



# BRINKS LAW FIRM

**ESTATE PLANNING INFORMATION AND FEE SCHEDULE**  
**WILL-BASED ESTATE PACKAGE: \$995.00**  
**LIVING TRUST PACKAGE: FROM \$2,250.00 PLUS FUNDING COSTS**

The first step in the estate planning process is to schedule an appointment to review your current estate plan or establish an estate plan for the first time. After you have scheduled the appointment, you will receive a message confirming your appointment day and time. We prepare a package of information to help you gather paperwork before our first meeting. We will ask you to forward information to us before your first appointment so that Ms. Brinks may review your family information in preparation. The first meeting will be an hour to an hour and a half. Both marital partners need to attend the meeting.

### Will-Based Estate Plan or Living Trust?

The purpose of the first meeting is to answer any questions you might have and to discuss the difference between a will-based estate plan and a trust-based estate plan. The will or trust should be coordinated with beneficiary designations for life insurance, retirement accounts, and other assets that can pass entirely out of probate under Michigan law.

A will-based estate plan is suitable for small to moderate estates that do not involve out of state property (such as a time share) or blended family situations. When marital partners chose this plan, they generally leave all their assets to each other, and in the event of their simultaneous deaths, to their children equally, or if a child predeceases them, to that child's children.

If you have a minor child or children, the will-based estate plan permits you to nominate a guardian and to name a trustee with broad discretion to manage the estate assets as well as to designate how old the child or children must be before receiving any money under the will. There is a trust set up in the will which will become effective through probate of the estate. A "testamentary trust" (a trust within a will) requires additional cost of administration for a minor child, which is why we may recommend the more comprehensive trust package. A fuller explanation will be made if this avenue is recommended.

A living trust estate plan is a device that avoids probate if properly funded and can provide more powerful tools for blended families and out-of-state property held as part of your estate. We will provide a checklist of questions to help you select which plan best suit your needs and talk things over at the first appointment. The living trust is not a Medicaid planning trust. We can discuss a Medicaid planning trust if you have questions; that may incur an additional fee.

Each package requires that you trust your marital partner because they can change the documents after you die. It is important that they seek legal advice if they plan to remarry.

### Patient Advocate Designation/HIPAA Release

These important legal documents are included in the package price and designate who will make decisions regarding your medical treatment if you are not able to do so. In addition to the Health Care Power of Attorney, you will execute a general HIPAA Release authorizing your health care providers to share information with your designee(s). You may also wish to add information that will guide your medical treatment and end-of-life care if you are unable to make decisions.

## Financial Power of Attorney (ends when you die)

A Financial Power of Attorney allows an individual to act for another person. There are two types of Powers of Attorney. A General Power of Attorney permits your designated person to act for you under any circumstance. A Power of Attorney Effective upon Disability permits someone to act for you only if you become disabled. We will discuss the differences and help you choose the appropriate power of attorney. We usually recommend a general power of attorney for family members whom you trust. They must sign a "fiduciary document" promising to act in your best interests if they use the power of attorney.

## Other Topics

We will also discuss funeral planning, burial, cremation, and answer any questions you might have about home and auto insurance with you. Once you have completed your estate planning, you become a client of this office. If you call the office on occasion with simple legal questions that we can answer for you over the phone, we do not bill. We are your resource and look forward to a long-term relationship built upon the trust placed in our firm as your Estate Planning firm. You have the responsibility to return to our office or another competent attorney to review and update your plan. We recommend that you look at it every two to three years or if you have any major life changes.

We will endeavor to answer all your questions. Please do not hesitate to ask about whatever is on your mind throughout the process.

## Signing of Documents

After your initial meeting, you will receive draft copies of your documents for review. Please call or e-mail us with questions or changes. At the time of your initial appointment, we will schedule an appointment for signing the original documents. A Notary Public and two witnesses will be present at the execution of your documents. You are welcome to bring family members to the signing appointment. You will receive your original documents in a customized binder which will also have room for other important documents. This will conclude our involvement in the estate planning process until you request our further assistance. We encourage you to come in if you need to update your estate plan.

## Will-Based Package

If a Will Package is chosen, the cost is \$995.00. This package includes Wills, Durable Powers of Attorney, Health Care Powers of Attorney, and HIPAA forms, plus additional paperwork we have found helpful to our clients. If unusual additional work is required, this work will be charged at the rate of \$325.00 per hour, but only after Ms. Brinks discusses any additional charges with the Client. A retainer fee of \$500.00 is expected at the initial appointment, with the balance due in full at the signing appointment.

## Trust Package

If a trust package is chosen, the basic cost is \$2,250.00 plus recording fees. This package includes everything in the Basic Will Package plus a trust and transfer of your residence into the trust, but it does not include comprehensive trust funding. That is done on an hourly basis. More complex trusts may require additional drafting, and a cost estimate will be given. (For example, if you have a special needs child or a blended family, more than one trust may be required.) A retainer fee of \$1,000.00 is expected at the initial appointment, with the balance due in full at the signing appointment.

If Brinks Law Firm starts the process and Clients decide not to go ahead with the drafting and/or execution of the documents, Brinks Law Firm will bill at the rate of \$325.00 per hour for work completed and the file will be closed.

In the unlikely event that there should be a challenge to your completed estate plan, we will continue to respect your client confidences in accordance with Michigan law on attorney/client privilege to the fullest extent possible. We have office procedures in place to prevent your wishes from being challenged at some later time. Should we need to present evidence regarding your estate plan, we will bill for substantive time at our standard billing rates then in effect with a 10% discount on our hourly rate at that time.

Dated: \_\_\_\_\_

I HAVE READ THIS CONTRACT FOR LEGAL SERVICES  
AND UNDERSTAND AND AGREE TO ITS TERMS

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## **Addendum to Estate Plan Fee Agreement**

You have come to BrinksLawFirm on referral from a legal services plan for an estate plan and we have confirmed that you are currently eligible for services.

We have agreed to be retained under your legal services provider pursuant to your contract.

There will be a charge for costs not covered by the plan, which we anticipate will be as

follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Should you not be eligible under the legal plan, then you recognize that you are responsible for all legal fees for services. We will let you know immediately if the plan says this might be an issue and you agree to let us know if for any reason you think you might not have coverage.

You authorize the release of needed legal information concerning your matter to the plan for the processing of this claim and/or for substantiation of our billing.

Sharon Brinks  
BrinksLawFirm