

# Spiegel & Utrera, P.A.

Counselors & Attorneys at Law

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## **THANKS FOR INQUIRING ABOUT THE FLORIDA MARITAL EXEMPTION A/B REVOCABLE LIVING TRUST**

**Just think. Within minutes you can be on your way to receiving the Florida Marital Exemption A/B Revocable Living Trust**

**It's easy. It's quick. And you'll save a substantial amount of money.**

More and more people like yourself realize the importance of a Living Trust and choose us as their attorneys because of our experience, convenience, but most importantly because of our value prices!

There's a lot of information out there about Living Trusts. Because of that, it's important that you only take advice from a licensed and experienced attorney regarding something as far-reaching as your estate plan.

For one low fee of \$199.95 and five easy steps, you can be on your way to estate planning peace of mind:

- **First:** Fill out our Living Trust information questionnaire;
- **Second:** We will review your Living Trust details;
- **Third:** We will contact you to explain, clarify and elaborate the Living Trust details;
- **Fourth:** We will send you a draft of the Living Trust instrument for your review and you will have certain time period to communicate any changes or the trust instrument will be considered final; and
- **Fifth:** We will send the final version of the Living Trust instrument to you.

Here's the main reasons to consider using an Marital Exemption A/B Revocable Living Trust:

### **AVOIDING PROBATE**

What does that mean? If an estate has to go through probate, the court determines what assets are part of the estate, the court marshals the assets of the estate, and then the court disposes of the assets in accordance with the Last Will and Testament or as provided in the state statutes. Such a probate process can be quite lengthy and expensive. With the Marital Exemption A/B Revocable Living Trust, Probate is avoided because the Trust assets are owned by the Trust rather than the individual decedent.

Order Online Now at: [AmeriLawyer.com/LivingTrusts](http://AmeriLawyer.com/LivingTrusts)  
Order by Fax Dial: (800) 520-7800  
Order Over the Phone Now Call: (800) 603-3900

## MARITAL EXEMPTION

In the past, a Marital Exemption A/B Trust involving a married couple and utilizing the Marital Exemption allowed married persons to escape certain estate taxes. What does that mean? If there is a married couple, upon the death of the first spouse, the Trust Assets would pass tax-free to the Surviving Spouse. Then, when the Surviving Spouse died, the tax would be levied on the beneficiaries of the Surviving Spouse.

Although the estate tax has been phased out temporarily, the estate tax may be restored at anytime. Therefore, a careful estate planner will want to have a Marital Exemption A/B Trust in case the estate tax returns.

How does the estate tax work and affect inheritance? The estate tax is levied by multiplying the gross estate, plus adjusted taxable gifts, by the estate tax rate. Then, amounts in excess of a unified credit, currently \$2,000,000, are subject to the federal estate tax. In the case of a married couple, each spouse is entitled to a \$1,000,000.00 credit and each spouse may pass to their children or others, tax-free, the entire \$1,000,000.00 without any estate tax.

For example, assume a married couple, Husband and Wife, with assets worth \$1,000,000.00 where the spouses establish Trusts for each others' benefit under the terms of the Trust instrument. Upon the death of the first spouse, the Trust property is divided into two parts: Trust A, the Marital Trust and Trust B, the Family Trust. The exemption amount, \$1,000,000, is placed in the Family Trust, Trust B. The balance of the Trust property is placed in the Marital Trust, Trust A. Because the \$1,000,000 exemption applies to the Family Trust there are no taxes due at the death of the first spouse. The unlimited marital deduction applies to the Marital Trust.

The Marital Exemption A/B Trust is designed to make certain that the \$2,000,000 tax exemption, \$1,000,000 for each spouse, is preserved, while allowing the Surviving Spouse to have the income from the Deceased Spouse's assets until death. However, please note that any of the Trust's earnings, whether interest, dividends, or net profits, that are paid to the Surviving Spouse, is taxed upon distribution to the Surviving Spouse, while the Trust itself, is not. The Family Trust, Trust B, is generally not taxed at either death. The Marital Trust, Trust A, generally may be taxed at the Surviving Spouse's death provided it exceeds \$1,000,000.00.

Following the Surviving Spouse's death, assets in the Family Trust, Trust B, pass estate tax free to the children or other beneficiaries under the terms established in the Trust. Assets in the Marital Trust, Trust A, are taxable to the extent they exceed \$1,000,000.00. Therefore, in this example, a married couple can leave \$2,000,000 to the children federal estate tax free! Note: The size of an estate is increased by the couple's proceeds of all life insurance policies owned by the decedent on his life. To prevent this result an Irrevocable Life Insurance Trust is utilized.

## **ISOLATING LIABILITY**

Using multiple Revocable Living Trusts for different family members, you can avoid spillover of liability to other family members. For example, Mother Smith, the matriarch of the Smith Family, sets up one trust for Daughter Smith and one trust for Son Smith, because she knows that the local police are staking out Daughter Smith's botox shop. The Internal Revenue Service is upset that Son Smith hasn't filed his tax return since 1993. By isolating liability and using multiple Revocable Living Trusts, Daughter and Son Smith's issues won't spillover and affect each other.

## **EASE OF ADMINISTRATION**

If an individual establishing the Trust has real estate, the cost of probate administration is avoided because the property held in the Trust will pass at the decedent's death free of probate unless the Trust estate is to be distributed to the decedent's estate.

## **REVOCABILITY**

Cutting someone out of your estate plan? The Marital Exemption A/B Revocable Living Trust allows you the flexibility to make changes to the trust document while you are still alive and competent.

## **PRIVACY PRESERVATION**

Don't want your friends and relatives aware of your private affairs? The Marital Exemption A/B Revocable Living Trust allows the transfer of your personal assets to remain private within the parameters of the trust document. That is distinguished from the situation where if you had a Last Will and Testament, the probate process would expose your estate to the public.

## **CHECKBOOK CONTROL**

Don't want your kids squandering their inheritance? The Marital Exemption A/B Revocable Living Trust can be used to help control a beneficiary's spending habits. For example, distributions of principal and income can be limited to health, maintenance and education issues.

## **MANAGEMENT AFTER DEATH**

The wealth that you've accumulated may continue to grow for multiple generations under the direction of your hand picked successor trustee, rather than subject to the whims of others.

## **CREDITOR PROTECTION**

What happens if a trust beneficiary gets sued? Do you want a creditor to get any of the beneficiary's money? Creditor Protection prevents creditors from attaching the interest of the beneficiary in the Trust before that interest (cash or property) is actually distributed to him or her.

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## PROTECTING YOUR FAMILY, MEMORIALIZING YOUR WISHES

The Living Trust is governed by a Trust Instrument that can be tailored to your individual situation and wishes. For example, if you die when a child is a certain age, for example 19 years old, the Trust Instrument can provide that distributions are made for the child's education, health and welfare and upon reaching certain ages, for example at the age of 35, the Trust would terminate. A relative may not have the maturity or judgment to handle a sudden windfall. Isn't it comforting to know you can help your family in the way they need it most?

## LEGAL AND STRATEGIC BUSINESS ADVICE

Let us help in many ways. For instance, as a member of our General Counsel Club, you can take advantage of unlimited general legal and strategic business advice. We'll show you: how to avoid probate...get maximum privacy...seize business opportunities... build a profitable business...prepare business plans...make BIG profits... solve finance, tax and related problems, become a powerful negotiator...

And all this is just for starters. More: How to sharpen your business skills... select the right franchise...avoid costly pitfalls in leases...push profit centers...set and achieve business goals ON TIME!

Still more: How to pick, manage and inspire employees...develop real estate buying and leasing expertise...acquire real estate with zero down...make huge profits off real estate...even make sure your competitors don't steal customers from you.

### **CALL TODAY WITH YOUR CREDIT CARD HANDY. ONLY \$199.95 GETS YOU THE MARITAL EXEMPTION A/B REVOCABLE LIVING TRUST**

<b><u>MIAMI OFFICE</u></b> Call: 305-854-6000 Toll Free: 800-603-3900 Fax: 305-857-3700	<b><u>TAMPA OFFICE</u></b> Call: 813-871-5400 Toll Free: 800-658-5900 Fax: 813-870-2500
<b><u>ORLANDO OFFICE</u></b> Call: 407-898-5500 Toll Free: 888-999-9700 Fax: 407-894-5700	<b><u>FORT LAUDERDALE OFFICE</u></b> Call: 954-630-9800 Toll Free: 800-465-8500 Fax: 954-561-7900

Do call today. You'll be off the phone and on the way to protection of your estate for future generations. All prices are subject to change at any time without notice.

P.S. Not sure? Have questions? Call the numbers above today. Let us answer all your questions for you obligation free. We want to help. Thanks.

P.S.S. Need the Marital Exemption A/B Revocable Living Trust applicable to other states? We can help. We have offices in Miami, Fort Lauderdale, Tampa, Orlando, New York City, Long Island, New Jersey, Chicago, Las Vegas, Los Angeles and Delaware. Visit our website at [www.amerilawyer.com/LivingTrusts](http://www.amerilawyer.com/LivingTrusts) or call 1-800-603-3900.

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Order by Fax Dial: (800) 520-7800  
Order Over the Phone Now Call: (800) 603-3900

**FLORIDA**  
**REVOCABLE LIVING TRUST FAX ORDER FORM**

Instructions: Please complete and fax this sheet Toll Free: 1 (800) 520 – 7800 to begin the process of forming your Florida Revocable Living Trust. Spiegel & Utrera, P.A. will contact you to review your details and to provide answers to all your business formation needs.

**CONTACT INFORMATION**

Full Name: \_\_\_\_\_

Your daytime phone number: (\_\_\_\_) \_\_\_\_\_

Your fax number (\_\_\_\_) \_\_\_\_\_

Email address: \_\_\_\_\_

Your address: \_\_\_\_\_

Please **CHECK** the box for the type of Living Trust you are ordering:

- Individual Revocable Living Trust \$ 99.95**
- Joint Revocable Living Trust \$169.95**
- Marital Exemption A/B Revocable Living Trust \$199.95**

**INITIAL TRUST DETAILS**

Name of your Trust: \_\_\_\_\_

**When we contact you please be sure to have the names, contact information and social security numbers of the parties that you would like to be included in the Trust.**

Please **CHECK** the box for any Additional Services that you would like to order or be addressed when consulting with Spiegel & Utrera, P.A.:

- |  |   |
|--|---|
| <input type="checkbox"/> Spiegel & Utrera, P.A. General Counsel Club   | <input type="checkbox"/> Specific Durable Power of Attorney         |
| <input type="checkbox"/> Indemnification Agreement                     | <input type="checkbox"/> General Durable Power of Attorney          |
| <input type="checkbox"/> Personal Power for Trust                      | <input type="checkbox"/> Pour-Over Will with Guardian Provisions    |
| <input type="checkbox"/> Incapacity Protection Provisions in the Trust | <input type="checkbox"/> Pour-Over Last Will & Testament            |
| <input type="checkbox"/> Asset Segregation Provisions in the Trust     | <input type="checkbox"/> Memorandum of Trust                        |
| <input type="checkbox"/> Creditor Protection in the Trust              | <input type="checkbox"/> Verified Certificate of Trust              |
| <input type="checkbox"/> Living Will                                   | <input type="checkbox"/> "HIPAA" - Health Insurance Portability and |
| <input type="checkbox"/> Appointment of Healthcare Surrogate           | Accountability Act Release Authority                                |
| <input type="checkbox"/> Pre-Need Guardian Designation                 | (HIPAA Consent Document)  |
| <input type="checkbox"/> Anatomical Gift Declaration                   |   |

**Remember to visit [www.Amerilawyer.com/LivingTrusts](http://www.Amerilawyer.com/LivingTrusts) for a complete list of services.**

**SPEED OF SERVICE**

Please **CHECK** the box for the Speed of Service in which you would like to receive your order:

- NO RUSH** - Please provide me with your regular 2-3 week service.
- IN A HURRY** - Please provide me with your Fast Service (3 business days)
- NEXT DAY** - Please provide me with Next Day Service

**SHIPPING DETAILS**

Trust Collection Packages weigh approximately 2 pounds and may be shipped to you via Regular (2-3 day) Service, via Overnight Delivery or may be picked up at anyone of our office locations.

**PAYMENT OPTIONS**

After we review your order, how will you be paying for this service? Please provide payment information. **Please note NO charges will be processed until you are contacted by Spiegel & Utrera, P.A.**

Credit Card:  VISA  MasterCard  American Express  Discover  PayPal  Western Union

Credit Card Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Card ID Number: \_\_\_\_\_

Name on Credit Card: \_\_\_\_\_

Billing Address on Credit Card: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_