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PART II: ESTATE PLAN TODAY TO AVOID PROBATE TOMORROW!

If a decedent owned assets located in more than one state or country, it may be necessary to have a probate process in each jurisdiction where the assets are located. If one probate creates a financial and time burden, it makes sense that two will double the fun (this is certainly not a case of the more the merrier).

One thing you will want to know, is the court's probate files are public records. Yes, this means your nosy neighbors (not in Bow, but other towns) have the legal right to access the estate's files.

As stated previously, I now advocate for setting up a client's estate to avoid Probate. In fact, this is the key to properly setting up most estates.

THIS IS ABOUT WHAT IS BEST FOR YOUR FAMILY. I know what you thought, "sure, but attorneys make more money by taking this position." I can see how one might make this assumption, however, in most instances the person would be incorrect. From my experience, working with a family to avoid Probate is cost effective and not all that time consuming. Contrast this with going through the probate process, which is documentation intensive, riddled with forms needing to be completed, deadlines, multiple court hearings, not to mention the fees charged by lawyers and other professionals who are often involved. In simplistic terms, it just takes more time and money to Probate than to plan to avoid the process altogether and this does not account for all the additional stress of not planning in advance (more on this below).

Well how much does it cost? I have jokingly stated to many of my Probate avoidance resistant clients (perhaps thinking like you, that I'm in it for the money) "I look forward to the significantly larger fee helping your children navigate the probate process." Attorneys charge fees to work with families to avoid probate, but any such fee will be small in comparison to the fees and other costs of the probate process, which

can exceed 5% or more of a decedent's gross estate. This really is a case of a stitch in time save nine, or something like that.

In addition to money and time Probate can consume, stress is another factor not to be ignored. Those who are living when you are gone will be responsible for getting through the probate court maze, which is a largely unknown entity and a process having many hoops and hurdles which, in many instances, frustrate families (yes, this is an understatement). Over the years I have come to see two very different types of clients in regards to avoiding probate, those who have never dealt with it and are very concerned about "how much is this going to cost me?" and those who have survived a probate process and firmly state "do what is necessary so my children do not have to go through PROBATE!" (no they don't really say "Probate" generally it is something more *spirited*). Note the latter of the two did not mention fees, and yes, this really happens!

This may sound like self-serving doom and gloom, and yes, many families go through the process without issue (there is still the time and money aspects). So don't go by my opinion alone. I encourage you to talk with your neighbors, find one who has experienced Probate and there is no doubt they will work tirelessly to convince you to plan ahead (unless they want to read your probate file) as there is a clear winner. Enough said.

In the end, in my opinion, it is a disservice to your loved ones not to have an estate plan and as part of the planning the discussion of avoiding Probate should occur, as well as the many other topics discussed in this series of articles here in the Bow Times.

All things considered, most people would choose establishing a proper estate plan today so that their loved ones reap the benefits of doing so tomorrow.

The information provided in this article does not constitute legal advice.

EAGLE SCOUT PROJECT TURNS 40 AT RICHARD HANSON MEMORIAL RECREATION AREA



Paul Violette with family on the Anniversary of the Picnic Shelter.

This past August, the picnic shelter in Gergler Field at the Richard Hanson Memorial Recreation Area celebrated a bittersweet anniversary. It turned 40 years old. Constructed in 1982 by Eagle Scout Paul Violette, the anniversary was bittersweet because of its planned demolition later this year in order to make way for enlarging the fields. Paul and his immediate family, to include some who helped build the structure in 1982, toasted the 40th anniversary of his Eagle Scout project during a private ceremony in July.

Many members of the Bow community were involved with its construction to include familiar last names from that time period: Gergler, Godbout, Hanlon, Hirsch, Huff, LaPierre, Lehoux, Patoine, and Violette.

In the fall of 1981, Bow resident and Troop 86 Boy Scout Paul Violette was looking for a worthy idea for his Eagle Scout project, the last step before attaining Eagle Scout. His dad suggested constructing a picnic pavilion at one of the ball fields at the Richard Hanson Memorial Recreation Area. As a past president of the Bow Pioneers Snowmobile Club, he had seen the need for a shelter for organizations to gather; the Bow Pioneers had regularly held their spring picnics at Elm Brook State Park because no suitable shelter existed to accommodate their outings.

Paul proposed the idea to Mr. Jim Gergler, Chairman of the Bow Recreation and Parks Department, and he agreed the project would be a benefit to the town. The local community donated many resources for the project: the Bow Pioneers Snowmobile Club, the Bow Women's Club, the Bow Men's Club, the Bow Rotary Club and others provided funds and materials.

The construction began in earnest in April, 1982 with the sinking of donated telephone poles at the designated site. Boy Scouts from Troop 86 and Troop 75 built the trusses for the structure. Bow residents helped with the heavy lifting as the trusses were hoisted upon the beams extending across the poles. Over the course of 4 months, Paul and other Boy Scouts and friends hammered on the roofing boards, stained the entire shelter, and nailed on the roofing shingles. The project concluded in August 1982 and took over 364 hours to complete.

No one ever expected this Eagle Scout project to last so long. However, as the Bow Recreation and Parks Department chairman Michael Blake said in a letter to Violette after the completion, "It will last years and provide recreational enjoyment for the people of Bow which will always be appreciated." He was right. And it did just that.