



Start Your Planning!

AN OVERVIEW OF OUR ESTATE PLANNING PROCESS

O'DIAM & ESTESS
LAW GROUP, INC.

A LEGAL PROFESSIONAL ASSOCIATION

The Problem

The Ostrich Syndrome

You know that agonizing feeling you get when there's something you really should do, but you just can't bring yourself to do it? The burden subtly nags at you, causing stress, anxiety and guilt. That's the way most people view estate planning.

It's understandable, though. What topic could possibly be more unpleasant than facing your eventual death? Fear of the unknown can be intimidating. Besides, you would have to deal with lawyers and confusing legal stuff that you don't understand. Worse yet, you don't even know where to begin.

Maybe it's easier to "play ostrich" and bury your head in the sand, hoping the problem goes away. You don't plan to die soon anyway, right? It's more fun to spend your time and money on something you enjoy. Live for the moment! Deal with the details some other day.

Reality Check

When will "some other day" be? One thing is absolutely certain – this is a problem that's not going to go away. No matter how hard you try to avoid it, every day you face the possibility of suffering mental incompetence or an unexpected death.

There's a universal principle that applies here: *you will never finish something if you don't start it.* Procrastination never solves anything. Estate planning may not be fun, but it's necessary if you care about your family. Yes, it takes time and costs money, but only a fraction of the time and money your family will bear if you don't plan.

Perhaps you just don't like lawyers. Maybe the problem there is that you've never worked with the right ones. We can change that. Take a little time to learn how

we approach planning, and we think you'll be pleasantly surprised.

The Solution

We have developed a uniform estate planning process to guide you step-by-step from beginning to end. Our system takes the guesswork out of planning. This enables us to deliver the prompt, friendly, professional service you deserve in a relaxed and casual atmosphere. It puts you in control, eliminates the intimidation and reduces your stress. The purpose of this overview is to help set your expectations, so you can be as comfortable as possible

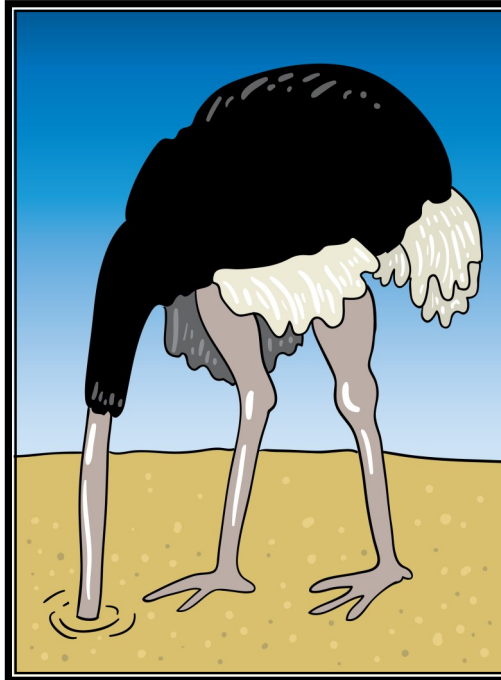
beginning this process — no surprises, no gimmicks, no "blank check." It's not free, but your peace of mind is priceless.

You Are Unique

No two clients are alike, so we start with an open mind without preconceived ideas of what you need. We evaluate your entire situation, not just money and tax issues. Our objective is to tailor our advice to provide you with the best solution to accomplish your particular goals, whether that's with a Will, a Trust or something more.

Good estate planning requires that we educate each other first. You need to teach us about your family, your financial situation and your hopes, dreams and fears. Everything is completely confidential, so there's no reason to keep any secrets. Armed with the information you provide us, we can then teach you about the legal options that are best suited for your needs.

Knowing the right questions to ask is critical in designing an effective estate plan. We guide you through each issue so you don't have to wonder if you're overlooking something that you should be considering. Our written materials explain the plan we recommend for



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you and how the plan works. We'll provide you with worksheets to complete in the convenience of your home so you have time to consider your decisions without feeling rushed. Everything is written in easy, plain English — without all of the legalese many people dread.

There's work involved and sometimes you'll face tough decisions. We've made it as easy as possible for you, but we can only help you if you want to help yourself. It's important that you spend the time and effort to be prepared at each step of the process.

Expectations

Time is in short supply for everyone, so our process makes the most efficient use of your time and ours. With well-organized appointments and advance preparation, you'll get the most out of every meeting in the shortest amount of time, without sacrificing quality. We'll give you an agenda before every appointment so you know what to expect before you come in.

Our estate planning process works best when we don't allow too much time to pass between meetings, so we try to schedule your appointments no more than a few weeks apart — though sometimes the volume of our calendar requires more time. We want to provide sufficient time to prepare for the next appointment, but not so much time that we forget where we left off at the last appointment.

We are strong believers that open, complete and prompt communication is the cornerstone of a good professional relationship. There's never a reason for you to feel lost or confused because we welcome your phone calls and emails. If we're not available at that moment, we promise we'll respond as soon as possible, usually the same day. Remember, however, that communication is a

two-way street. Our ability to advise you properly depends upon your openness and responsiveness, as well.

By the way, we love questions. The only dumb questions are the ones you don't ask. Please, feel free to ask anything anytime because learning through questions allows you to gain a greater comfort level. If we don't know the answer, we'll find it for you.

Four Stages of Every Estate Plan

If you want an estate plan that actually works, it's important to understand the big picture first. There's more to estate planning than just signing a few boilerplate forms and shoving them in a junk drawer. Everyone's plan goes through four stages, no matter what type of plan you have. If you ignore any of the first three stages, the fourth stage will likely be an expensive mess.

Stage One – Creating Your Estate Plan

Creating your estate plan is the obvious first phase of the process. It's more than just saying, "I want a Will." You need to determine what you want to accomplish first, and then figure out the best legal strategy to achieve that result. It may be a Will or a Trust or something else, but you won't know until you decide what you want to happen if you become incompetent or pass away. Some people may need even more advanced planning to address particular tax issues, liability risks or special family circumstances.

We call Stage One the "estate plan design" phase because you're designing a plan to accomplish your goals. Your estate "plan" isn't just a document. The "plan" is more like a detailed outline of what you want to happen under various circumstances that may occur. The legal documents – Will, Trust, Power of Attorney, Health Care Directives – are merely the formal written expression of your plan to make it legal and enforceable. Stage One is complete as soon as you design your estate plan, formalize it with the appropriate legal documents and sign them.

Stage Two – Asset Titling

As soon as you have the legal documents of your estate plan in place, you need to be sure to coordinate the ownership of your assets with your estate plan. This is a critical stage, but most people completely ignore it. That's a huge mistake because if you don't title your assets correctly to work *with* your estate plan, your plan may be useless. More plans fail because of incorrect asset titling than for any other reason.

We are sticklers about asset titling, no matter what type of estate plan you create. Some people try to handle all of the asset titling on their own. Most, however, have us assist them with this work so they can rest easy knowing it was done correctly. Like the design stage of

estate planning, we have efficient tools and processes to assist you in successfully handling your asset titling.

Stage Three – Updating Your Plan

Nothing lasts forever, and your estate plan is no exception. Things change and you need to keep your estate plan current if you expect it to work. Congress and our state legislature constantly tinker with laws and taxes, and your family and financial situation can change, too. We recommend that you have us review your estate plan every two years – three at the most – to be sure it is current.

For all of our estate planning clients, we offer a structured annual estate plan maintenance system. *The Legacy Program*SM is our process for keeping participants advised of changes in the law, updating their estate plan documents as needed and assisting with asset titling issues that arise. We offer three different levels, so you can choose the level that best suits your needs. This is certainly the best way to protect your estate planning investment on a continuing basis. We have more information on *The Legacy Program*SM that we'll be happy to share if you're interested in learning more.

Stage Four – Settling Your Estate

The fourth stage of estate planning is the decisive moment when you become incompetent or pass away. That's when your estate plan really counts and we see how well it works. Every estate, no matter how large or small, requires some degree of legal work to settle debts, liquidate or transfer assets and determine if any tax returns are due. The complexity and cost of settling your estate depends entirely on how well you did on the first three estate planning stages.

When we settle estates for our clients, we approach it the same way as we do estate planning. It requires teamwork, cooperation and good communication. We have specific processes and beneficial tools we use to make estate settlement as fast, cost-effective and painless as possible for your family. Efficient estate settlement begins with a great, updated estate plan.

How Much Does It Cost?

Let's be honest, price matters. Quality estate planning that actually accomplishes your goals comes at a price. You deserve to know how we charge for our services and we don't want any last minute surprises to ruin our relationship.

First, you need to understand what you're buying. We're in the business of providing counseling and professional advice to guide you through the maze of issues you need to address to create an estate plan that fits your needs. Along the way, we educate you about your options and how they can meet your goals. Our extensive experience and expertise in this area of law is the value we offer. You get quality legal documents, too, but you're not paying us as typists.

JUST WHEN YOU THOUGHT SCHOOL WAS OVER...

Estate planning can be confusing and complicated. Our goal is to lessen the confusion by helping you understand exactly what's happening every step of the way. We understand that this process can be intimidating, so we put a lot of time and energy into creating a system that focuses on helping you feel comfortable and confident.

Many attorneys buy pre-packaged explanation materials to give to their clients (if they give them anything at all), but we personally created every written material that we give to you. While creating these materials, we focused on using plain-English, easy to understand explanations of the estate planning process. We firmly believe that if our clients don't fully understand every aspect of their estate plans, then we haven't done our job properly.

A FEW HIGHLIGHTS

- ❖ We are very proud of our booklet, *The Road to Effective Estate Planning*, which is included in your Introduction Packet. It provides a clear explanation of your basic estate planning alternatives, the goals that you should consider when creating your estate plan, and the dangers your family could face if you choose not to make a plan.
- ❖ The Worksheet we will give you after your Preliminary Evaluation Appointment is the key to a successful Plan Design Appointment — so we created a Guidebook to help you understand every question asked in the Worksheet. If you get confused by a question in the Worksheet, simply follow the page reference to the explanation in the Guidebook.
- ❖ After you sign your estate plan, we will give you an Estate Plan Summary that gives you a simple explanation of the plan you created, without all the legal jargon contained in the legal documents.

OUR GOALS

We want you to feel comfortable in your understanding of estate planning after reviewing all of our materials. We hope that our system helps to answer any questions you may have – and we hope that it raises questions that you may not have thought to ask otherwise. Remember, we love questions, and we are always here to help.

Above all, we want your estate planning experience to give you peace of mind. When you leave our office, you should be confident in the knowledge that your plan will protect you and your family in the future. We believe you should “*Plan for tomorrow. Live for Today.*”

Building Your Estate Plan: The Foundation

Let's focus on Stage One – creating your estate plan. Getting a good plan in place is like laying the foundation of a house. Without a good foundation, there's really no point in trying to do anything else. Our systematic process enables us to work together to create an effective estate plan that serves as your foundation. At the end, you'll have a clear understanding of what your plan does and how it achieves your goals.

Introduction Materials

All of our new estate planning clients receive an Introduction Packet that contains everything you need to get started. After you finish this brochure, we encourage you to read *The Road to Effective Estate Planning*, which is included in your Introduction Packet. It's a wonderful resource to learn about estate planning and the various options you have.

The Introduction Packet also contains a Preliminary Family Profile for you to complete at home. The Profile is an easy way for you to teach us about your family, your finances and your goals. We need to receive your completed Preliminary Family Profile at least **three business days before your first appointment**, so that we have time to review it and determine what planning solutions may be appropriate for your situation.

Preliminary Evaluation Appointment

Your Preliminary Evaluation Appointment is the first time we meet in person to discuss your estate plan. This appointment is an opportunity for us to discuss your personal circumstances and goals so that we can review your planning options and recommend an estate plan that best suits your needs. We'll give you written materials explaining our recommendations and answer any questions you may have. This appointment only lasts one hour, so it's important to come fully prepared so we can make the most of our time together.

At the end of this first appointment, you should be in a position to decide how you want to proceed. Once we determine what type of estate plan you need, we'll discuss the anticipated price (your "Plan Design Fee"). We'll also give you an Estate Plan Design Worksheet and Guidebook to take home with you to work through important decisions you need to make to create your plan.

Plan Design Appointment

The Plan Design Appointment is an essential part of our process. The purpose of this meeting is to review your

completed Estate Plan Design Worksheet and to discuss additional legal, tax and personal issues that affect your plan. This appointment usually lasts about an hour and a half, but we'll take as much time as you need to be comfortable with your estate plan..

All of the details of your estate plan will be in place by the end of your Plan Design Appointment. Now we can get busy preparing the legal documents to formalize your plan. We normally don't send you drafts of your estate plan documents because they're long and can be overwhelming to digest on your own. Instead, for Trust-based plans, we'll send you an Estate Plan Summary to review before your next appointment. While we're drafting your legal documents, you can work on the materials we give you to gather information about your assets to coordinate their titling with your estate plan.

Review and Signing Appointment

Within a few weeks after your Plan Design Appointment, we'll meet with you to review and sign all of your estate plan documents. The purpose of this appointment is to go over the details of your estate plan documents with you in person and to answer any questions you may have. Then we'll assist you in signing your documents so that they comply with all legal requirements. After you sign, you have the benefit of our 90-day correction policy, so if you discover any misspellings or other inaccuracies, we'll fix them for free.

At this point, your estate plan is in place and Stage One is complete. When you finish signing your documents, it's time to talk about moving on to Stage Two – titling your assets to work properly with your estate plan. Correctly titling your assets to work consistently with your estate plan is perhaps the most important, but often overlooked, step in estate planning.

We'll discuss preliminary asset titling issues during the last part of your Review and Signing Appointment. You can then decide what level of assistance you want our office to provide for you on this important task. Stage Two takes time, patience and persistence, but getting your asset titling done correctly and completely is vital to the success of your estate plan.

Before we conclude, we'll also provide you with materials about *The Legacy Program*SM. You should plan on one to two hours for your Review and Signing Appointment.

Our professional advice is always completely independent and focused on your best interests. We don't sell investments, insurance or other financial products and we *never* receive any outside commissions or other compensation from any referrals or recommendations we may make. We earn only what you directly pay us, without any hidden or conflicting financial motive.

The price you pay for an estate plan varies based upon what goals you want to accomplish. Similar to buying a car, it's tough to set an accurate price until you know what you want and the features and options that are important to you. That's why we can't quote an exact price for your estate plan over the phone before we ever meet.

There's a difference between the "price" and the "value" of a product or service. The *price* is the dollar amount that you initially pay. The *value* is what you receive in exchange for the amount you pay. The more you receive compared to what you spend, the better the value.

The important thing to understand with estate planning services is that the amount of money you pay for your plan is its initial *price*, not its *value*. Measure your plan's *value* by the results it will achieve in saving your family excess attorney fees and taxes to settle your estate when you're gone. We'll show you the measurable dollar benefits of any plan that we recommend for you. Perhaps the greatest value of a quality estate plan, however, is the intangible benefits your family will enjoy through reduced complexity, risk and stress. Emotional peace of mind for you and your family is a value you can't put a price on.

Our Pricing Structure

We price our services separately for each of the four stages of estate planning. Rather than making it an "all or nothing" proposition, we give you the opportunity to make a separate purchasing decision at each stage. This keeps you in control throughout the entire process. We'll always discuss our charges with you and put our agreement in writing before we begin any work, so there's no misunderstanding. You can pay your fees by check or with a major credit card. Cash is fine too, but we don't maintain cash reserves in our office, so we will not have any way to make change.

Plan Design Stage

The price for your estate plan design is a fixed-fee amount, which is an exact dollar price for a specifically defined scope of work. This includes all normal costs for copying, postage and similar out-of-pocket expenses. We charge a fixed-fee of \$200.00 for your one-hour Preliminary Evaluation Appointment (discounted from our highest hourly rate). Payment is due at the end of that appointment. If you complete your estate plan within our

normal schedule (without letting too much time pass between appointments), we'll credit your initial payment to the final price of your estate plan.

As soon as we determine what type of estate plan is appropriate for you, we'll tell you the fixed-fee price for that plan (your "Plan Design Fee"). If we recommend a custom Trust plan, however, we may only be able to give you a price *range* until after your actual Plan Design Appointment, at which time we'll be able to give you an exact Plan Design Fee. If you're not comfortable with the final price we give you at that point, you can elect not to proceed and just pay us on an hourly basis for the time spent in your Plan Design Appointment. Your full Plan Design Fee is due before we actually begin drafting any plan documents. Your Review and Signing Appointment is included in your Plan Design Fee.

While we can't give you a price to design your plan before we meet with you, we can give you a general idea of what to expect. A complete Last Will and Testament estate plan typically ranges from \$1,200 for a simple Will plan, to \$2,250 for a Will with a Stand-by Trust. A Revocable Living Trust plan usually ranges from \$2,500.00 for an Essentials Trust plan, to \$8,750.00 for a Custom Trust plan with all the bells and whistles. Advanced planning for complex estate, tax issues, or asset protection may be significantly more.

Asset Titling Stage

Everyone's assets are different, so it is difficult to assist you with asset titling on a fixed-fee price. We normally provide this service on an hourly-fee basis by multiplying the time we actually spend by the hourly rate for the attorney or paralegal that performs the work. Reimbursable costs are not included in the hourly rate, so we itemize those charges separately.

You always determine how much asset titling work you do on your own and how much help you want from us, so you have complete control over your costs. As part of the fee for the estate plan design, we teach you what needs to be done with each of your assets in order to appropriately coordinate them to your plan. After you learn what is involved, you can decide how much help you need from us.

Plan Updating Stage

We give you a choice about how you pay for our services to update your estate plan. All estate planning clients have the option to join *The Legacy Program*SM for a fixed annual price, or they can pay on an hourly basis, as they want our assistance. Whenever clients decide to hire us to handle updates on an as-needed basis, rather than participating in *The Legacy Program*SM, we make every effort

to provide a fixed-fee price for updating work as soon as we determine the scope of that work.

Estate Settlement Stage

As with asset titling, everyone's assets and circumstances when they pass away are so different that it's nearly impossible to provide estate settlement services on a fixed-fee price. The Probate Court in each county has suggested fee schedules that use a percentage of the total asset values, but these percentage-based fees often disfavor those who did an excellent job planning their estates. Therefore, we normally provide estate settlement services on an hourly-fee basis so that you can control the costs by determining how much of the legwork you will do on your own.

Controlling the Costs

Here are four suggestions that will help you keep your estate planning costs under control. First, follow our planning process, because we developed it through years of experience to make it as efficient, complete and cost-effective as possible. Second, be prepared for each appointment so that you get the most out of our counseling. Third, commit the necessary time to proceed with your planning promptly, to keep your momentum and to enhance your understanding of your plan. Finally, keep your scheduled appointments and be on time to avoid delays from rescheduling or needing additional appointments.

No matter how well our estate planning system works, a few people sometimes want to deviate from it for one reason or another. Our pricing structure for estate planning services contemplates that all appointments occur at our office and that we follow our normal planning process. We can be flexible and will work with you to accommodate special circumstances, when necessary. Keep in mind, however, that moving off course may delay the process and increase your cost of planning.

When you analyze the value of estate planning, always look at the "overall" cost, not just the initial price. You may be able to find a cheaper initial price from another lawyer, but we don't think you can find better quality or overall value. The ultimate cost of not planning, or of planning poorly, far exceeds the initial price of a good estate plan. The most expensive estate plan is the one you never got around to doing.

Let's Get Started!

So, there you have it! An efficient, understandable, cost-effective process for designing a customized estate plan that fits your needs. Plus, you get the guidance of our caring, friendly estate planning professionals, who each have the experience to do it *right*.

The ball is in your court. You can face the problem of planning now, or let your loved ones face the consequences of *not* planning later. The choice is yours, but your family is counting on you to make the right decision.

We hope that you'll give us the opportunity to assist you with your estate plan soon. We're confident that you will be pleased with the experience. In the meantime, if you have any questions that were not answered by this booklet, please don't hesitate to reach out and ask us.

Thank you!



Experience the O'Diam & Estess Difference



Brittany O'Diam Horseman

Brittany is a Certified Specialist in Estate Planning, Trust & Probate Law by the Ohio State Bar Association, and she is a dually Certified Specialist in Elder Law by the National Elder Law Foundation and the OSBA. Her practice focuses on estate planning, estate administration, elder law, asset protection, Medicaid, special needs planning and guardianships. She also practices in business succession planning and real estate. She is passionate about helping her clients craft plans to address the unique aspects of each client's circumstances. There is no one size fits all plan here! Brittany is licensed to practice law in both Ohio and Florida (so she is officially a snow bird... in training). Brittany was voted by her peers as a Super Lawyer Rising Star in 2019, 2020, 2021 & 2022.

Brittany is the Past-Chair of the Board of Trustees for the Disability Foundation, and she serves as the Vice Chair for the Ohio State Bar Association's Elder & Special Needs Law Section. She is a member of WealthCounsel and ElderCounsel, and is active in the National Academy of Elder Law Attorneys, serving as the Past-President of the Ohio Chapter. Brittany is also among five Ohio attorneys who serve as Ohio Department of Medicaid Stakeholder Liaisons.

Brittany graduated *cum laude* from the University of Akron School of Law, after getting her BS in journalism from the E.W. Scripps School of Journalism at Ohio University, *cum laude*. She was a fifth generation graduate of Beavercreek High School and she is a second generation estate planning attorney. She is now happily settled in Beavercreek with her husband, Adam Horseman, and their two children, Camden and Jake.



Kim Cullman Estess

Kim is a Certified Specialist in Estate Planning, Trust & Probate Law by the Ohio State Bar Association, and she is a dually Certified Specialist in Elder Law by the National Elder Law Foundation and the OSBA. Kim's practice focuses estate planning, estate administration, elder law, asset protection, Medicaid, special needs planning and guardianships. She believes providing outstanding service requires more than just excellent legal work—it also involves taking the time to establish a strong relationship with each client in order to truly understand their unique goals.

Kim serves as the Secretary of the Board for United Rehabilitation Services and as a member of the Board of Trustees for the Disability Foundation. Kim is a proud member of the Leadership Dayton Class of 2022 (the best class ever!). She also volunteers her time with the Greater Dayton Volunteer Lawyer Project. She is a member of the Ohio State Bar Association, the Dayton Bar Association, and the Greene County Bar Association. Kim is a member of the National Academy of Elder Law Attorneys, WealthCounsel and ElderCounsel.

Kim graduated from the University of Dayton School of Law, where she was a member of the moot court team and the law review. She earned her BA in Journalism from Indiana University. Kim was born and raised in Centerville, where she now lives with her husband, Adam, and their daughters, Cece and Abby. In her spare time, Kim enjoys long distance running and playing golf.



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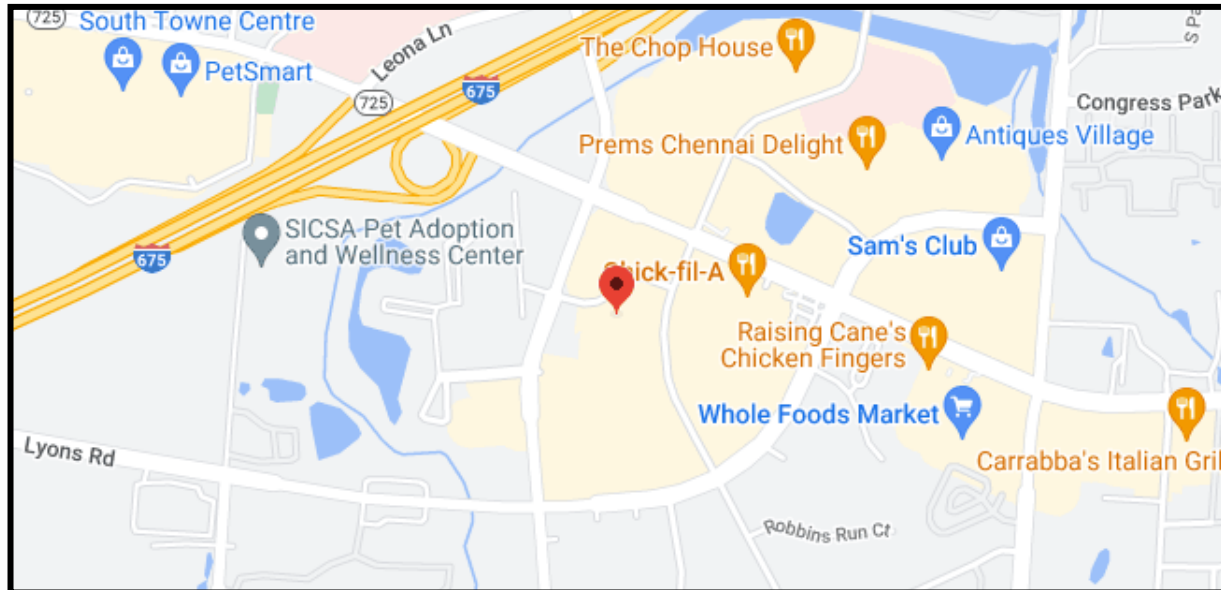
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*O'Diam & Estess Law Group, Inc. is located about a half-mile east of I-675
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*For your convenience, we have ample free parking right at our front door.
Our parking lot and office are fully handicap accessible.*



**Please visit our Website at:
www.oedayton.com**