

A STEP AHEAD

~SPRING CLEANING~ TIME TO REVIEW AND RENEW

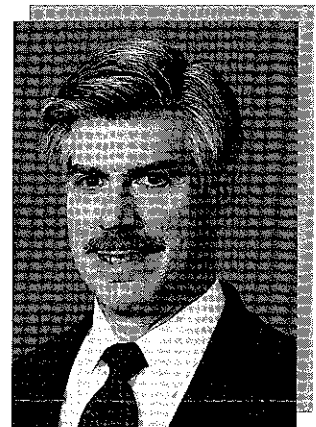
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&
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LLP

Tax season is over! Spring has sprung! Its time to "review and renew." Its time for the annual Berwitz & DiTata LLP "Review and Renew" program. Each spring, we encourage our clients, friends and "would be" friends to focus on estate planning, refresh those resolutions and stop procrastinating.

If you have never created an estate plan, now is the time. Although estate planning is a topic that some people find difficult, we are dedicated to helping clients identify and implement their estate planning objectives with ease and efficiency. We believe that

our success is founded on this fundamental commitment to communicate with our clients in a caring and responsive manner. Those who have met with us in a one-on-one consultation know that we believe that everyone can benefit from estate planning regardless of personal income or net worth. Everyone has concerns regarding the future. For instance: How can I avoid probate and the dissipation of my assets to estate taxes? How can I avoid losing control of my assets if I become disabled? How do I protect myself and my family...

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TO SELL OR NOT TO SELL?

As estate planning and elder law attorneys, we frequently ask our senior clients to describe their living space. Where are the bedrooms, is there a full bath on the ground

level, how many steps to enter the home, is the washing machine in the basement? These are the *practical* issues that should be considered when determining whether the home in

which you raised your family is the right place to spend your retirement years. The emotional concerns are also a factor: the kids are grown...

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THE HEALTH CARE PROXY & THE LIVING WILL

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A Living Will is the written expression of your most significant health-care decisions. It is a recommended supplement to a valid Health Care Proxy and constitutes a guide for the Agent you designate in your Health Care Proxy. If a question should later arise as to whether the decisions your Agent makes on your behalf are consistent with your wishes, a Living Will can provide the necessary support and ensure that you receive the care and attention that you have di-

rected - and only that.

Even after you have appointed a Health Care Agent, you have the right to continue making health care decisions for yourself for as long as you are able to do so. Your Agent does not begin making your health-care decisions until you can no longer communicate or doctors determine that your ability to make decisions is impaired. Remember, it is not just Alzheimers or stroke that causes incompetence, mental faculties may be impaired as a result of accident and other illnesses.

Every one of us should be protected by a valid and enforceable Health Care Proxy. Apart from the preparation and execution of the document, however, it is imperative that we fully and frankly discuss these issues, and the way in which we wish to be treated, with our designated Agent. Unless your Agent knows your preferences regarding, for example, artificial hydration and nutrition (the provision of food and water through a feeding tube), he or she may make decisions that are contrary to, or inconsistent with your wishes.

TO SELL OR NOT TO SELL?

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and have their own families now and, while they visit and occupy the space, it is for only brief moments in time. The home that was once bustling and full of activity is now silent and lonely.

Relocation of any kind requires a careful examination of the options. While the initial consideration may be the physical plant - a smaller space, fewer or no stairs, one level or elevator service - security and the distance to shopping,

medical facilities and recreation should also play a factor.

Retirement communities, sometimes referred to as 55+ communities, are housing complexes which usually require at least one member to be at or over the age of 55 years. The style of housing can vary, some communities offer a variety of choices, from apartments to attached houses and free standing homes. They typically offer an independ-

ent lifestyle, security, recreational activities and access to medical assistance. Some even offer transportation or are located on public transportation routes. Usually, exterior maintenance, lawn care and snow removal, are provided. Careful questions should be asked regarding costs, including entrance and monthly maintenance fees which may considerably increase the anticipated purchase price.

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TO SELL OR NOT TO SELL?

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For those who require assistance with activities of daily living, who may want the assurance of having one or more meals prepared for them on a daily basis, or who may need safety monitoring or even help with bathing, dressing, transferring, toileting and feeding, the independent lifestyle that is

available in a retirement community may not be the solution. Assisted living facilities offer communal dining, security, recreational activities and access to medical assistance and may offer additional services in a setting that is conducive to a higher level of care.

Another thing to keep in mind is that, while some of us consider a

socially active life style advantageous, others find the prospect of living in a community comprised exclusively of seniors unappealing. Some consider such arrangements to be confining. Before deciding to place the family home on the market, consider what it is that you, or your loved one, will require in the years to come.

~ SPRING CLEANING ~ Time to Review and Renew

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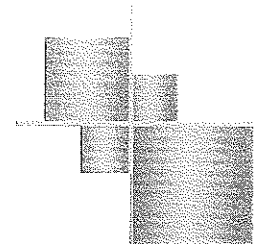
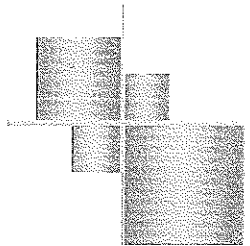
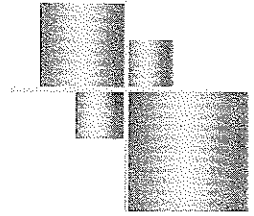
from devastating nursing home costs? How can assets be transferred if a relative is already in a nursing home? In designing strategies to effectuate our clients' goals, we offer detailed advice and a high level of technical expertise. Now is the time to achieve estate planning peace of mind! Ask those questions, explore the options, get it done.

If you created your estate plan, or reviewed it last, more than 3 years ago - now is the time. Are your documents up to date? Have there been changes in the law or in your life that should now be considered? The documents that address the needs of a single person are frequently insufficient

when he or she marries. If a couple has young children, the appointment of a guardian should be a key factor in estate planning. Documents that were created when the kids were small may no longer reflect their parents' wishes now that the kids have grown and flown. Indeed, once your child has reached the age of eighteen years, he or she should have a valid and enforceable Health Care Proxy empowering you or another to make health care decisions (see *Health Care Proxy & The Living Will* on the back page). The "sandwich generation" is discovering that the joy and responsibility of raising children is all too frequently overshadowed by the illness of parents. The need for

estate planning takes on new meaning as one approaches retirement and, if illness threatens, timing becomes more critical. Lifetime changes affect estate planning. Even if we can't imagine what changes in our lives could affect these important documents, an estate planning review is a vital element to ensuring that your wishes will be accomplished.

Because Berwitz & DiTata LLP understands the importance of keeping the plan current, we offer our clients a unique value added component: a complimentary three-year review. For those who have not yet retained our services, there is a nominal fee to review your plan. Let us help you realize your estate planning objectives.



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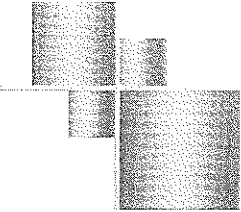
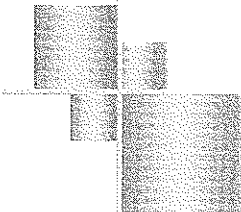
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THE HEALTH CARE PROXY & THE LIVING WILL



In the wake of the Terri Schiavo matter, our firm has been inundated with inquiries about living wills. Often, as we answered the questions, we found ourselves explaining the differences between Health Care Proxies and Living Wills, and encouraging the caller to have both documents in place. We thought that this would be a better forum to address these important issues as it reaches a much wider audience.

A Health Care Proxy is the formal designation of another to act as your agent in health-care decision making in the event that you become ill or incapacitated or are unable to communicate your wishes or instructions. These are decisions concerning diagnosis, treatment, services and procedures relative to your physical or mental condition and may include end-of-life decisions such as whether to continue or terminate

life-sustaining treatment. Under New York law, a Health Care Proxy must designate a single Agent and must be properly signed and witnessed.

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~WATCH FOR~

Medicare Prescription Drug Plan

In the *Summer* issue
B&D...IN THE NEWS

B&D continues to write a monthly column for the bar journal "The Attorney of Nassau County"