

# PLANNING PERSPECTIVE

Fall 2009 • Vol. 7, No. 1

A Publication of Fitzgerald Law Office



*J. Douglas Fitzgerald*  
Fitzgerald Law Office

## Estate Taxes: 2010

Under the current law, federal estate tax is supposed to be repealed for any person dying in 2010. No federal or Wisconsin estate or inheritance tax would be due no matter how large the estate.

However, the current economic climate, persistent federal budget deficits, and expanding government debt virtually guarantee that Congress will kill the estate tax repeal. It is not clear what kind of estate and inheritance tax will fill the void.

Congress does not seem ready

to decide what the gift, estate, and inheritance tax system should look like for the long term. It appears likely that the current 2009 rules will be extended through 2010 (\$3.5 million tax exemption and a 45% tax rate on estates over the exempt amount). This extension is likely to happen before the end of 2009.

*For more on the estate tax, go to [fitzgeraldlawoff.com](http://fitzgeraldlawoff.com) and click on the News page.*

## The Best Laid Plans

Whenever we work with a family on an estate, it is an opportunity to watch the estate plan in action. All of the decisions that were made and tools that were put in place begin to work in concert to realize the deceased's priorities and goals.

Unfortunately, the end result is not always perfect. Whenever things do not go as planned, we often see some common causes:

- **New Documents.** After a Will or Trust is signed, there are many opportunities to sign new documents, such as those containing payable on death or other beneficiary designations, as well as joint ownership documents. The wording in these new documents can allow for unintended changes in how the estate is distributed.

- **New Assets.** Buying and selling a house, opening a new investment account, and buying a new Certificate of Deposit are examples of transactions that create an opportunity for confusion to creep into a plan. Many plans are flexible enough to handle these new transactions, but some plans are less forgiving.

- **New Ideas.** It is common to think of new goals and objectives over the years. The challenge is to get these new ideas incorporated into documents like the Will or Trust and coordinate them with the other parts of the plan.

- **New Faces.** When the plan is set up, important people such as the executor of the estate or agent under the power of attorney (very often one or more of the children) are not in the room. Once the time comes for these decision makers to step forward, they have to quickly learn a great deal about the plan and how it works.

The good news is that there are some easy solutions to each of these challenges. Planning is a lifelong process (rather than a series of static documents), so there are opportunities to take each of these issues in stride and keep your plan on track.

*For more on Best Laid Plans, go to [fitzgeraldlawoff.com](http://fitzgeraldlawoff.com) and click on the News page.*

## Exclusive Client Seminar

Fitzgerald Law Office will be hosting a special seminar exclusively for clients. This presentation will be an informal, fun, and entertaining approach to updates, insights, and ideas that you will not find in this newsletter, on the Web site, or on Doug's cable TV show. The seminar details are as follows:

**November 17, 2009 • 7:00 P.M.**  
**West Bend Community Memorial Library**  
**Presentation Room**  
**630 Poplar Street**  
**West Bend**

We will provide dessert and beverages. You are welcome to invite a guest. Please call the office to let us know you will attend, as seating is limited.

*For more information on the client seminar, go to [fitzgeraldlawoff.com](http://fitzgeraldlawoff.com) and click on the News page.*

## Fast Cars and Fitzgerald Law Office



Fitzgerald Law Office sponsored Austin Luedtke and his Sportsman-MidAM racecar this summer. Austin and QKA Racing ran the #6 car at the Slinger Speedway as well as Kaukauna, Madison, Rockford and LaCrosse.

Austin had an outstanding rookie year in the Sportsman-MidAM class, finishing 8th out of 35 cars in the season point standings at the Slinger Speedway. It was exciting to watch Austin drive with skill and poise with the Fitzgerald Law Office logo on the side of his car.

## Programs and Events

Doug Fitzgerald recently attended the 35th Annual Notre Dame Tax and Estate Planning Institute. The institute addressed planning for the future despite the uncertain investment environment and possible changes to income and estate tax laws.

Earlier this year, Doug attended the Wisconsin Bar Association's 11th Annual Elder Law Workshop, which reviewed recently adopted changes in the rules regarding eligibility for government benefits for nursing home, assisted living, and other long-term care expenses.

In September, Doug was the speaker at the Slinger/Allenton Rotary Club with a presentation on Long-Term Care Planning. He also spoke on Estate Planning at the Kettle Moraine YMCA in May. In April, Doug was the featured speaker on estate planning at events sponsored by Weir Financial Services, while he participated in a presentation on Guardianship issues at Moraine Park Technical College in March.

## Fitzgerald Law Office

2005 Stonebridge Circle  
West Bend, WI 53095  
262-334-8015 • 262-334-1593 fax  
email: [fitzgeraldlaw@fitzgeraldlawoff.com](mailto:fitzgeraldlaw@fitzgeraldlawoff.com)

FIRST CLASS  
U.S. POSTAGE  
PAID  
Milwaukee, WI  
Permit No. 1382

Sow an act, and you reap a habit; sow a habit, and you reap a character; sow a character, and you reap a destiny.

-George Dana Boardman