

Greetings.

I am committed to providing clients with conscientious and thoughtful advice on wills, trusts, guardianships and conservatorships, and small business and real estate matters.

My clients may be familiar with the work I do in the office. But you may not know that I am an avid volunteer and supporter



of the Salem community. I'd like to highlight just two of the organizations to which I belong that bring me great joy

and satisfaction. I am currently serving as the Chair of the Faith Committee for the Sustainer Campaign for **Marion-Polk Food Share**. The Sustainer Campaign endeavors to provide **Marion-Polk Food Share** with a more consistent income base year-round. I also serve as President of **Salem Leadership Foundation** – a nonprofit whose mission is to bring people of faith and people of good-will together to make Salem the healthiest community in Oregon. I have been serving SLF in the capacity of president or board member for 10 years.

Recently my professional peers recognized my practice in *Super Lawyers Magazine* by honoring me with the **Oregon Rising Star 2010 Award**. The top 5% of attorneys are selected for the honor. *Super Lawyers Magazine* highlighted my extensive legal knowledge and client service in the areas of Wills and Trusts and complex Probate and Trust Administration.

We hope you and your family have wonderful summer and we look forward to hearing from you!

Nuts and Bolts of the Probate Process

Probate is a legal process whereby a court oversees the distribution of assets left by a deceased person. Assets are anything a person owns with value, such as real and personal property and cash. The legislature in Oregon has adopted a legal process for transferring title from a deceased person to their heirs.

During the probate process, the Last Will and Testament, if any, is “proved” and delivered to the court. The deceased person’s Will can be proved by an affidavit made under oath by witnesses to the will. If such an affidavit is unavailable, the personal presence of the witnesses will be required in court to testify.

A personal representative is then selected. A personal representative is someone who manages the deceased person’s estate

After the courts approve the selection of a personal representative, the following steps occur:

- A notice to all potential creditors is published in a local newspaper. This public notice serves to inform creditors they have four months to bring any claim against the estate for debts owed by the deceased person. The personal representative also gives written notice to all known creditors.
- The heirs and people named in the will are notified of the probate proceeding.
- Assets are identified and an inventory is prepared and filed with the court.
- The personal representative ensures that all creditors are paid. Creditors must be repaid from the

estate before the remaining estate assets can be distributed to the rightful beneficiaries.

- The personal representative prepares state and/or federal tax returns and any inheritance, gift and estate tax returns and pays any taxes due.
- The personal representative prepares and submits an accounting to the people named in the will, the heirs of the deceased person and the court.
- After court approval of the account and payment of all unpaid probate expenses, the deceased person’s assets are distributed to the people and entities (such as charities or trusts) named in the will. If the person died without a will, remaining assets are distributed to the heirs of the deceased person.

The Probate process can be expensive and time consuming. The probate process will take a minimum of 6 to 9 months and sometimes over a year. The cost often exceeds \$4,000.00 to \$7,000.00.

One alternative to the probate process is a Revocable Living Trust agreement. A revocable living trust or “intervivos trust” is a legal device that can be used to manage your property during your lifetime and to distribute your property after your death. A Revocable Living Trust is a method of privately and efficiently administering your affairs. Often the Revocable Living Trust is significantly less expensive than the probate process.



Do My Parents Need a Guardianship?

Guardianships are a method of obtaining legal custody of, or decision-making authority over another person. People use guardianships for different reasons. Military parents that are deployed may have a need for a guardianship as well. Some of the most common guardianships are minor child guardianship, adult guardianship and emergency proxy guardianship.

Establishing Legal Guardianship

When no Power of Attorney exists or unanticipated circumstances arise, my firm is experienced in all aspects of guardianship proceedings, including:

- Representing people seeking guardianships of persons who can no longer manage their own affairs.
- Representing guardians after appointment by the court and assist them with fulfilling their legal obligations.
- Representing the alleged incapacitated person when they object to the choice of guardian or to the appointment of one at all.



own affairs. All family members are then notified. A Court Visitor is appointed to interview and evaluate the protected person and other family members or interested persons and provide recommendations to the court.

A hearing may be held to determine if the person is incapacitated in the eyes of the court. A trial is held if (a) the person disputes his or her own incompetence, or (b) family members dispute who should be appointed guardian. Once designated,

the guardian is responsible for a financial accounting of the estate and the purchase of insurance bonds to protect the incapacitated person's assets and income. Ryan W. Collier advises guardians of their duties and reporting obligations.

Avoiding Guardianship

Guardianship proceedings can be time-consuming, expensive, and can create hard feelings among family members with differing opinions about a loved one's care. The process can be avoided by anticipating these concerns through a properly executed Power of Attorney and a Revocable Living Trust.

Guardianship Proceedings

Guardianship may be limited only to personal affairs or health care decisions, or it may be a full guardianship in which the legal guardian oversees every aspect of the person's life including where they will live, medical care, and management of income and assets.

Any concerned person can initiate a guardianship proceeding. Evidence is necessary that certifies an adult is incompetent to manage his or her

Trivia Answers

1. Signed Aug 2, 1776 (50 of 56 signatures); declared July 2, 1776; language adopted July 4, 1776.
2. Philadelphia.
3. CSS Virginia (formerly USS Merrimack); USS Monitor.
4. King George III (1760-1820).
5. The War of 1812 by the British.
6. G. Washington; J. Adams; T. Jefferson; J. Madison; J. Monroe.
7. Delaware (1787); Hawaii (1959).
8. 13.
9. USS Constitution.
10. 151 feet.

Client Corner

Salem/Keizer Parents Respond to Cuts to High School Swimming

Last month, the Salem Keizer School Board announced the elimination of funding for High School swimming facilities. These cuts are the result of a long and painful process of budget cutting as a result of the economic downturn. High School swimming in Salem will cease to exist unless the community is able and willing to raise the funds.

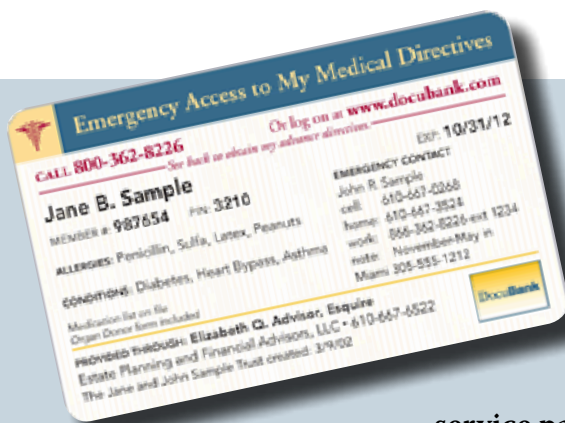
A dedicated group of swim parents approached me and asked for help forming the Salem Keizer Swim Boosters (SKSB). The mission of SKSB as a non-profit corporation is to spearhead the necessary funding to keep swimming alive in our high schools.

On June 6, 2011, two parent representatives from each of the six Salem/Keizer high schools and coaches met at my office and formed SKSB. I was proud to donate my services to this worthy effort. I was a club and high school swimmer



and attribute part of who I am to the benefit of competitive swimming during my formative years. As SKSB President Craig Evans says, "SKSB is convinced that the Salem/Keizer community will generously support this effort and that we will meet our \$90,000 goal before the October 1st deadline."

SKSB now has provisional tax exempt status. Donations to SKSB are tax deductible. If you would like to support High School swimming in Salem/Keizer **send tax deductible contributions to SKSB, PO Box 2915, Salem OR 97308.**



DocuBank

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service package to

ensure that your Advance Directive for Health Care, HIPAA Release and other important medical information will be available at the hospital when needed. DocuBank provides hospitals with immediate access to your healthcare directives and emergency information, 24/7/365.

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driver's license or health insurance card — at all times. You should also periodically update your emergency contact and medical information stored with DocuBank. To do so, simply visit the Member Login at www.DocuBank.com. You will need your member number, PIN and personal password (default set to your zip code).

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US History Trivia

1. When was the Declaration of Independence signed?
2. Where was the Declaration of Independence signed?
3. Who was the ruler of Great Britain when the U.S. declared its independence?
4. During which war were the Capitol and the White House burnt down?
5. What were the names of the first Civil War Ironclad Ships?
6. Who were the first five U.S. Presidents?
7. What were the first and last states admitted to the Union?
8. How many stars were on the first US flag?
9. What is the name of the oldest commissioned US Naval Vessel?
10. How tall is the Statute of Liberty?

See page 2 for answers