
Subject: Are You Named in Somebody's Will?

Posted by [mbusch](#) on Tue, 23 May 1995 07:00:00 GMT

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Dear Friend:

ARE YOU NAMED IN SOMEBODY'S WILL?

If you are named in somebody's will,
you may be in danger of losing your inheritance because of probate.

Here's why.

PROBATE HAS A BAD NAME.

Generations ago, the probate system was conceived as one orderly way of transferring the property of a deceased person to his heirs. It was designed to protect the heirs. Today it has become an ugly, legal nightmare where lawyers, clerks, guardians, administrators, estate appraisers and bonding companies bilk widows and orphans out of their inheritance. All across the nation, greedy lawyers in league with conniving judges and bureaucrats plunder huge chunks - and sometimes all - of an estate.

First, let's see what's wrong with probate, and then let's see HOW YOU CAN AVOID PROBATE - SO THAT YOUR FAMILY CAN GET TO KEEP THE ASSETS THAT ARE RIGHTFULLY THEIRS.

THERE ARE THREE THINGS WRONG WITH PROBATE.

1. It costs too much.

In most states probate fees are set by law as a percent of the "gross" estate. Say you left an estate consisting of your home, an automobile, stocks and bonds, savings and a few other personal possessions worth \$200,000. The executor's commission and attorney's fees to probate this estate in California would amount to \$10,300. Average fees in other states range from 3.8% in Utah to 11% in Alaska.

2. Probate takes too long.

On the average, it takes two to five years to settle an estate. For all practical purposes, the estate is frozen during probate while the judges, court officials and attorneys have a field day picking it apart. The beneficiaries, in the meantime, wait, wait, and wait. This is why many lawyers would rather write wills for \$60, and then make a bundle when the will is probated.

3. It creates unwanted publicity.

Everything in probate court is a matter of public record and, unfortunately, there are individuals who go from probate court to probate court compiling lists which are sold to unscrupulous people who prey on widows and try to separate them from their inheritance.

HOW CAN YOU ESCAPE FROM THE VAGARIES OF PROBATE?

A. The law has provided everyone with a magical key to probate exemption; it's called "inter vivos trust" or a "Living Trust." With a Living Trust, you can pass on your assets to your spouse or children or other heirs in its entirety - without delay, and without the lawyers, administrators, courts, or the appraisers skimming off the top.

Here's how a Living Trust works. You create the trust by preparing an instrument in which you simply identify:

1. Assets you're transferring to the trust
2. Beneficiary of the trust (your spouse, children or other heirs)
3. Trustee (i.e. you) who'll manage the trust.

B. By creating a simply Living Trust document, you free yourself of the legalized larceny of probate. Simple as that.

A Living Trust is set up by you while you're alive. You name yourself as "trustee" and you maintain full control over your assets just as before. You can do whatever you wish to do with them - manage them, sell them, or give them away. The trust does not become effective until you die or become incapacitated.

1. You can abolish the trust, alter its terms or change the beneficiaries at any time you wish. It provides you with the maximum amount of flexibility.
2. Disgruntled heirs find trusts extremely difficult to contest. They would need to hire a lawyer and file a civil suit. Your estate isn't tied up on lengthy litigation.
3. A Living Trust offers another important benefit. With a Living Trust, you can specify in advance whom you want to manage your affairs if you ever become incompetent.
4. With a Living Trust, the beneficiary walks into a bank with the trust instrument and the death certificate - and walks out

with the money. No two to five year delay. No ten percent in expenses. And no publicity.

5. In the final analysis, the greatest advantage of a Living Trust lies in the savings of attorney's fees, administrator's and executor's commissions and court costs. It's a magical, wonderful formula that allows you to avoid probate.

THE LIVING TRUST KIT (1995)

You can set up a Living Trust cheaply and effectively using the Living Trust Kit. It contains everything you'll need to establish your Living Trust: Ready-to use forms; step-by-step instructions; actual examples and explanations of various terms. It shows you how to prepare the trust document, how to implement the trust by transferring title to the property to the trust, and eventually, how your beneficiary can distribute the trust assets to himself or herself and dissolve the trust. All in one handy Kit. The Kit is designed for a layperson to transfer his principle assets to a Living Trust, name himself as trustee, and designate beneficiaries who'll inherit the estate - without the rigors of probate - upon his death.

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When you order the Living Trust Kit, you'll also have the privilege of consulting with our financial and estate planning experts. We provide services ranging from simple phone consultations to preparation of actual documents and in-person services of an estate planning attorney, if desired. We have made special arrangements with a qualified trust attorney who can help you set up the trust to meet your specific circumstances. This Kit includes a 300 page book, a user's guide and software of the Living Trust on a diskette for IBM-compatible computers.

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Sincerely,

Jay M. Barry

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