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We would like to take this opportunity to give you some background on Ms. Shaw and some of her office policies. Ms. Shaw is a member of the Pinellas County Estate Planning Council and the Elder Law section of the Florida Bar, and assists clients in estate planning, health care decisionmaking, Medicaid Planning and probate and trust administration. Ms. Shaw serves on the Clearwater Bar Association Client Relations Committee, and is an active member of the Clearwater Probate, Guardianship and Trust Committee. Ms. Shaw received her law degree from Loyola University of Chicago while serving as a Police Officer with the City of Chicago, and retired with the rank of Lieutenant. Ms. Shaw has taught at Universities in both Illinois and Florida and became involved in Elder Law while caring for her mother. She serves her clients with care, compassion and commitment and welcomes the opportunity to speak to you or your organization.

Our office is open Monday thru Thursday, 8:30am-5pm, with lunch from noon to 1 pm. We have voice mail, so if you call during these hours and we are on the phone or you call after hours, please leave us a message.

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"In the News"

A newsletter to the clients and friends of Ann Shaw,
P.A.



Important News !!

OUR TOLL FREE NUMBER HAS CHANGED

~~1-800-286-
4060~~

**MARK THIS NUMBER OFF ALL CORRESPONDANCE,
DOCUMENTS OR PHONE LISTS THAT YOU MAY
HAVE WITH THIS NUMBER ON THEM!!!!**

To all of our clients: It is important that you make sure that our new phone number is noted somewhere in your Living Trust/Will binder (feel free to mark out the old number and write in this new one on documents or make yourself a post it note and stick it to the front page in your binder) Keep in mind that over the course of time you will probably forget that we have changed our number and the old number is printed on a lot of the documents that we have prepared for you. This means that the new number will need to be noted somewhere that will be conspicuous (now and ten years from now) to you and your Successor Trustees and/ or personal representatives.

THE NEW NUMBER IS:

1-800-622-1401

SCAM ALERT

If you are contacted by anyone offering to "update your trust," be aware that an insurance salesman will come to your home, review your financial accounts, and attempt to sell you an annuity, long-term care insurance, or other insurance products.

If you receive such a call, tell them that you are not interested, and not to contact you further.

If you have questions about an insurance company or agent, or wish to report possible financial abuse by insurance companies or banks, call the Florida Department of Financial Services hotline at 800-342-2762.

TRUST ADMINISTRATION AFTER DEATH

BY: ANN SHAW

What should happen when a co-trustee of a marital trust, or a trustee of a single trust passes away?

Your trust was prepared with a view toward avoiding probate. Probate will be avoided for assets properly titled into your trust. For marital trusts, when one spouse passes away, often nothing in the way of retitling of assets is necessary. For marital trusts with assets over the federal estate tax credit (currently \$1.5 million), asset allocation should be considered at the death of the first spouse to take advantage of the applicable tax credit, and to utilize the marital estate tax exemption to the fullest for the co-trustee and beneficiaries.

For a single trust (or marital trust with only one surviving trustee) after the death of the trustee, the successor trustee must marshal assets owned by the deceased, notify trust beneficiaries and other interested parties, resolve any creditor claims, account for the assets, and resolve other potential issues with the estate, including tax issues. If the deceased owned assets that were not titled into the trust, probate may be necessary. That is why a will was prepared when your trust was prepared. The successor trustee must follow proper procedures before distributing the assets to the beneficiaries, or face the possibility of being liable for his or her actions.

Since in both marital and single trusts, the co-trustee or successor trustee face these liability issues, married trust clients should contact my office for assistance when a co-trustee/spouse passes away. Leave instructions for your successor trustee to contact my office for assistance with the administration of your trust after your death, so that your wishes for the distribution of your estate will be carried out promptly, correctly and properly.

HAVE YOU BEEN "SLAMMED?"

(Long Distance Service Changed?)

Surprise! Your phone bill shows charges from a different long distance phone company. Not the one you picked? You may have been "slammed."

You have been slammed if your long distance telephone service is switched without your approval. Slamming is illegal. Federal Communications Commission (FCC) rules protect your right to choose and stay with the long distance service you want. Know what to do if you have been slammed, and how to keep it from happening.

If you have been slammed, you need to make three phone calls:

1) Tell your local telephone company you want to be reconnected to your original service. You do not have to pay any charges to be reconnected.

2) Contact the long distance company that slammed you. If you haven't yet paid your bill, you don't have to pay the long distance charges that were made during the 30 days after you were switched. If you didn't notice right away that you had been switched and paid your phone bill, the new long distance service has to send your payments to your original service. You will then get a refund or credit for any extra charges.

3) Call your original long distance service to get reconnected to the calling plan you had previously. You should not be charged.

If you have any problems switching back to the service you want, contact your state public utility or public service commission, or the FCC. Most states have agreed to handle your complaints. If your state has not, send an email or letter to the FCC.

How to keep from being slammed:

Ask your local phone company to "freeze" your existing long distance company. The freeze warns the local company not to change you to another long distance company without first getting in touch with you. This is called a PIC freeze.

Review your phone bills carefully every month. If you see any unfamiliar services, or charges that you cannot identify, call your local phone company.

Read the fine print on coupons and contest-entry forms. You could be agreeing to switch your phone service without realizing it.

If someone calls you about switching your local or long distance service, tell the caller you are not interested in switching service.

If you get a letter or postcard "verifying" that you switched services - and you haven't, tell that company you did not authorize the change. Then, call your local telephone company to confirm that you still are with the long distance service you picked. You can check to see what long distance company you have by calling 700-555-4141. Dial from the line you want to check.

The Humor of Aging



- Eventually you will reach the point when you stop lying about your age and start bragging about it.
- The older we get, the fewer things seem worth waiting in line for
- Some people try to turn back their odometers. Not me, I want people to know "why" I look this way.
- I've traveled a long way, and some of the roads weren't paved.
- You know you're getting old when everything either dries up or leaks
- One of the things no one tells you about aging is that it is such a nice change from being young
- Ah, being young is beautiful, but being old is comfortable...ahhhhhhhhhhhhhhhhhhh!!!!
- Old age is when former classmates are so gray, wrinkled and bald, they don't recognize you
- If you don't learn to laugh at trouble, you won't have anything to laugh at when you are old
- "Life is not a journey to the grave with the intention of arriving safely in one pretty and well preserved package, but to skid across the finish line broadside, thoroughly used up, worn out, leaking oil, and shouting: "Geronimo!"

HEALTH CARE SURROGATE ADDITIONAL CLAUSE

All Clients who had their Health Care Surrogates prepared prior to the Fall of 2003 should add the following wording to allow your Health Care Surrogates to have access to your medical records under the federal health records privacy law:

I designate my health care surrogate as my personal representative under 45 CFR § 164.502(g), a portion of the regulations implementing the Health Insurance Portability and Accountability Act of 1996, as amended ("HIPAA"), for all health care-related decisions.

Trust clients: go to Section 8 in your trust binder, and add this wording to the end of Section 3 "Authority of Surrogate"

Will clients: go to Section 5 in your will binder, and add to the end of the paragraph beginning "I fully understand that this designation will permit my designee . . ." just after "I affirm that this designation is not being made as a condition of treatment or admission to a health care facility"

Be sure that all copies of your Health Care Surrogate are also updated with the new wording, especially the copy in the possession of your Health Care Surrogate agent(s). Without it, the Surrogate may not be able to have access to your medical records in order to make an informed health care decision for you.

ELECTRONIC NEWSLETTER

Times are a'changing folks!!! So why not take advantage? Our country has made HUGE advancements in technology over the last decade that has changed the way most of us do business. In an effort to keep up with the times, we have decided to begin offering our newsletter electronically.

If you would like to be included on our Electronic Mailing List, please email Denise with your full name and the email address you would like the newsletter to be sent to. You can email Denise at: Receptionist@AnnShaw.com or you may call our office at 1-800-622-1401 with the information.

