would be created within your Will. An attorney writes the terms of the Trust into your Will. Important decisions for you to make are who you name as Trustee, and who gets the assets remaining in the Trust at your spouse's death. So long as your spouse lives, the money would be held for their exclusive benefit, but your spouse would not own anything. That means you have reduced the risk that someone could take advantage of your spouse or that their ownership of assets would preclude financial assistance for long-term care.

Change Ownership of Assets

If you die and your assets are owned jointly with your spouse, or your spouse is the named beneficiary, then your spouse will own the assets. And note this: This is true even if your Will says otherwise, such as directing the assets to be held in Trust for your spouse. So, in order for you to be able to direct your assets into a protective Trust, you must hold title to the assets in your name alone or in your own individual Revocable Trust. The Revocable Trust is best because it avoids probate when you survive your spouse and the



assets are paid out to your children or other family. Probate would only be necessary to set up the Trust for your spouse if he or she survives you.

Change your Power of Attorney and Health Care Directives

If your spouse has dementia you need to remove him or her as your appointed Power of Attorney. It is best to name at least two alternates.

Also, you really, really, need to get your spouse to name you as their Power of Attorney while they can. Again, there should be two alternates. The document under which your spouse gives you Power of Attorney should have extensive powers.

Our Goal

*To provide exceptional
legal service to our clients.*

Estate Planning • Fiduciary Services • V.A. Benefits • Irrevocable Trusts • Medicaid Eligibility

RCS Community Services

In 1967, fifteen local congregations of varying faiths and ethnicities came together to provide help & hope for people in need. Determined to make a difference, these leaders studied the needs of the community and pooled their resources to provide efficient, secular services to the people of Pinellas County. Together they founded RCS. Many more congregations and volunteers have since joined the effort.

Today RCS directs resources to people facing hunger (food bank), homelessness, (Grace House), domestic violence (The Haven Center), and basic needs (RCS thrift stores).

The RCS food bank is the largest distributor of emergency food to people who are hungry in our community. The thrift store offers a dignified shopping



experience at no charge to eligible participants and provides revenue to RCS through sales to the public.

We are proud to have RCS in our community.

Don't Be Loyal! (to your Part D Prescription drug plan).

That Part D plan that was a good deal for you in 2015 may stink in 2016 because the drugs that are covered, the prices, and the co-payments change each year. So, no later than



December 7th you should get out your pill bottles, fire up your computer, and go to medicare.gov. Use the "Prescription Drug Plan Finder" to make a good choice for 2016. Ask someone to help you with the internet if you need it, or call our office and we can sit at the computer with you. No charge.

Pilgrim Hat Cookies

Ingredients:

- 1 Cup vanilla frosting
- 7 drops yellow food coloring
- 32 miniature peanut butter cups
- 1 pkg (1-1/2 oz fudge-stiped cookies
- 32 pieces orange mini Chicklets gum



Directions:

- In a small shallow bowl, combine frosting and food coloring.
- Remove paper liners from peanut butter cups.
- Holding the bottom of the peanut butter cup, dip top in yellow frosting. Position over center hole on the bottom of cookie, forming the hatband and crown.
- Add a Chicklets gum to form the buckle.

Yield: 32 cookie treats

Last Chance to Catch Your Gag

Gag Grouper fishing season will be closing on December 4th. Now is your last chance to catch this tasty meal until next July.

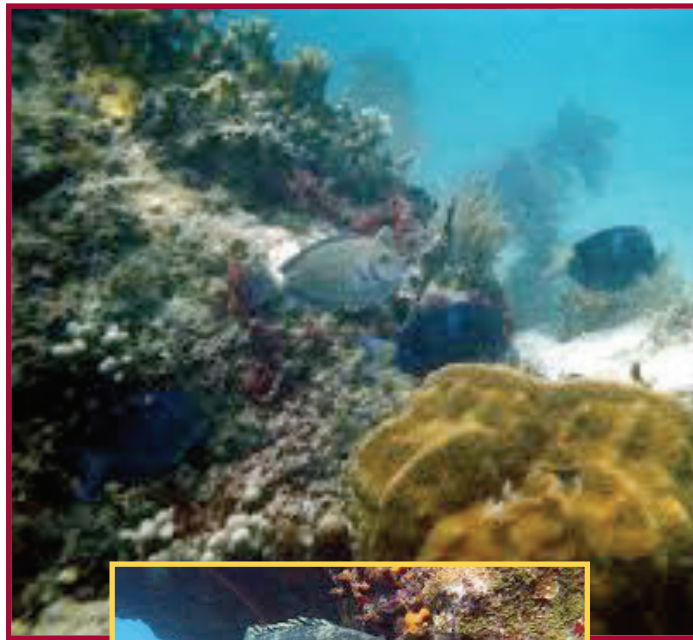


The largest Gag Grouper ever caught in Florida was 80 lb. 6 oz. It was caught near Destin. All Gag Groupers are born female. They turn male as they get older.

Do you know the basics?:

- Your Gag Grouper caught in the Gulf must be at least 22 inches long to keep
- You can only keep two per person per day;
- Live fish make good bait to catch Gag Grouper; and
- Adult Gag Grouper like rocky bottoms and reefs.

GOOD LUCK!



Donuts for Docs



REMEMBER... WE WILL DELIVER DONUTS TO YOUR SPECIAL DOCTOR.

CALL US NOW at 727-443-2708 to nominate your doctor.

Volunteering



Come join Walt Shurden's law office as we volunteer at the RCS Food Bank on Druid Road on Friday, November 20th. We plan to be there from 12:00-2:00 p.m. and help them with whatever they need.

Another great volunteer opportunity is the Florida Senior Games. These Olympic-style games are for athletes age 50 and over. This year they will be held December 5th-13th here in Pinellas County.

Both of these volunteer opportunities can be found on the new Just Serve website. **www.justserve.org** has listings of events and organizations in your community that need volunteers. You can sort by zip code to find something in your immediate area. They have opportunities for groups and individuals, old, young, and in-between. They have one-time events and ongoing projects. On Just Serve you can find a way to help, whatever your skill set and availability.

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Legal Term of the Month

Affirmation – Declaring something to be true under penalty of perjury by a person who will not take an oath for religious or other reasons.

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 firm@shurden.net or call our office at 727-443-2708.

Lots To Do In Florida In The Fall

Bette's husband, Joe, with his grouper catch

Walt & Langley at the Bucs game

Walt, Ashley, & friends Brian Gauldin and Peggy Cordle at the Clearwater Jazz Festival

Published for informational purposes only and no legal advice is intended. Each case is different, you are invited to discuss your legal issues with Mr. Shurden with no obligation.