



The Legacy ProgramSM

OUR ESTATE PLAN MAINTENANCE SYSTEM

PEACE OF MIND... FROM BEGINNING TO END

**O'DIAM & ESTESS
LAW GROUP, INC.**

A LEGAL PROFESSIONAL ASSOCIATION

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So, What Now?

You've spent a lot of time, effort and money to create your estate plan. Now, what are you going to do with it? Are you going to let it sit on a shelf and collect dust?

Hopefully, you won't need to use your estate plan for a long time. But you never know when the unexpected may happen. The question is, when that time comes, will your estate plan be up-to-date?

Your New Car

We're all familiar with buying a new car. It has that "new car smell." It looks shiny and runs like a dream! How long will that last if you don't take care of it?

In order to maintain the usefulness of your car, you have to do more than just fill it with gas. You have to change the oil and filters regularly, rotate the tires, replace the battery, get tune-ups and maybe even replace a few belts or hoses. Otherwise, your new car soon becomes an unreliable money pit.

We all understand that things require routine maintenance and sometimes even major repair. But what about our estate plans?

Sign and Forget Syndrome

Most people don't view their estate plan as a valuable asset. It's a necessary evil, like homeowner's or auto insurance – "I know I need to have it, but I hope I never have to use it." Unlike insurance, however, there's no question that someday you *will* need your estate plan. There's just no way around it.

The biggest mistake that some people make is letting their estate plan go stale. For some reason, these people mistakenly believe that once you do your estate plan, it is good forever! That's a false assumption that can have devastating consequences for your family.

The average time that passes before most people update their estate plan is nearly 20 years. How much has changed in your life in the last 20 years, and how much do you expect to change over the next 20 years?

Change is Certain

No one is immune to change. It *will* happen. Many changes are completely out of your control — but you *can* take steps to control the consequences of how changes affect you and your family. Change comes in many forms, but we can classify them in two broad categories — personal and legal.

Personal Changes

Personal changes are those that involve your family, your finances or your goals. Your children grow up, marry and have children of their own. Your net worth increases as you scrimp and save, or plummets in a bad economy. A "problem child" finally straightens out and becomes a responsible adult.

Changes in your personal circumstances usually happen gradually. Gradual personal change is not always the case, though. A devastating accident or illness can wreak immediate and unexpected havoc, and rapidly declining health may make long-term nursing home care a real possibility.

Legal Changes

Legal changes happen constantly. Congress and our state legislature are always tinkering with laws. Tax laws change especially frequently. On average, Congress changes the tax code about every ten months. Some of those changes don't affect your estate plan, but many do.

Some legal changes don't have anything to do with taxes. State laws on probate procedures, asset titling techniques and how trusts work change quite often, too.

Change is not always bad. Sometimes new laws create planning opportunities that didn't exist before. The only thing that is certain, however, is that laws *will* change.

Ignoring the Inevitable

Change is going to happen and it's going to affect your estate plan. You need to be prepared to adapt your estate plan to the changes. That's why we created your plan with flexibility to address future changes.





Who's Responsible?

Who really *is* responsible for keeping your estate plan updated – you or us? It's you. It may seem cheaper to do it on your own. When you think you need changes, you can call and pay by the hour for what you need.

There are two major problems with this “self-help” approach. First, do you *really* know what changes may affect your estate plan, or are you just going to guess? Second, are you *really* going to monitor your plan consistently, or do you have better things to do with your life? It's a big gamble with your family's future if you guess wrong or if you forget.

Alternatively, you can't assume that if something needs changed we'll call and let you know. That's not a realistic or practical expectation, either. While we often send our clients notices of major legal or tax changes, it would be impossible for us to monitor the impact of every legal change on each client individually. Furthermore, we have no way of knowing if you experience personal changes that require updating your plan.

A Better Solution

O'Diam & Estess Law Group created *The Legacy Program*SM to deal with the challenge of change. This service is vital to everyone who wants to ensure that change will not derail their legacy.

What is It?

*The Legacy Program*SM is a preventative maintenance program for your estate plan.

This innovative solution addresses the uncertainty of who is responsible for keeping your estate plan updated. *The Legacy Program*SM creates an ongoing relationship between you and us, in which we share that responsibility. By working closely together, we can ensure that your estate plan stays current so that when your family needs it, it works the way you intended.

The keys to successful estate plan maintenance are communication and collaboration. That's the foundation of *The Legacy Program*SM. Our system provides a structure with clear expectations of who needs to do what and when they need to do it. It takes the guesswork out of how to keep your estate plan in optimal shape.

The Power of Teamwork

Members of *The Legacy Program*SM appreciate that, as things change, their plan needs to change, too. They value having a close professional relationship to help them.

When you created your estate plan, we worked together to design a plan that best suited your existing situation. You taught us about your family, your financial circumstances and your hopes, dreams, fears and goals. We taught you about the law and your options for addressing those issues. *The Legacy Program*SM simply continues that cooperative process. You keep us regularly informed as your family, finances and goals change. We keep you informed as changes in the law affect your plan or create new opportunities that may benefit you. Together, we can make sure that you continue to have the best possible estate plan.

*Reduce the cost, complexity and stress
that your loved ones encounter if you
become incompetent or pass away.
That is your legacy to them.*

Who Can Participate?

*The Legacy Program*SM is available exclusively to those clients who used our law firm to design and create their estate plan documents. We can only be responsible for work that we did, so we don't invite clients to participate if we didn't prepare their estate plan.

We designed the different levels of *The Legacy Program*SM to address the varying needs of our Trust and Will clients. It is not a “one size fits all” program — you can select the level that best addresses your goals.

*The Legacy Program*SM BASIC will attract you if you want to keep it simple, but still stay informed. With this program, you can stay up to date with the latest news through our quarterly mailing of *The Legacy News*. You can also have easy, secure access to your health care directives and other important information on the go, using your LegalVaultTM account. *The Legacy Program*SM BASIC is available to all of our estate planning clients — and this is the only available option for our Will clients, irrevocable Trust clients and clients who prepare only ancillary documents with us.

*The Legacy Program*SM GOLD provides all of the benefits of *The Legacy Program*SM BASIC, and then some. GOLD members have access to us for questions via phone or email, and they can meet with us for an annual review to make sure their planning and funding remains current. Any updates they need to contact information in their documents is covered, and all other updates are done at a 10% discount. Every client who creates a Revocable Living Trust with us is automatically enrolled in *The Legacy Program*SM GOLD for one year from the date of their signing appointment, but they have the option to upgrade to *The Legacy Program*SM PLATINUM, if they choose.

*The Legacy Program*SM PLATINUM offers everything that BASIC and GOLD provide. Additionally, members of PLATINUM are entitled to enhanced assistance with funding their estate plan, and ongoing help with keeping all of their advisors on the same page through Team Meetings. We also offer our PLATINUM members free updates that do not alter the dispositive structure of their plan, and a 20% discount for all other updates. Their estate administration fees will be capped at 1% of the value of their estate after they die, and they will be treated to an exclusive client appreciation gift every year.

For more detailed information on what each level of *The Legacy Program*SM offers, see the chart on the next pages.

Program Procedures

There are two main reasons why people don't keep their estate plan properly updated. One: they don't think about it regularly. Two: they don't want to spend unknown amounts of money on it.

Those who try to fly solo and do this on their own are far less likely to succeed. They aren't experienced enough to know when updating is truly needed. More often, however, they just don't think about it. They complete their planning, put it in a drawer, and never look at it again.

*The Legacy Program*SM provides a good balance between necessary estate plan maintenance and affordable price. We want to provide the benefits that you believe are most worthwhile, which is why we offer three levels, each offering varying degrees of assistance.

The Price and Value of Membership

The price for membership in *The Legacy Program*SM varies based on the level you select.

- Membership in *The Legacy Program*SM BASIC is \$150 per year.
- Membership in *The Legacy Program*SM GOLD is \$400 per year.
- Membership in *The Legacy Program*SM PLATINUM is \$800 per year.

These prices cover a single person or a married couple. While prices may increase in the future, we do our best to keep them consistent. We are always trying to find ways to improve the program and add benefits to our clients, so we can make sure that your membership is still valuable to you. Overall, this is an excellent value considering all of the benefits received... and it's an extraordinary value considering the alternative – dying with an outdated estate plan that doesn't work!

Value, of course, is in the eye of the beholder. Many of our clients realized the value of *The Legacy Program*SM early on, and have been members for many years. They understand the importance of keeping their plan current. They like the idea of having an ongoing relationship to make sure that happens, or they just like the fact that someone else is worrying about it for them.

Some clients instead choose to assume responsibility for determining if, when, and how their plan may need updating. They do so with the understanding that they are responsible for contacting our firm if they want additional legal assistance, and that they will pay for those services as needed. A lot of the clients who fall into this category later contact us to see if they are able to enroll in *The Legacy Program*SM. Right now, we allow it. However, as demand increases, we may need to limit enrollment to people who decided to enroll from the beginning.

THE LEGAL VAULT™

You're on a business trip in a town where you know no one, and you have a medical emergency that leaves you unconscious. What happens? In most cases, you'd be taken to a nearby hospital, where the hospital staff would begin treating you without knowing anything about you. They'd consult your wallet to learn your identity and possibly try to use that information to contact your family.

Ideally, you'd travel with a copy of your Health Care Power of Attorney and Living Will, but what are the chances that these documents went with you to the hospital? This leaves the doctors on their own, with no choice but to treat you according to what they assume you'd want. This is where LegalVault™ can ensure that your wishes reign.

When you have your LegalVault™ ID card in your wallet, the hospital will have immediate access to your vital medical information, to your healthcare directives and to your healthcare agents' contact information. Instantly, you can regain your autonomy and medical integrity — without even regaining consciousness.

The Legacy ProgramSM Benefits by Level

BENEFIT	BASIC	GOLD	PLATINUM
Legacy News: We send a quarterly newsletter that we write in-house. The newsletter is full of helpful tidbits, tips and reminders to keep you current on the issues. It's a great way for us to communicate with all members at once. It's also a great way for us to jog your memory about your estate plan.	•	•	•
LegalVault™ One of the most common questions we get is how to provide people with access to your estate plan when they need it (especially providing your doctors with access to your Health Care Power of Attorney or Living Will). Enter LegalVault™. This is a secure area on our website where you can store important information electronically. It enables you to authorize people to have access to your information on a "need to know" basis. A convenient wallet card provides simple login instructions for doctors to access your health care documents and important medical information.	•	•	•
Planning Alerts: Significant legal changes sometimes deserve a more detailed explanation than we can provide in our newsletter. Our <i>Planning Alerts</i> advise members about major legal or tax issues that affect estate planning.	•	•	•
Questions: Over time, your memory fades and you can't recall details of your estate plan or how it works in a particular situation. Or, you buy a new house or open a new bank account, and can't remember how it needs to be titled. Membership in these levels of <i>The Legacy Program</i> SM assures that you will not be billed when questions come up. All you have to do is contact us, simple as that. No hassle, no extra charges – so there's no reason to hesitate!		•	•
Annual Review Meeting: It's smart to review your estate plan with us periodically, even if you don't think anything has changed. It's also important to make sure that your assets continue to be properly titled. Members of this level of <i>The Legacy Program</i> SM are entitled to an annual 1-hour basic personal estate plan & funding review meeting. We'll discuss personal & legal changes that impact your plan, and check that your documents are current and your asset titling is still correct. This refresher session is a great way to maintain your understanding of how your estate plan works, too.		•	*** See "Team Meeting"
Contact Info & Name Updates: If the people named in your documents change their names or their contact information, we will update your documents free of charge.		•	•
New Asset Titling Advice: What happens if you change or acquire new assets? Do you remember how to title everything? We'll remind you of the information you'll need to set everything up to work well with your plan. If you need us to prepare documents to assist you in this, we will do so at our normal hourly rates (except as noted). If you want more hands-on assistance with the funding of your Estate Plan, see the robust benefits provided to Platinum members of <i>The Legacy Program</i> SM .		•	• 15% Discount
Family & Friends Discount: If you refer your family or friends to us for estate planning, we will offer them \$200 off of a Will-based plan or \$500 off of a Trust-based plan. Just be sure to have them tell us you sent them!		•	•
Pay Less for More: If your estate plan requires more than just routine updates (such as changes to the design of your plan or additional advanced planning), our fees for additional estate planning work are discounted as noted for members of these levels of <i>The Legacy Program</i> SM (for flat-fee and hourly work).		• 10%	• 20%

BENEFIT	BASIC	GOLD	PLATINUM
<p>Enhanced Funding Assistance: At your signing appointment, after you sign your Estate Plan we will walk you through all of our advice regarding how best to coordinate your assets with your plan (as we do for <i>all</i> clients). For Platinum members of <i>The Legacy Program</i>SM, however, we will also do the following:</p> <ul style="list-style-type: none"> ◆ We will provide our advice, in writing, to your other advisors. This will help ensure that everyone is on the same page, without you having to remember what we said and accurately relay that information to the rest of your team. ◆ We will prepare one real estate deed for your plan, free of charge (a \$350 value!). This includes the cost of the parcel research, deed preparation, recording fees (for up to 3 pages), and the preparation and recording of a Memorandum of Trust. Any additional deeds will be prepared for a flat fee of \$250 each. ◆ We will prepare the documents needed to coordinate one business entity with your plan, free of charge (a \$150 value!). This includes the cost of reviewing your business documents and preparing the necessary paperwork. Any additional business entity funding will be prepared for a flat fee of \$100 per entity. ◆ We will schedule a 1-hour Funding Follow-Up meeting with you after your signing appointment, at which we will sign any necessary documents, recap our funding advice, and answer any remaining questions you have. ◆ Any funding assistance you need from us beyond the above services will be provided on an hourly basis — <i>but at a 15% discount!</i> 			●
<p>Team Meeting: Rather than you having to remember the advice that each advisor gives you, why not have your whole team review everything together? Each year, we will gladly coordinate with your other important advisors (financial, insurance, tax) to make sure that everything is working smoothly and cohesively on <i>all</i> fronts. You can choose which advisors you want involved in this meeting, and you can choose whether you want to hold it in-person at our office, via conference call — or even if you want us to talk to your advisors and just provide you a written summary of our discussions! You are also welcome to include any other team members you wish, such as your children, your successor Trustees, or your future beneficiaries.</p>			●
<p>Estate Plan Updates: If you need to update the non-dispositive elements of your plan (such as Trustees or incapacity determination), <u>or</u> if changes in the law require updates to <i>any</i> elements of your plan, we will update your documents free of charge. All other updates will be done at a 20% discount!</p>			●
<p>Client Appreciation Treat: Our favorite thing about what we do is getting to build strong relationships with so many wonderful clients, and it is very rewarding to work with people who place just as much value in that relationship... so we want to show a little extra appreciation to you! Every year, members of the Platinum level of <i>The Legacy Program</i>SM will be receive a special treat from us. Whether it is a gift, a special event, or a gift card to a favorite local spot, we want you to remember how important you are to us.</p>			●
<p>Controlled Settlement Fees: If you're still a member of the Platinum level of <i>The Legacy Program</i>SM at the time of your death and you've properly titled all of your assets according to our advice, we guarantee that our legal fees to settle your Trust won't exceed 1% of the value of the Trust assets as of the date of your passing.</p>			●

Enrolling is Easy

We encourage our clients to join *The Legacy Program*SM because we know it's the best way for them to preserve the investment they've made in their plan and their family.

To illustrate the value, we automatically enroll each new Trust estate planning client in *The Legacy Program*SM GOLD without charge for the first twelve months after they sign their plan. (These clients can choose to upgrade to *The Legacy Program*SM PLATINUM at that time for a fee.) This automatic enrollment is included as a bonus in their original plan design. After the 12-month trial, they can decide whether to renew their membership, or change their level of membership.

We send out annual enrollment forms at the beginning of each year. For new members who signed Trust plans the previous year, we prorate the membership fee so they only pay for the months in that calendar year that extend beyond their initial free year. That gets them onto the same schedule as everyone else.

The enrollment form is simple. If you want to renew your membership in *The Legacy Program*SM, simply check the box next to the level that you want to enroll in, and return the signed enrollment form to us with your payment by the due date on the form. If you have questions about what level might be best for you, please feel free to call us and we can help guide your decision.

No Sneaky Tricks!

We want *The Legacy Program*SM to be a valuable, helpful service for all participants, so we will be fair. *The Legacy Program*SM membership and benefits are on a calendar year basis. If you need assistance in January, be sure to get your renewal for that year in before you call, or bring it with you to your appointment. Membership benefits are only available while your enrollment is current.

There are occasionally those who don't enroll, and then decide to join later when they think they need updates. Currently, non-members can join later, and they often do. However, before joining we may have to completely review and update your plan, including asset titling, to be sure it's current. That work isn't included in your enrollment fee.

Be Part of a Better Solution

*The Legacy Program*SM is a unique solution for dealing with the personal, legal and tax changes that inevitably affect your estate plan. Sure, you can take this burden on yourself and hope that you keep up. But is that really the best choice for your family?

Make a commitment to keep your estate plan current, and avoid the costly mistake of letting your plan grow stale while gathering dust on a shelf. Remember, the time and attention you pay to your estate plan now — both its creation *and* its maintenance — bears a direct relation to the time and expense your loved ones will have to put in when administering your estate plan after you are gone. Join *The Legacy Program*SM as a proactive step toward maintaining your plan for the protection of your family. It'll give you peace of mind... from beginning to end.



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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O'Diam & Estess Law Group is located about 1/2 mile east of I-675 (Exit 2 - Yankee Street), on Washington Village Drive (off of Yanks Ct., next to Fairfield Inn & Suites).

*For your convenience, we have ample free parking right at our front door.
Our parking lot and office are handicap accessible.*



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