



Trusts & Estates Group



A. Thomas Christensen*

Mr. Christensen primarily practices in the areas of taxation, estate planning, probate, business, family and closely held business succession planning, and employee benefits law. He is accredited by the National Association of Estate Planning Councils as an Accredited Estate Planner, is a past President of the Toledo Estate Planning Council and a member of the Toledo Estate Planning Council and the Estate Planning/Probate Committees of the Toledo and Ohio State Bar Association.

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Mr. Killam participates extensively in the coordination and planning of estates, ranging from multi-million dollar estates to more moderately-sized estates. Many of his business clients have sought his participation in family succession and business transition planning.

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Paul M. Kraus

Of Counsel with the firm, Mr. Kraus practices in the areas of estate planning(including wills, trusts, powers of attorney, and advance health care directives), estate, guardianship, and trust Probate Court administration, federal and state taxation, and residential real estate. He is a member of the Toledo Estate Planning Council and the Probate, Estate Planning and Trust Law Committees of the Toledo, Ohio, and American Bar Associations, as well as the Senior Lawyers Section of the American Bar Association.

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Bridgett J. Root*

Ms. Root works in the areas of estate planning and estate and trust administration; probate; federal, state and local taxation; and business organizations. She works with special needs planning and Medicaid Planning. Ms. Root is on the Board of The Toledo Estate Planning Council and a member of the Toledo Bar Association Probate Committee. She is also a Certified Public Accountant.

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Is Your House In Order?

If you died today, would your personal and financial affairs be so organized that your spouse or other personal representative would be able to quickly determine the extent of your possessions, bank accounts, stocks, bonds, real estate, etc. and determine where your safe deposit box key is located or where you keep your insurance policies, deed, will, birth certificate, or other valuable documents? If you are like millions of Americans that live in this fast pace society, the answer might well be an emphatic NO!

Although we always encourage our clients to provide much of the following information to us as their attorneys, most people do not organize their records until after they or close personal friends or relatives have had a close encounter with death. Thus, most decedents present their respective executor or administrator with the formidable task of searching every nook and cranny of their homes, offices or other record storage locations to ascertain the full extent of their worldly goods.

Many decedents are less than candid with their spouse, children or other intended personal representatives concerning the extent of their estate. While complete disclosure to such persons during life would provide the best opportunity to be assured that a person's "house was in order" before he or she dies, such disclosure is not practical in many instances, due to the failing health of such person, great geographical distances, or strained relationships. Therefore, an alternative to full disclosure can be accomplished by preparing a "side letter, memorandum or list" which can be kept with your Last Will & Testament or Trust. Such letter or list would ideally contain burial or cremation instructions, statements to relatives or other heirs, personal remembrances which you may not wish to incorporate into record upon your death, and such other information concerning the extent and whereabouts of your estate as you wish to convey to your personal representative or next of kin after your death.

Some of the information which would be helpful in administering your estate would include the answers to the following questions:

- Location of safe deposit box;
- Location of both keys to the safe deposit box;
- Location of your original executed Will and/or Trust Agreement;
- Name and address of any trustee that you may have appointed;
- If the trustee is a bank, the name of the individual to contact and the telephone number of such individual;
- Name and address of your accountant;
- Location of all of your stock and bond certificates and/or name and address of your broker or financial planner;
- Location of the deeds to any real property;
- Location of your birth certificate, passports and marriage license;
- Location of your old bank records, including any

cancelled checks, bank statement and bank books which you may have retained;

- Location of any power of attorney that you may have executed;
- Location of cemetery lot, if any, and the name of the person to contact with telephone number;
- Choice of undertaker and mortuary (if such has been determined prior to death) and if you have entered into a "pre-need funeral contract", the location of such contract;
- Location and account number of all bank accounts;
- Location of all individual retirement accounts;
- Information, including annual statements of benefits, from any employer retirement plans;
- Location of past three years' Federal and State income tax returns;
- Location of all current bills payable;
- Location of all paid bills (if retained);
- Names, addresses and telephone numbers of contacts at principal place of employment;
- Locations, names and amounts of life insurance policies and agent's name, address and telephone number to contact;
- Location of all automobile, boat, airplane, trailer or other vehicle titles;
- Names and addresses of nearby neighbors or friends who would help provide information;
- Names and addresses of personal doctor, dentist, optometrist or ophthalmologist (and veterinarian if you own pets);
- Current names, address and telephone numbers of all children or other close relatives;
- Location and type of casualty insurance on auto, dwelling, household and name, address and telephone number of agent handling same;
- Location of keys to personal residence, automobiles, boats, airplanes, snowmobiles, safes, storage cabinets or storage facilities located separate from your home;
- Location of all business records if a sole proprietor or partner of a partnership or LLC;
- List of personal effects and persons to whom such personal effects are to be distributed if not specifically set forth in your Last Will & Testament or Trust. (Note that if you left all of your personal effects in your Last Will & Testament or Trust to a class of persons such as "all of your living children, to be divided as they may determine", then some guidance in the form of a side letter to them will help in their division of the property but will not be binding upon them should they decide to split the property in a manner inconsistent with your wishes set forth in such side letter). Once you have completed such list or letter, you should seal it in an envelope and place it with your Will or Trust and inform your next-of-kin and attorney that such letter exists, setting forth your instructions in the event of your death. This list should be reviewed periodically to determine whether it remains current.

If you take the time to complete such information before your death, you should find greater peace of mind that "your house is in order" and your heirs and personal representatives will be grateful upon your death.

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