



**Volunteers of America®**  
Minnesota

**ESTATE & ELDER LAW SERVICES**

1900 Central Ave NE, Suite 106

Minneapolis, MN 55418

612-676-6300

Monica Lewis, Attorney at Law

Lori D. Skibbie, Attorney at Law

Overview of *Estate & Elder Law Services*

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1900 Central Ave NE, Suite 106  
Minneapolis, MN 55413

Phone: (612) 676-6300

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### **Eligible Clients**

- All individuals, without qualification, are eligible to receive our services at private-pay rates.
- Individuals may qualify to receive our services at subsidized rates based on monthly income and asset levels.

Appointments available:  
Monday – Friday, 9:00 a.m. – 4:00 p.m.

### **Legal Services Offered**

Estate & Elder Law Services is dedicated to helping clients accomplish their goals and plan for the future. We serve as strong advocates for our clients' interests. We also meet our clients' needs with uncommon sensitivity. We assist clients with:

- Wills
- Trusts
- Estate planning
- Probate
- Powers of attorney
- Health care directives
- Guardianship
- Conservatorship
- Special needs trusts
- Medical Assistance planning
- Real estate matters

Together, our attorneys have more than 40 years' experience in Elder Law practice. We are compassionate and committed to helping our clients make important life decisions.

As a non-profit agency, fees for our legal services are less than fees at most law firms. Fees for most of our legal services are billed at our hourly rate. Basic wills and trusts are

available at flat-fee rates. All individuals are eligible to receive our services at private-pay rates. Individuals with disabilities or those age 55 or older may qualify to receive our services at subsidized rates based on monthly income and asset level.

For more information or to schedule an appointment, please call (612) 676-6300.

## **Legal Services Definitions**

### Wills

A will is a legal document that allows you to state how you would like your assets to be distributed at the time of your death. Assets distributed by your will go through the probate process after your death.

### Trusts

A trust is a legal entity you can create to transfer assets to a trustee either during your lifetime or after your death. Assets you transfer to the trust do not go through the probate process.

### Estate planning

Estate planning involves considering your options and deciding on the best way to plan for transferring your assets to others after your death.

### Probate

Probate is a legal process by which the court oversees the distribution of your estate after your death.

### Powers of attorney

A power of attorney is a legal document that allows you to authorize someone else to handle your financial affairs. The document can continue to be effective if you become incapacitated. It does not continue to be effective after your death.

### Health care directives

A health care directive is a legal document that allows you to state your views and wishes regarding your health care. It also allows you to name a person to make health care decisions for you in the event you are unable to communicate your wishes.

### Guardianship

A guardianship proceeding is a legal process by which the court appoints a person to make decisions about an incapacitated person's residence and personal care.

### Conservatorship

A conservatorship proceeding is a legal process by which the court appoints a person to manage an incapacitated person's financial affairs.

### Special needs trusts

A special needs trust is a particular type of trust that can be set up to benefit a person with disabilities while preserving the person's eligibility for government programs.

### Medical Assistance planning

Medical Assistance is Minnesota's Medicaid program, a publicly funded health care program that pays all or part of a qualifying person's medical expenses. Medical Assistance planning advice addresses eligibility, asset preservation and gifting.

### Real estate matters

Real estate matters may involve clearing a title, assisting with deeds, removing a deceased person's name from a title, or transferring title.

## **Frequently Asked Questions**

### 1. I have a will. Doesn't this avoid probate?

A will does not avoid probate. A will tells the probate court how you want your estate distributed after death and who you want to handle carrying out the terms of your will. There are different ways to avoid probate such as setting up and funding a trust, adding names to assets, or adding beneficiaries to assets. Sometimes, however, probate is the best solution. There are many things to consider and each situation should be analyzed by an estate planning attorney.

### 2. Should I add my children's names to the title of my home?

Adding names to the title of your home can avoid probate. However, you will lose the complete control you have over your real estate. Any other people on your title *and their spouses* are required to sign any paperwork regarding your house. Your children's creditors could place a lien on your house, anyone suing your children could try to attach their interest in your house, your house could be seen as an asset if your child filed bankruptcy or your child could get divorced, creating problems for your title. In addition, you could lose your ability to get a tax refund and you may not qualify for certain grants, government benefits or mortgages. It is best to consult an attorney to review your particular situation.

### 3. How much can I give my children without penalty?

You can give any individual up to \$12,000 per calendar year without preparing a gift tax return. However, this amount has nothing to do with Medical Assistance (Medicaid) and nursing home care. The laws have changed radically and gifting is no longer possible unless it is done more than five years before needing Medical Assistance. Transfers can be made between spouses in certain situations. It is very important to consult an attorney familiar with Medical Assistance laws as these laws change frequently.

## **Testimonials**

“Thank you so much for all your expertise, your care and understanding. I do not believe any other attorney would have taken the amount of time you so generously gave.”

“I wanted you to know how much I appreciate your efforts for my parents. They have always been very independent people – I know you understood that, and I appreciate your compassion and direct approach with them.”

“Thank you for helping me to set my affairs in order so I won’t be a burden to anyone.”

“Thank you for all your time, effort and guidance. Your gentle manner of sharing ‘the law’ is greatly appreciated.”

“I cannot say enough for the courtesy shown to me. More importantly, the peace of mind I left with. Thank you a thousand times over.”

“Thank you for all you’ve done for me at a sad time in my life. You managed so perfectly with all the legal stuff – it amazes me.”

“There are no words to express our gratitude. Thank goodness there are people like you to help people like us.”

“Thank you for your inestimable help with my dad’s probate. The whole experience drew us closer together rather than splitting us apart.”

“My family and I would like to thank you for your work with mother and dad on their legal matters. You eased my father’s anxiety about the will especially. Thank you for your kindness and sensitivity.”

## **Success Stories**

Ann met with an M.A.O. Legal Services attorney the week before she underwent major surgery. She wanted to ensure her four-year-old daughter would be well cared for if she did not survive the surgery. Ann’s attorney helped her prepare a will naming a guardian to care for her daughter in the event she dies before her daughter reaches age 18. Her attorney also helped her prepare a power of attorney naming another person to care for her daughter while she recovered from surgery. Ann underwent surgery confident her daughter would be cared for according to her wishes.

Bob’s wife moved into a nursing home to receive long-term care. Concerned about how he would pay for her care, Bob obtained information about taking out a mortgage on his home to pay the nursing home bills. Fortunately, before he took out a mortgage, he met

with an M.A.O. Legal Services attorney to discuss Medical Assistance planning. Bob learned that as long as he continued to live in his home, it was an exempt asset. His wife qualified to have Medical Assistance pay for her nursing home care. Bob continued to live in his home without worrying about the cost of his wife's care.

Connie's disabled son lived with her in her home. When Connie became ill, she worried about where her son would live after her death. An M.A.O. Legal Services attorney helped her prepare a health care directive to name a person who would make medical decisions for her in the event she was unable to communicate her wishes. Her attorney also helped her prepare a will to ensure her disabled son can continue to live in her home until he dies. Knowing her son will be able to live in the home, Connie was able to focus her energy on battling her illness.

### **Available Documents to Download**

1. Minnesota Health Care Directive
2. Instructions for Completing a Minnesota Health Care Directive
3. Sample Language for Health Care Directives
4. Frequently Asked Questions About Health Care Directives

Updated 6/4/2013