

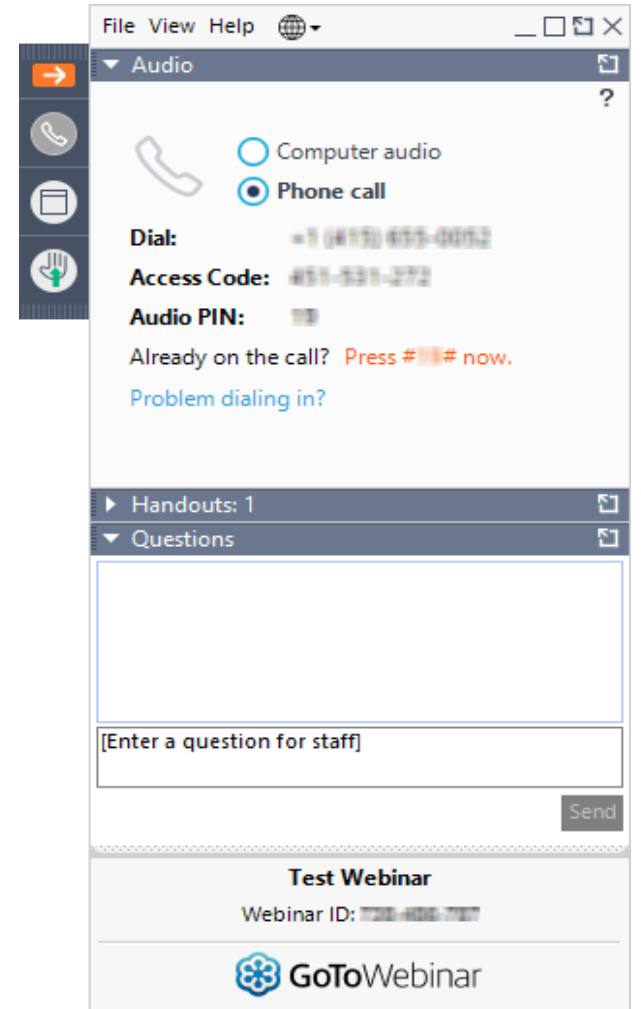
ESTATE AND LEGACY PLANNING

September 2024



INFORMATION ABOUT TODAY'S SESSION

- Select “Phone call” to dial in.
- All attendee lines are automatically muted.
- Questions can be asked by typing them into the questions pane on the control panel, and there will be time at the end of the session to answer questions.
- Submitted questions will not be visible to other audience members.
- Today’s session is being recorded.





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INTRODUCTION



POLL THE AUDIENCE

DID YOU KNOW?

- 27% of 25- to 54-year-olds have a will.¹
- 45% of people over the age of 55 have a will.¹
- 41% of people between the ages of 18 and 34, and 34% of people between 35 and 54, have never discussed estate planning with anyone.¹
- American retirees expect to transfer more than \$36 trillion to their families, friends, nonprofits, and additional beneficiaries over the next 30 years.²
- Only 46% of will executors were aware of a will.²
- 35% of adults in the U.S. say they or someone they know has experienced familial conflicts due to not having an estate plan or will in place.³

¹ [2024 Wills and Estate Planning Study - Caring.com](#)

² [2021 Estate Planning Report | SeniorLiving.org](#)

³ [Estate-Planning-Awareness-Survey-2016.pdf \(wealthcounsel.com\)](#)

ESTATE PRIORITIES AND GOALS

What is your priority when planning your estate?

- Family
- Charities
- Community
- Tax minimization
- Avoiding probate
- Avoiding conflict
- Easing a burden
- Peace of mind

CHECKLIST: FIVE ESSENTIAL ESTATE PLANNING DOCUMENTS

1

LAST WILL AND TESTAMENT

Names an executor, appoints a guardian for children, and details how you want your property distributed after death.

2

DURABLE POWER OF ATTORNEY

Appoints a designee to make legal and financial decisions for you should you become incapacitated.

3

HEALTHCARE POWER OF ATTORNEY

Appoints a designee to make medical decisions on your behalf should you become incapacitated.

4

LIVING WILL

Also known as an advance healthcare directive, a living will specifies your wishes for end-of-life medical care.

5

HIPAA AUTHORIZATION

Authorizes doctors and insurance providers to release your medical information to a designee.

Source: CAPTRUST Research

WHAT IS INSIDE YOUR ESTATE?

IN ESTATE

Assets in your name that do not have a beneficiary designation:

- Individually owned bank or investment accounts
- Real estate owned individually
- Property such as cars and collectibles
- Life insurance that lists the estate as the beneficiary
- Interest in a partnership, corporation, or LLC

Assets that have a beneficiary designation or are jointly owned:

- Life insurance proceeds
- Payable-on-death (POD) or transfer-on-death (TOD) accounts
- Retirement plans
- Traditional and Roth individual retirement accounts (IRAs)
- Revocable trusts
- Joint tenancy with right of survivorship (JTWROS) accounts

OUT OF ESTATE

Assets you do not own or control:

- Irrevocable trusts
- Irrevocable life insurance trusts (ILITs)
- 529 plans
- Donor-advised funds



LET'S TALK ABOUT PROBATE

Probate Assets

Assets in your name that do not have a beneficiary designation:

- Individually owned bank or investment accounts
- Real estate owned individually
- Property such as cars and collectibles
- Life insurance that lists the estate as the beneficiary
- Interest in a partnership, corporation, or LLC

Non-Probate Assets

Assets that have a beneficiary designation or are jointly owned:

- Life insurance proceeds
- Payable-on-death (POD) or transfer-on-death (TOD) accounts
- Retirement plans
- Traditional and Roth individual retirement accounts (IRAs)
- Revocable trusts
- Joint tenancy with right of survivorship (JTWROS) accounts

LEGACY PLANNING STRATEGIES

	FAMILY/INDIVIDUALS		PHILANTHROPY	
	NOW	FUTURE	NOW	FUTURE
LESS COMPLEX	Annual exclusion gifting	Beneficiary and payable on death (POD)/transfer on death (TOD) designations	Annual gifting (cash, securities, etc.)	Beneficiary and payable on death (POD)/transfer on death (TOD) designations
	Lifetime exclusion gifting	Irrevocable life insurance trusts (ILIT)	Donor-advised funds (DAF)	Charitable remainder trusts (CRT)
	Intrafamily lending	Grantor retained annuity trusts (GRAT)	Qualified charitable distributions (QCD)	
MORE COMPLEX	Installment sales	Spousal lifetime access trusts (SLAT)	Charitable lead trusts (CLT)	
	Family limited partnerships (FLP)	Intentionally defective grantor trusts (IDGT)	Private foundation	

TCJA SUNSET

What happens in 2026?

- The Tax Cuts and Jobs Act (TCJA) will sunset on December 31, 2025 (unless Congress takes further action).
- In 2026, the tax exemption will drop to \$7 million per individual (\$14 million per married couple).
- The current 40% maximum gift and estate tax rate will increase to 45% (highest estate tax rate since 2009).

TAKEAWAYS

1

Identify priorities.

2

Create a balance sheet.

3

Review your documents, updating as life changes.



QUESTIONS

Thank You

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