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Estate Planning for Divorced Clients

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1. Should your client change his estate planning documents before the divorce is final?
2. If your client died during the divorce, who would receive the assets?
3. After the divorce, if assets remain in joint ownership or the ex-spouse is the designated beneficiary, does the ex-spouse inherit the assets?
4. Before divorce is final, if your client changes his spouse as beneficiary of his retirement plan without the spouse's consent, is the plan administrator required to pay the benefits to the ex-spouse of a retirement plan or life insurance?
5. Who receives the assets if the property settlement provides for separate property, but the will or trust still designates the ex-spouse as beneficiary?
6. Does the ex-spouse control the funds if your client has minor children and the minor children are designated beneficiaries of an IRA or insurance?
7. Can a Trust protect the inheritance from the children's creditors?
8. Is there probate if your client dies with assets in his own name or a minor child is designated beneficiary?
9. Have you changed the beneficiary of your insurance and retitled the assets to your Trust?
10. Should your client create a trust for the children to make sure the assets are distributed properly?

11. Who should be guardian?
12. Should a bank or individual or both be trustee?
13. If retirement benefits are paid to a trust, can the income tax be deferred?
14. If the divorce judgment requires the children as insurance beneficiaries, should a trust be created to receive the assets on behalf of the children?
15. Will your client's estate be required to sell assets in order to pay the estate tax?

If you or your clients have any questions, please feel free to contact us. There is always no charge for the initial meeting.

MAROKO and LANDAU