



KH LAW NEWS



Bringing You Our Best
February 2010

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Family Feud: Don't Let This Be Your Legacy

Few things are as heart-wrenching as a dispute among family members. We expect family to be a place of love and relative harmony in our often-tumultuous world. Even the thought of such a horrible occurrence may be unsettling.

But, problems in an estate or trust can often cause deep divisions in a family, divisions that outside forces might never have been able to cause. For example, Dr. Martin Luther King, Jr. and Coretta Scott King's children, ended up in litigation shortly after Coretta's 2006 death. The Kings' three surviving adult children, Dexter, Bernice and Martin Luther III, fought for control of their parents' financial and historical legacy, including love letters and rights to the famous "I Have a Dream" speech. The fight was exacerbated by the fact that Martin left Dexter as his executor while Coretta left Bernice as her executrix. While the King children reached an out-of-court settlement in 2009, only they know the depth of the remaining animosity over the long family feud. It is certain that the Kings never

had a dream that their children would end up in a bitter estate dispute after their deaths.

Unfortunately, the Kings are not the only ones who have left a legacy that included an estate dispute. Countless estates are disputed each year, in and out of court. These disputes do not just occur in the families of the rich and famous, though those disputes are more publicized. What can you do to preserve the harmony in your family in passing on your legacy? Here are 5 easy steps you can take:

Plan Professionally. Your legacy is important. Be sure to engage a qualified estate planning attorney who focuses his or her practice in estate planning. Such a professional can design a well-coordinated plan that considers all your assets and wishes.

Choose Wisely. When planning your estate, you will need to choose people to make decisions for you in case of your incapacity and regarding your legacy after your death. Consider the skills and relationships of the individuals involved. For example, do not choose more than one person to manage your Trust or estate unless you know they can work together.

Communicate with Your Family. While your death may come as a surprise, your wishes should not. Surprises in your estate plan increase the chances that your legacy might include a bitter dispute. Open, honest communication about your wishes during your life may be the best way to achieve and maintain lasting family harmony after your death.

Consider a No Contest Clause. A "no contest clause" disinherits anyone who challenges your wishes as set forth in your Will or Trust. Such a clause can be a powerful deterrent to family-destroying estate litigation and shows that you are serious about your desire to maintain family harmony.

Keep Current. Make sure you keep your estate plan current. Otherwise, people whom you intend to benefit might be excluded unintentionally, disrupting family harmony and prompting a family feud.

When families feud, there are no winners, only losers. Be sure to follow the steps above if you have a dream of family harmony that continues long after your death. Your family needs your help and planning in order to achieve that dream.

Attorneys Michelle T.L. Hernandez and Dera L. Johnsen-Tracy have extensive legal experience in the area of estate planning. To schedule your free consultation today, simply call (800) 431-9776.



KH CARES!



Do your part to help keep our planet safe! To be added to our paperless newsletter list, just e-mail us at moassistant@kh-law.net and we'll add you to the list. Save a tree, save the planet!

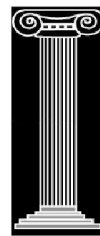
Looking for an easy way to help the people of Haiti? To donate \$10 to the Red Cross, simply text "Haiti" to 90999 and it will be added to your cell phone bill. Every little bit helps!



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Planning After a Breakup

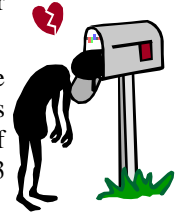
Nobody plans to break up. When a couple marries, they dream of their lives together and the special times which they will share. They think of the shared holidays and the family which will grow from their love. Their lives become intertwined emotionally, financially, and legally.

But, as John Steinbeck said, "even the best laid plans of mice and men often go awry." When the arguing becomes too frequent, the emotional bond between them can weaken. Eventually, some couples choose to walk away and divorce. A divorce severs the legal rights and responsibilities between the couple. A divorce is a necessary step to move forward. As the past ends, the future must begin. But, in order to completely untangle the legal and financial web between the couple, a divorce is not always enough. Oftentimes people do not consider all of the steps necessary to update the estate plan which they built with their now-ex-spouse. Each spouse needs to create his or her own plans to move forward.

If you are going through a divorce, here is a helpful ten-point estate planning checklist:

1. Revoke joint trusts. Assets kept in joint trusts perpetuate the legal entanglement of the couple. Amend or "restate" other documents such as a Will or separate Trust.
2. Change life insurance beneficiary designations. While Wisconsin law revokes the designation of the ex-spouse as beneficiary, re-examining who the contingent beneficiary is, if any, is recommended.
3. Change retirement plan beneficiary designations. Make sure that your hard-earned assets go to those you want and not to an ex-spouse.
4. Change any financial powers of attorney. Wisconsin law automatically invalidates the ex-spouse as the agent under a financial power of attorney. However, as with beneficiary designations, the desired successor may not have been named. For example, a friend or family member of the ex-spouse might have been named to serve after the ex-spouse.
5. Change any medical power of attorney for the same reasons.
6. A Health Insurance Portability and Accountability Act ("HIPAA") Authorization Form gives designated people access to protected health information, like medical records. Be sure an ex-spouse does not have continuing access to private information.
7. Authorized signer. Be sure that an ex-spouse is removed as an authorized signer on any and all financial accounts, including credit cards.
8. Change all PIN numbers on ATM cards.
9. Change passwords on email and other accounts.
10. Most importantly, consult with a qualified estate planning attorney to develop a new individual estate plan for you.

Divorce can be scary. Just when a person is at their most vulnerable, they have so many new things to think about. The team at Krueger & Hernandez will not only effectively complete your divorce, but will also keep in mind all other issues on your behalf such as updating your estate plan so that you can move forward constructively toward a new future. If you need assistance with a divorce, post-divorce issues, or estate planning issues, please call us today at (866) 455-2993 and schedule a consultation.



Happy Heart Day
from Krueger & Hernandez!

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KH Biggest Loser Competition

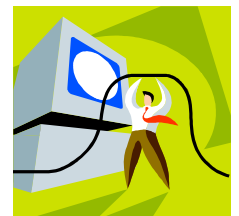


One of the most common New Year's Resolutions is to lose weight. This year, Krueger & Hernandez is joining in! We'll be doing our own version through the beginning of March. Tune in next month to see how the team is doing!

We are ONLINE!

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"Krueger & Hernandez SC" and
become a fan!

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