TIMINS LAW GROUP, PLLC

THE LEGAL NOTICE

Vol 15. Summer 2025

NO A.I. ZONE:
Human written, not artificial, intelligence coincidental

It's official: America decided to hit the snooze button again and continue its fever dream of financial ignorance until it wakes up to its $35 Grande Mochaccino Latte. One Big Beautiful Bill to rule them all by subtracting a few zeros from future generations' net worth. A possible mayor and entire generation who doesn't realize that if you agree with Lenin, the Houthis and Marjorie Taylor Greene you are probably on the wrong side of history. And a New York university so zany that they might as well hire Kanye West as a consultant to improve their race relation policies.

Our "News" and "Experts" seem geared toward misinformation and indoctrination. We ingest fiscal and political evidence from people with cheery names like "Sunny", "Whoopi", "Joy" and "Tucker Carlson," only to find ourselves more depressed and stupid than before. And if we can't find that emoji that truly embodies our thoughts when we are texting our college roommate about how we are feeling *(like-super-happy-for-you-but-not-hug-worthy-happy)* we turn to visions of a future which is less secure and less joyful than watching the 1922 version of Nosferatu with goofy subtitles.

Few of us want to deal with the future value of our money, our children's ability to buy a home, the cost of college education, or the now-rapidly approaching insolvency of Social Security and Medicare. They just want to talk about eggs, how obsessed we should be over eggs, how upset you should be about your eggs, and how much you hate paying for eggs. I love eggs, but reading about all this inflation and tariffs and DOGE and the end of Democracy and Taylor Swift going to Chiefs games is really starting to distract me from enjoying my eggs.

Thomas Jefferson stated *"The government you elect is the government you deserve."* While this is more apropos than ever, it does not mean you are helpless to take action to improve your own financial future despite the knuckleheads we voted for. So pull yourself away from Doom Scrolling your Instagram / TikTok / Space X account for 30 seconds and allow me to properly indoctrinate you with some suggestions that won't rot your brain and make you think about eggs all the time.

IMPORTANT PSA: COVID ERA VIDEO WILLS SHOULD BE RE-EXECUTED

If you executed your Will with me over video during the covid pandemic *(March 2020 – June 2021)* I **strongly** recommend you re-execute your Will with me in person.

Surprise! Remote notarizations lend themselves to an extra line of questioning and judicial review during Will disputes, and this can mean a half-wit judge may overturn what you wanted to achieve with your estate plan.

THE "ONE BIG BEAUTIFUL BILL" MATTERS

Take advantage of the BBB's benefits while they last

So President Trump was like "I'm changing tax law like, forever" and the Senate was like "Okay" and the House was like "No" and the President was like "Yes" and the House was like "OK, but no Obamacare, and please ignore that guy from Qatar over there." And with that erudite discourse from our country's fiscally responsible political party, for the mere cost of $3,400,000,000,000 our representational democracy passed "permanent" historic tax legislation. Until a future President and Congress change it once our country goes bankrupt. And a lot of it turns out to not be permanent.

And yes, there is still so much money going to special interests that even Diddy's legal team got jealous. But for now, while it still ignores our inevitable long-term defeat by Super Vecna, Thanos and mind-corrupting fungus (i.e., Social Security, Medicare and non-MAGI Medicaid), the BBB does have important short-term tax consequences that may help your income and estate tax planning. Relevant examples are:

Gift & Estate Taxes	**• Permanently codifies the "x2" Federal Gift and Estate Tax exemptions from the original "Trump" tax cuts. Starting in 2026 no US Person shall pay any gift or estate taxes until they transfer over $15,000,000 during their life and at death combined.** **• Less than .01% of US Citizens owe these taxes to the US Government.** **• State estate and inheritance taxes still apply.**
State Income Tax Deductions	**• Temporarily increases the $10,000 cap on State income tax deductions against your Federal income taxes to $40,000.** **• BUT, this only lasts for 5 years, then reverts back to $10,000.** **• "Purple State" pork politics: Red states do not want to subsidize Blue state income tax deductions, Blue states want their rich citizen to get full Federal deductions on their State's income tax forever.**
Child Tax Credit	• Permanently increases the Child Tax Credit from $2,000 to $2,500 (was set to revert back to $1,000). • While every penny counts, this seems miniscule in a world where everything is expensive and you still have to pay an Ivy League school $100,000 a year to turn your child into a Communist.
Senior Citizen Deduction	**• Temporarily decreases Senior citizens taxes – allows them to deduct an additional $6,000 each in tax years 2025 through 2028.** **• Phases out when the taxpayer's modified adjusted gross income exceeds $75,000 ($150,000 for a joint return).** **• A blatant Breads-and-Circuses policy to win aging voters in the midterm elections. Young Americans will already carry the financial burden of Social Security, Medicare and the Affordable Care Act, now the elderly also pass their income tax liabilities to 23-year-olds working at Starbucks.**

MINORS WITH MONEY? ABSURD!

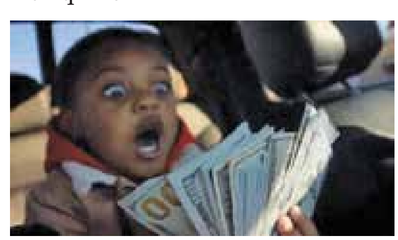
Why can't a 7-Year-Old manage a six-figure inheritance? Article 17 Guardianships to the rescue!

Neyci Lopez, Esq.

So, why Can't a 7-Year-Old Manage a Six-Figure Inheritance? The snap answer is "because she's a seven-year-old", which is arguably the correct answer, but why is that?

I can get into the minutia of whether there is a good age for a child to receive large sums of money, or whether the age of majority (18 years of age in New York) is fine. But considering whether a child is able to receive the funds is a separate issue.

What if your 7-year-old daughter inherited $1 million dollars outright from a child-free great-aunt who thought of your daughter as a surrogate granddaughter. Or, what if your child was injured in a car accident and a legal settlement is ready to be distributed. Where do those funds go? Into your personal account? Into a savings account until the child is older? Not quite



In New York, when a minor is set to receive money or property whether through inheritance, a personal injury settlement, or an insurance payout, the court will step in to say, "Hold on, a grown up needs to handle this." That's when an Article 17 Guardianship comes in. Under Article 17 of the New York Surrogate's Court Procedure Act (SCPA), the court can appoint a Guardian of the Property to manage the child's financial assets until that child turns 18. The idea is that the funds are kept safe, used or invested wisely, and are accounted for.

An Article 17 Guardianship isn't just the court handing off a check to the Guardian, but rather the court supervises the Guardian's management of the funds. The Guardian must follow rules about how the funds can be invested, how the money can be spent (which requires court approval prior to any expenditure), and the Guardian must file annual accountings with the court showing how every dollar is handled.

I'm sure we're all thinking, "Can't the parent just handle it?" Not always. While, yes, parents naturally take care of their children, the court makes a distinction between parenting and financial fiduciary responsibility. Meaning that even Mom and Dad need approval from the court (and sometimes even need to post bond) to be appointed guardian of the child's property.

Article 17 Guardianships exist to protect minors from financial mismanagement, regardless of whether the mismanagement was accidental or intentional. While the process may seem burdensome, it ensures the child's money is preserved until the child is legally able to handle it, hopefully without spending it all on Roblox.

TRANSFER ON DEATH DEEDS ("T.O.D. DEEDS"): FLEXIBLE AND CHEAP

New Yorkers can finally avoid Probate for their real estate at a reasonable cost!

Not all of us can ask an autopen how to make world altering decisions, so let me act as your surrogate and suggest you execute a "TOD Deed." While Probating your Will in New York has never been more difficult, the ability to avoid Probate in New York has never been easier. You could already name a joint owner or beneficiary on almost any type of account, thereby avoiding Probate on that asset when you died. But for the longest time, the only way to avoid transferring real estate outside of Probate was to either give the future beneficiary an irrevocable interest using a "Life Estate" Deed or have to transfer the property using a Living Trust.

And with an outstretched hand Albany said: *"ENOUGH! We may chase off people and businesses with our high taxes and ludicrous regulations, we may mismanage funds worse than a child movie star's parents, and we may want to defund the people who protect us, but there is NO WAY we shall require Grantors to make irrevocable inter vivos conveyances of real property for no consideration rendered to minimize testamentary transfers!* That should resound with the people!"

	Joint Ownership	Life Estate Deed	Trust Ownership	T.O.D. Deed
Is it Revocable?	Only your ½ (and not if you are married to the joint owner)	Only if your future beneficiaries agree	Yes, but only if it is a Revocable Trust (NOT Irrevocable)	Yes
How to Modify	Need current and future owners to all sign	Need current and future owners to all sign	Must amend your Revocable Trust document	Create a new TOD Deed or revoke the existing one without consequence

Remind me again: Why do we live here?

New York finally created the ability for you to transfer your real estate by merely signing a Transfer on Death Deed ("T.O.D. Deed"). Whereas in the past you needed to either (1) have the other parties agree to a Deed arrangement, or (2) you had to pay legal fees to an attorney to update your revocable trust, a T.O.D. Deed allows you to (i) maintain full control of your property during your life, (ii) change future ownership whenever you want, (iii) while also allowing your real estate to avoid being transferred through Probate, and (iv) accomplish all of this at the reasonable price of a Deed change.

T.O.D. Deeds. To be clear, you should be as excited as this fuzzy fascist.

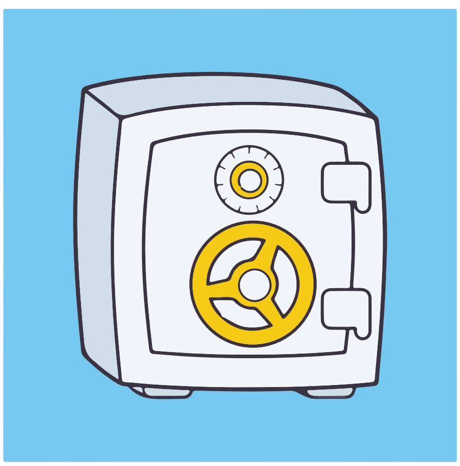
T.O.D. Deeds do not give you any additional protections outside of avoiding Probate when you die, so they are not appropriate mechanisms for Medicaid planning. T.O.D. Deeds also do not apply to Co-Ops or properties owned by Limited Liability Companies. In addition, they do not protect beneficiaries from their creditors, divorce, substance abuse or being underaged, so T.O.D. Deeds should not serve as Trust substitutes. However, if your beneficiaries are responsible, a T.O.D. Deed is an inexpensive way to avoid the costs and delays associated with transferring your real estate by your Will when you die

WHAT TO KEEP IN MY SAFE AT HOME?

Just like those three bears and their porridge: There is a "just right" amount of money and information to keep in your home safe.

I have had several clients ask me how much money they should keep in their safe at home. And the answer is: Enough money if you need to run, but not so much that you will miss it when your son's ex-girlfriend's cousin shows up at your home looking for an expensive handout. And what other items should you keep in the safe? Should you even have a safe? Where should you place that safe?

First, why have a safe at home? Remember that I do not suggest clients have safe deposit boxes at banks: If any signer on a safe deposit box dies the box (1) gets frozen, (2) you have to petition the Surrogate's Court



to open the box, (3) the court will send you a clearance document several months later, (4) you will go to the bank, where you will empty the box in front of a branch manager, (5) the branch manager will inventory everything in the box, put everything back in the box and lock it back up, (6) you will take the inventory to the Court, which will (7) wait another few months to allow you to take the property out of the safe, at which point (8) you can go back to the safe to finally retrieve your grandmother's costume jewelry. And we call that "Justice."

A quick side note: Fire proof lock boxes are terrible substitutes, as they are easier to "crack" than a safe and are never bolted down, thereby providing no actual protection for your valuable items.

<u>What to keep in your safe:</u>

• No more than $25,000 per adult living in the home, preferably less (enough for emergencies, not so much that losing it will haunt you forever).

• Make sure you have at least $3,000 in smaller bills, such as $1, $5, $10 and $20s.

•Jewelry and precious metals: Physical gold and platinum are very small for their value-per-ounce.

• A printed list of your recent passwords.

• Your most precious things (Caution: Do not stuff your wife or your schnauzer into the safe).

• Your (unloaded) handgun, but do not keep ammunition in the same safe.

• Your passport, unless you use it as your primary form of identification.

• Do NOT keep your Will, Health Care Proxy or Power of Attorney in the safe. Place these in an easily accessible file cabinet or desk drawer with clear labeling.

<u>What to do with your safe:</u>

• Buy a safe that has a retractable shelf and a larger storage area below it.

• Bolt the safe down so a scoundrel cannot grab it and run with it.

• Attempt not to bolt the safe to your floor, especially a hard floor: You do not want to be 88 years old and getting down on your hands and knees to open the safe.

• When in doubt, buy a bigger safe than what you think you need. An interior space of 10 in. x 12 in. x 6 in. should be the absolute minimum size you buy.

• Before you buy the safe, make sure the safe door can swing open at a 120-degree angle in the location you plan on installing it.

• Use an electronic combo safe, not one requiring keys, as the former may be easier for the safe manufacturing company to "crack" upon your untimely demise.

• Only tell your most trusted individuals your code. If you share the combination with your attorney make sure she saves it in your physical file, not in your online file.

WE SHOULD ALL FREEZE OUR CREDIT, SO DO IT! NOW!!

Your financial information is worth stealing, so take steps to protect it and your money.

You already know that when your identity is stolen you can lose A LOT of money and spend a lot of time safeguarding your remaining funds and rebuilding your credit score. So you defend your Social Security Number and credit card information, you do not answer phone calls from area codes like Wichita or Biloxi or Chevy Chase (the place and the person), and pause before you e-mail anything to a suspicious address. You shred your mail, unsubscribe from solicitations, and don't respond when your Aunt texts you "Just curious: Are you into this body-positivity thing, or just opposed to taking Ozempic?" Sadly, as you are doing everything you can to protect your financial and personal information, someone else will be to blame for your credit and identity being stolen.

Remember that time your personal information was stolen from Equifax / Capital One / Home Depot / Target / X Formerly-known-as-Twitter-and-should-still-be-known-as-Twitter / eBay / Myspace? No? Well, it happened, and it will happen again (data breaches, not Myspace, sleep soundly knowing your Myspace page will never be seen again). And because our personal information and identification is now housed at your health insurance company, apartment building, payroll and credit card companies, state and federal government agencies, and every subsidiary of any company you have ever done business with, you absolutely will have your identity stolen in the next decade.

You cannot stop your identity from being stolen, but you CAN protect your credit from the consequences of such a breach. You can – and should – freeze your credit online FOR FREE with the three credit agencies: Equifax, Experian and Transunion. That way, when someone who has stolen your personal information (due to no fault of your own) tries to open a new credit card, mobile phone account, line of credit or loan in your name, the credit agencies will not share your credit history, meaning the service provider will not extend your credit to the fraudster.

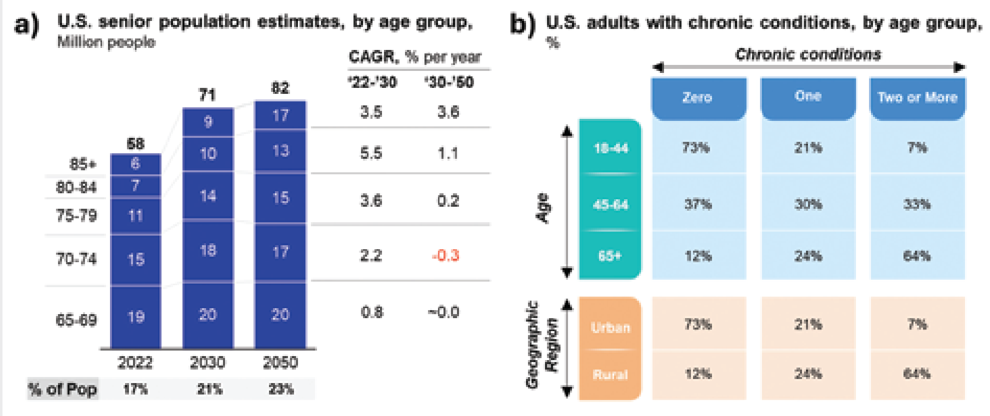
If and when you do need a new service provider to access your credit, you can temporarily unfreeze your credit for as long as you wish by merely logging into each agency's website. You can also pay for additional services if you wish, but the freeze is the most important step to protect yourself from someone stealing your credit.

So freeze your credit now to prevent fraudsters from taking advantage of a company's sloppy tech firewalls and stealing your identity so they can steal money from you. And never work with T-Mobile, they are a soulless company whose legal department seems to be run by kindergarteners.

"RETIREMENT" AND "AGING CARE" ARE NOT THE SAME

Who doesn't want to spend the rest of their life dining out 5 days a week, not having to wake up at 6:00 to go to work, and watching CNN 8 hours a day? Yes, the traditional notion of retirement sounds damn good. And this vision worked great when everyone received pensions and died naturally in their sleep at 75.

However, this old concept of retirement neglects the modern fact that "fun retirement" lasts 10 – 20 years, after which the healthcare-centric notion of "aging care" lasts 5 – 10 years or longer. And the costs of aging care may be just as much as retirement, and sometimes much more.



More accurately stated: Aging Care is a completely different concept than Retirement and should be planned accordingly. The challenge is that while we can model how much to save for and spend in Retirement with some accuracy, none of us know how long we will need Aging Care and the level of care required. Can our spouse handle most of what we need? Will we require an aid for a few hours a day or one who must live in our home 24 hours? And what if we need to pay for an assisted living or nursing care facility?

Follow these general rules to both save for a better Retirement and plan for unknowable expenses for Aging Care needs:

Financial Concepts

Build a stronger net worth in retirement:

1. Save more: Save as much as you can in your IRA and 401k, then save to your Roth.

2. Spend less: The joy of Capitalism is that you can spend your money OR not pay $7 for a cup of coffee. And yes, they do have steak in Heaven, so buy a salad tonight.

3. Defer retirement age (*or work less hours if possible*): One more year spent working is also one year less being fully retired, a double benefit.

4. Invest more aggressively: People move too much money into fixed investments both leading up to and during retirement, ignoring the fact that only the stock market can maintain investment growth for your remaining 30 years of life.

Estate Concepts

Plan Estate goals before you retire:

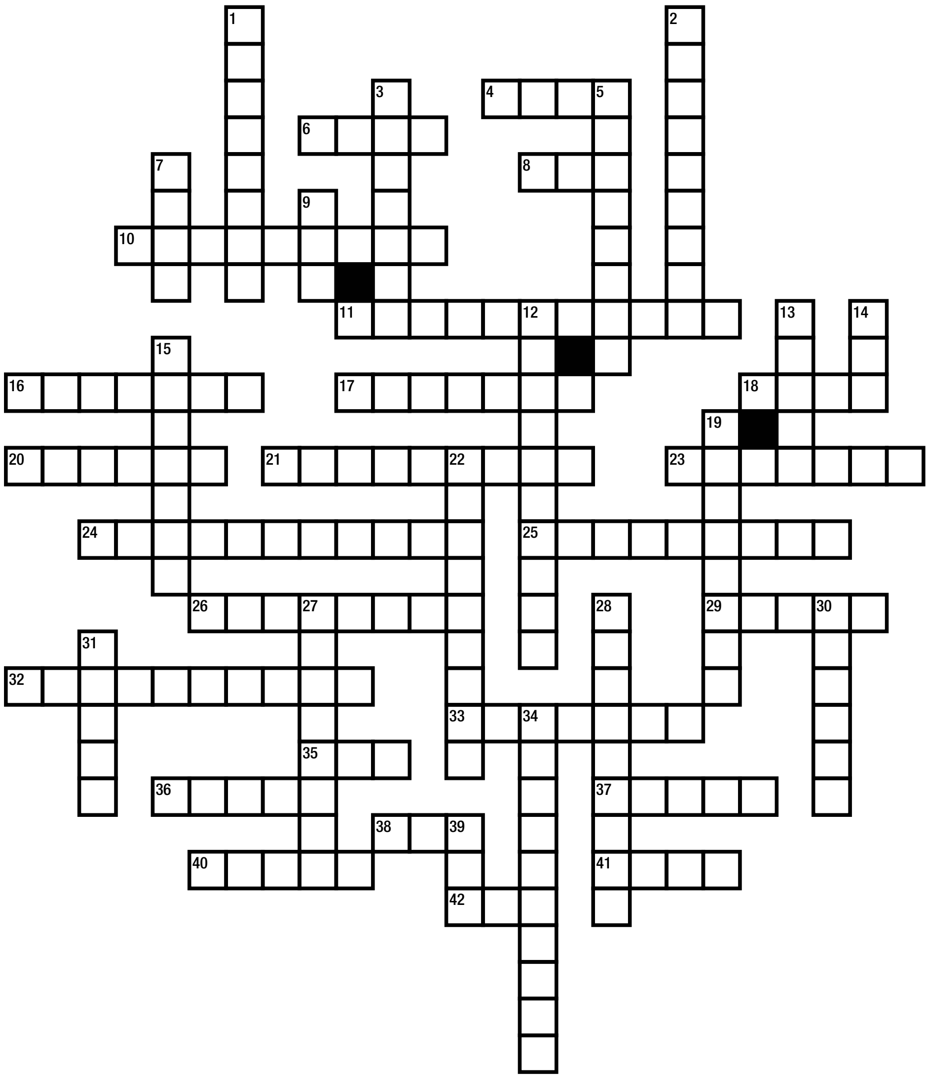
1. Gift inheritances early: Children need a home downpayment now; investment returns on 529 Plans can grow longer.

2. Consider Buying a Long-Term Care Policy: Your realistic timeframe to buy a LTC policy is between age 40 – 60, and pricing increases rapidly as you age.

3. Educate yourself on Medicaid: Before you retire, decide whether to place your retirement home in a Medicaid trust to protect it from future aging care liens.

4. Defer Withdrawing from IRAs as long as possible. IRA withdrawals can be almost income tax free for health and nursing home expenses, meaning you may NEVER pay income taxes on your IRA savings.

ESTATES CAN BE PUZZLING!



Across

4. record of real estate's owner
6. related to me
8. gov't agency - you cannot escape them
10. 2nd probate proceeding out of state
11. receives what you worked for
16. watches you sign documents
17. court process for wills
18. must do this to effectuate a trust
20. protect from your future ex in-law
21. financial responsible person
23. creator of a trust
24. my future generations
25. die without a will
26. poor soul who handles your probate
29. I make they take
32. Latin - by the branch
33. best retirement plan beneficiary
36. works for my best interests
37. property that is not income
38. a Medicaid compliant trust
40. at court and hard to reach
41. insurance trust minimizing taxes
42. knows all the answers

Down:

1. pays for your future care
2. after the first
3. no one wins except the lawyers
5. give it to the next in line
7. insures when executor takes your money
9. creditor protected company (not corporation)
12. Latin - during life
13. slow & causes problems
14. must withdraw from retirement plans
15. post mortem gift
19. creator of a will
22. worth more dead than alive
27. wants your money rhymes with predator
28. swear under oath on paper
30. everything I own at death
31. avoids probate
34. boring but useful
39. designates future owner

DAN SAYS:

Freeze Your Credit, and Set Up Dual-Factor Authentication

The process of setting up a Credit Freeze is easy:

1. Go to Equifax, Experian and Transunion's "freeze" website to enroll.

2. Yes, you will need to enter your Social Security Number to begin the process. While this may give you pause, remember that your SS# is already easier to access then getting baby oil at a Diddy Party, so take the plunge and enter it into the website.

3. Answer the questions related to your background, such as "Which address did you live at in 2002" and "What type of car have you driven."

4. Create your accounts and save your logins and passwords.

5. Freeze your credit.

Creating Dual-Factor Authentication for your account login provides a second layer of protection for your accounts:

1. Ensure your financial institutions allow for a text alert when you attempt to log into your account.

2. When you log in to an account, you should receive a text with a passcode you need to enter before accessing your account.

3. Losing your cell phone will make it difficult to access your accounts, but the trade-off is that the same thieves trying to log into your account most likely do not have your phone to allow for the second round of authentication.

iPhone users: Learn how to use Apple Pay. Using your phone for transactions (instead of using your credit card) (1) avoids people using "skimmers" to steal your credit card information, and can be set up to put you on notice every time your credit card is used in real time.

ESTATE LITTLE SNACK: 529s CAN BE CONVERTED TO ROTH IRAs

In a wonderful twist of fate, up to $35,000 in your child's (or grandchild / niece / nephew / etc.) 529 Plan can now be directly converted into that beneficiary's Roth IRA. Much like the funds you donated to 529 Plans were contributed from post-income tax dollars (but are never taxed again if the funds are used for education purposes), the Roth is also post-income tax dollars but have many more acceptable uses while also maintaining tax free growth.

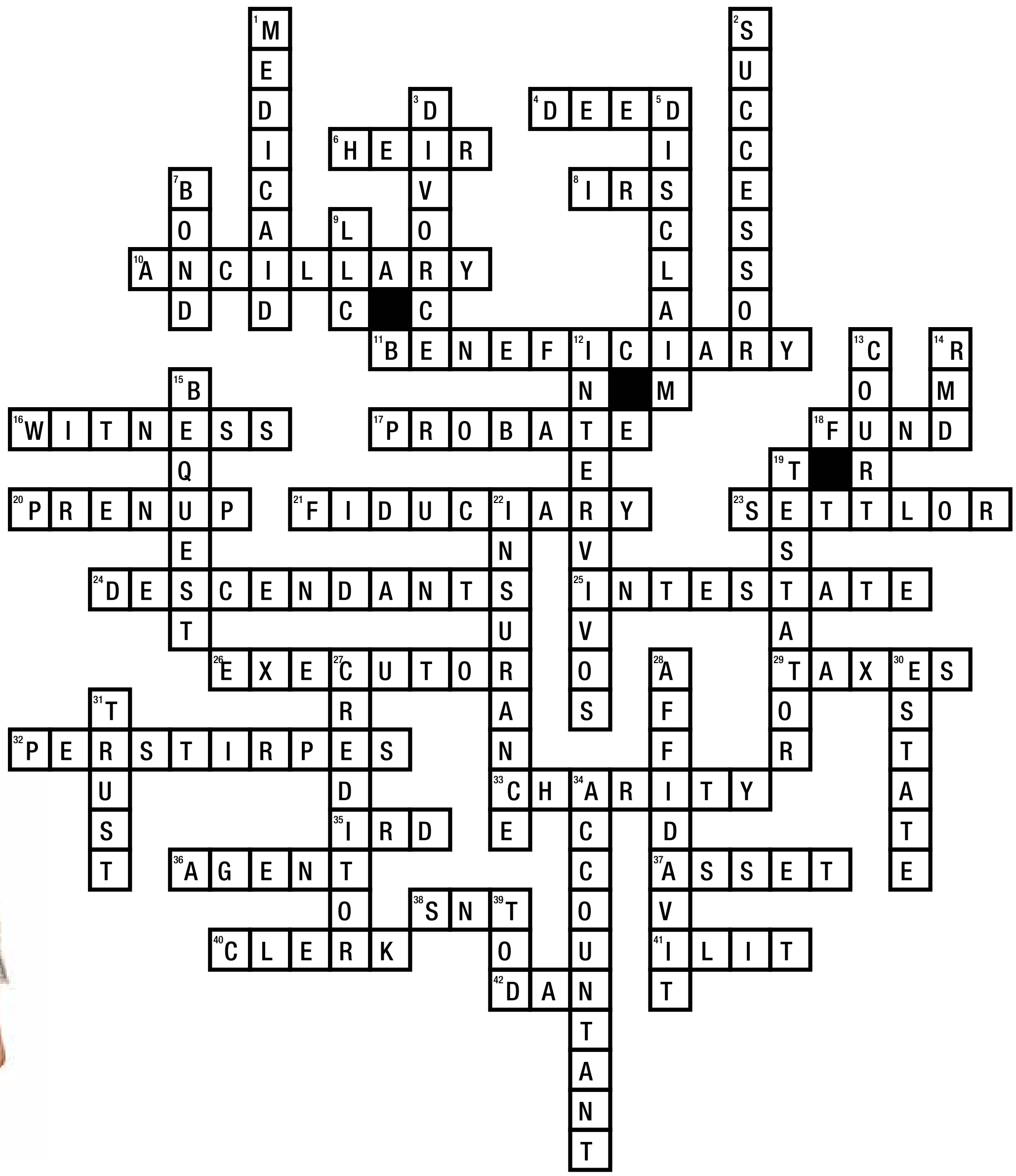
This is GREAT news! Excess money you saved that is no longer needed for college education does not have to be taxed and penalized or transferred to a less-favored beneficiary's 529 Plan.

The IRS requires that the converted funds have been in the 529 Plan for at least 15 years, so this is usually not an automatic transfer after college. Rather, you should change the owner of the 529 Plan to the beneficiary, and before you do so make sure to download all proofs of contributions.

CONGRATULATIONS WHITNEY ROBINSON

Whitney Robinson just celebrated five years with our law firm. During that time I have come to know Whitney for her reliability, polite manner, and her CAN-DO attitude with New York's Unified Court System. Whitney often takes on the dirty work that would frustrate people with less fortitude and does it with a smile. In April, Whitney became a Certified Paralegal, the first in our firm's history. Congratulations!

ANSWER KEY



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