

Staying Out of Trouble as a Trustee

October 2017

Many people assume that having a trust in place means that the entire estate will automatically pass to their loved ones without any challenges involved. Unfortunately, even though a trust will avoid the court probate process, a trust does require carefully handling and administration by the successor Trustee. The successor Trustee that you've named in your trust has a number of duties that he or she must comply with which are imposed under California law. If the Trustee does not fulfill these duties properly, then they will risk facing personal liability and their actions may be challenged by the beneficiaries. Some of these duties include:

Duty to Administer the Trust – the duty to carry out the provisions of the trust

Duty of Loyalty – the duty to put the beneficiaries' interests ahead of the interests of the trustee

Duty of Impartiality – the duty to treat all beneficiaries equally

Duty to not be in Conflict (Self Dealing) – the duty to not receive an unfair benefit or advantage from the estate

Duty to Control and Preserve Trust Property – the duty to safeguard all trust assets

Duty to Supervise or Not Delegate What Can be Done by Trustee – the duty to personally oversee the trust administration



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Popcorn on the Cob

What You'll Need To Make Popcorn on the Cob

- Popcorn
- Butter
- Plastic bags
- Green tissue paper
- Yellow tissue paper
- Basket
- Twist ties



Fill the bags with buttered popcorn, then shape into oblong shape

Wrap the tissue paper around the popcorn bag and then twist tie the bottom

Place them in the basket to serve to your guests



Cinnamon Apple Chips



Ingredients:

- 4 Apples, cored and sliced 1/8" thick
- 1-2 tsp. Ground Cinnamon
- 1-2 tsp . Granulated Sugar, if needed
- Cooking Spray

Instructions:

1. Preheat oven to 200 degrees Fahrenheit.
2. Add the sliced apples to a large bowl; then coat the apples with the cinnamon and/or sugar.
3. Spray a baking sheet with cooking spray and line the apples flat on the pan. You may need to use two pans so that they are not overlapping.
4. Bake 2-3 hours until the chips are dry yet still soft. Allow to cool completely before placing them in an air tight container for up to 4 days (if they last that long!).

<https://www.carriesexperimentalkitchen.com/cinnamon-apple-chips/>

Prep Time: 15 mins | Cook Time: 2 hr 30 mins | Total Time: 2 hr 45 mins

Servings: 4 | Calories: 88 kcal | Author: Carrie's Experimental Kitchen

CINNAMON
APPLE CHIPS

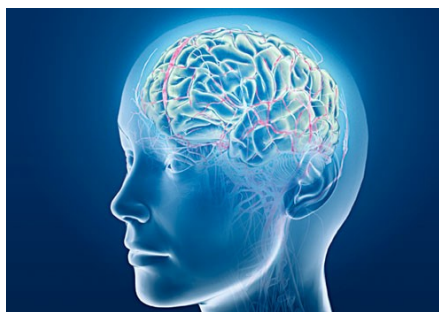


What to Do When a Parent Starts Losing Capacity

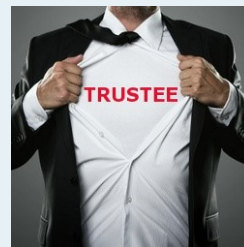
When a parent or loved one starts to lose capacity, it can feel like your whole world is turning upside down. Traditionally, this might have been the person that you've always looked to for guidance or advice and, suddenly, they are now declining mentally and unable to complete even the most basic of tasks on their own. This happens to our clients and their loved ones every day. With Alzheimer's Disease, dementia and other mental illnesses becoming so prevalent, dealing with incapacity has become a major topic discussed among our clients and their families.

If you are named as the successor Trustee or power of attorney for a loved one whom you believe has lost capacity, the first step to take is establishing incapacity. The standard for incapacity is generally laid out in the estate planning documents, but generally requires two doctors' notes stating that the person is no longer capable of managing his or her financial affairs. It's important to remember that capacity is a sliding scale. Just because a person has been declared incapacitated by two physicians to manage their finances or legal affairs, it doesn't make them incapacitated in every realm of their life. Upon obtaining the doctors' notes, the successor Trustee or power of attorney may begin accessing the person's assets and managing them for the incapacitated person's benefit.

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These are only some of the duties of a successor Trustee. As you can see, it's a serious job that comes with major responsibility. It's important that you discuss these duties with your successor Trustees during your lifetime to make him or her aware of what will be expected of them. It's also important that you review your estate plan to ensure that you've selected the right person for the role. This year, during our annual Family Days Workshop hosted at our office, we discussed in great detail the duties of a Trustee and we encourage you and your loved ones to attend.

Next Monthly Seminar will be in January 2018



Every month, we conduct a free seminar designed to teach about the benefits of creating an estate plan. The seminars are held on-site at our Anaheim office inside of our “classroom”. We offer light snacks and refreshments to the attendees and the group is often small and intimate, which allows for questions to be asked comfortably and for a very relaxed environment. Please encourage your loved ones to attend the seminar so that they may learn more about the estate planning process and benefits. The next seminar will be in January 2018. We look forward to seeing your family, friends, colleagues and neighbors!



Losing Capacity (Cont. from Page 3)

In some cases, before reaching the point of incapacity, some clients will choose to amend their trust to include their children as “Co-Trustees”. This may be because the client has noticed some memory loss or difficulty recalling information or doing basic tasks, and they prefer to have their children immediately involved in their affairs to provide some checks and balances. While no two sets of circumstances are ever the same, when we sit down with a family and listen to their concerns, we can generally craft a solution to help them get through these difficult times. If you are concerned about the capacity of a loved one, it’s important that you understand the options early on and plan as far in advance for those concerns as possible.

The Law Offices of James F. Roberts & Associates

3061 E. La Palma Ave.
Anaheim, CA 92806

Phone: 714-459-5481
Toll Free: 866-590-0886
E-mail:
amanda@webuildyourtrust.com



LAW OFFICE OF JAMES F. ROBERTS
& ASSOCIATES, APC
ESTATE PLANNING YOU CAN TRUST