



Selecting a Fiduciary

When it comes to estate planning, one of the most crucial decisions you will make is naming a fiduciary – that’s the person who’s going to make sure that you and your worldly possessions are taken care of properly. In a trust, that’s the trustee. In a Will, that’s the personal representative, who most people refer to as the executor. In the legal world, there is hardly a more serious and solemn obligation than fiduciary duty, which is the power and obligation to act in the best interests of others under circumstances which require total trust, good faith and honesty.

It’s been said that when you put total trust in a person, what you receive in return is either a life-long reward or a very hard lesson. Sadly, if you just

**NAMING YOUR ATTORNEY ACTUALLY
MAKES PERFECT SENSE.**

laughed, it’s probably because you recognized that as truth. So consider carefully who you trust.

That’s where it gets complicated. You have a list of people qualified to fulfill this role, so scenarios could go something like this:

- ◆ You’re single and have no children or family, but you do have seven best friends: Sleepy, Dopey, Happy, Bashful, Sneezy, Grumpy, and Doc, who is smart enough to have graduated from med school, so of course you will reward him or her with the additional responsibility of being your fiduciary.
- ◆ You have two children, one of whom has maxed out eleven credit cards and is now back “home” and living in your basement. The other one can always be counted on to do exactly the right

thing in exactly the right way and is a partner in an accounting firm. In Japan. But, you nevertheless reward her with the honor of being your fiduciary.

- ◆ You’ve had two life partners and multiple children with both of them. Your youngest child from your previous relationship is the most responsible person out of the entire lot, but how do you look your current partner (or your other children) in the eye after naming that child as your favorite? Oops, fiduciary. You could, of course, name that child and die without telling anyone, but imagine the nightmare that child will face when everyone else reads your Will.
- ◆ You have three children and you’re uncomfortable picking one, so you name all three to be co-executors, working together. What you’ve just done means that all three may have to be in the same spot at the same time to open a bank account. When it comes time to pay a bill, all three of them may have to sign the check. If the truth be told, you know in your heart that two of them are going to sit back and let number three do all the work, and number three isn’t going to get any more than his or her siblings because you love all of your children equally. By the time all is said and done, there will probably be a rift in the family that will last for generations, if not eternity.

225 High Street
Seaford, Delaware 19973

17252 N. Village Main Blvd., Unit 16
Lewes, Delaware 19958

616 William Street
Berlin, Maryland 21811

www.pwwlaw.com



**PROCINO-WELLS
& WOODLAND, LLC**

Continued from previous page...

Although these situations may be extreme examples, you get the point. You want to choose someone who is, first of all, willing and able to serve. That person also needs to be financially savvy, resourceful, impartial, honest, conscientious, organized, accountable, and timely. You need someone who has time to devote and is in good enough health to sustain this effort for a year or more.

What hasn't been said is this: almost as important as choosing who you trust is choosing someone all of your beneficiaries can live with.

Take a look around. Doesn't that person strongly resemble your attorney? Isn't that why you've already put your trust in her to do your estate planning?

Though it might seem preposterous at first blush, naming your attorney actually makes perfect sense.

If you anticipate having sufficient assets in your estate to warrant using a small percentage to pay someone for estate administration, it removes all of the stress and family politics from the equation. The responsible child doesn't have to add to their already full plate. The whiner is less likely to bend the ear of a professional. The bully will stop short of trying to manipulate an attorney. And you'll have peace of mind, knowing that your estate will be administered professionally and on a timely basis, and when all is said and done your beneficiaries will collect a check.

Weigh all the above factors and name the best person for the job. If that person is a family member or friend, you're very fortunate. If not, don't overburden someone who already has a full load. Don't be influenced into choosing the wrong person for wrong reasons, because that kind of conflict can destroy your family.

Choose carefully.

BELLA'S BRIEF

The Office from a Dog's Perspective



What's missing from this picture, you ask? Oh, just the matriarch of the entire company. Me! I suggest fun outings, celebrations for the team, and road trips to our other offices and you see what happens...I'm left behind. Well, I'm not exactly spiteful, but I do take a certain pleasure in knowing that none of the ladies in this picture were having what I would call a good hair day. As for Thad, he doesn't exactly have the tresses for a Trump comb over so he pretty much escaped the wrath of the weather. Meanwhile, I was snuggled



up in my warm home with a fluffy and adorable coat of curls. I'll be sitting for portraits again when the weather is more suitable. May this crew learn from my examples.

xoxo Bella 

TIME OUT — STAFF PROFILE

Danielle M. Marvel, Elder Law Coordinator

ON THE CLOCK: Danielle, born and raised in Sussex County, is a 2002 graduate of Indian River High School and studied Business Administration at Delaware Technical and Community College. At 14, she took a part time job as a Front Desk Clerk at an Ocean City hotel beginning her career in the hotel industry. After graduating high school, she was promoted to the Front Desk Manager and then to the Accounting Manager as she furthered her education. In 2008, Danielle accepted a Human Resources position with a local long term care facility and 6 months later transferred to their Business Office. In that role she helped residents apply and get approved for Maryland Long Term Care Medical Assistance. Joining PWW as an Elder Law Coordinator allows her to utilize her knowledge of the health care industry and fulfill her passion for helping others.



OFF THE CLOCK: Outside of the office you will most likely find Danielle at the beach, on the boat with her husband or at a local dirt track.

UPCOMING EVENTS

What is on our Calendar?

April 4 — Elder Law Workshop; 11:00 am,
Charles & Martha Fulton Senior Center

April 11 — Estate & Supplemental Needs Planning Workshop;
7:00 pm, Kent-Sussex Industries, Inc., Milford, DE

May 1 — Charitable Giving Estate Planning Workshop with
Atlantic General Hospital; Time/Location TBD

May 7 — Elder Law Workshop; 10:30 am,
Pocomoke Senior Center

May 14 — Elder Law Workshop; 11:00 am,
Northern Worcester County Senior Center

June 6 — Osher Lifelong Learning Institute
Elder Law Course Available; 9:00 - 10:30 am
Wednesdays through June 27th
Dover, Delaware

June 11 — Elder Law Workshop; 10:00 am,
Ocean City Senior Center

July 4 — Office Closed; Independence Day

For more information, visit www.pwwlaw.com.

LEGAL MUMBO JUMBO

Legal Language in Layman's Terms

SELF-PROVING AFFIDAVIT

A sworn statement that is a part of a Last Will & Testament. The person creating the Will and their witnesses sign the affidavit attesting to the validity of the document.

A note from the attorneys...

Despite the dreary winter weather, the first quarter has come and gone with a blur. We're especially excited to be serving clients in our new Berlin office. With the addition of a couple new team members, the transition from 2 to 3 offices has been quite seamless. Speaking of serving our clients, we also enhanced our Estate Plan Maintenance Program and changed the name to the "PWW Law CARES Program." This new name is more consistent with our overall mission and values and stands for "Continued Alignment, Review, Education, and Support." We genuinely care about our clients and the effectiveness of their estate plans and look forward to building ongoing relationships with them for many years to come.

Here's to spring,

Michele, Owen & Leslie



**PROCINO-WELLS
& WOODLAND, llc**

225 High Street
Seaford, Delaware 19973



Planning today to protect your family's tomorrow.



OFF THE CLOCK

We would like to thank our featured referrer of the month:



MONTGOMERY FINANCIAL SERVICES, LLC

11022 Nicholas Lane, Suite 6
Ocean Pines, Maryland 21811
410-208-1004

Procino-Wells & Woodland, LLC is a proud member of:



This newsletter is intended for informational purposes only and does not constitute legal advice. For legal advice, consult a licensed attorney. The examples used are simplified for ease of understanding and illustration of general concepts.