KATHRYN S. WILLIAMS
Admitted - N.H., M.A. & M.E.
kwilliams@ksw-law.com

JAMES W. HARDY
Admitted - N.H.
jhardy@ksw-law.com

KSW LAW
57 Main Street - P.O. Box 836
Epping, N.H. 03042
(603) 679-5223
ksw-law.com

ESTATE PLANNING PROCESS
AND
TIMELINE

Thank you for choosing the KSW Law firm to assist you with your estate planning. The following information is being provided to you in an effort to keep you informed of the Estate Planning process and timeline.

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1. For new clients, the Estate Planning process begins with an appointment with the Attorney to discuss your particular circumstances and wishes.

- If, after meeting with the attorney, you decide ***not*** to have us prepare estate planning documents for you, you will receive an invoice for the appointment in the amount of $250 - $350, depending on which attorney you met with.

- If you decide to continue with the KSW Law firm, within a week you will receive a Fee Agreement outlining what documents will be prepared for you, the approximate costs, etc. There will be two (2) copies of the Fee Agreement (if Fee Agreement is mailed via the USPS): ***you should sign one copy and return the entire copy with your deposit of 75% of the amount listed on the Attachment to the Fee Agreement*** and keep the second copy for your records. If you choose to receive the Fee Agreement by e-mail, you should print two (2) copies, signing one of the copies and ***returning the entire copy*** to KSW Law with your deposit of 75% of the amount listed on the Attachment to the Agreement and keep the second copy for your records. Please read the Fee Agreement thoroughly. If you have any questions, please do not hesitate to call for clarification. ***Please Note: No work will begin on your estate planning documents until we receive the signed Fee Agreement and the 75% deposit.***

2. In approximately 8 - 12 weeks after your signed Fee Agreement and deposit are received, you will receive draft estate planning documents. These draft documents should be reviewed by you. If you have any changes, corrections or questions, please call (603) 679-5223 and speak with a member of our staff. We do our best to send the drafts out within the 8 - 12 week timeframe; however, on occasion, it can be longer so we can accommodate any emergencies or rushes that come up because of client illnesses, etc. If you need the drafts sooner due to an emergency or other event, please let us know at the initial meeting and we will do our best to accommodate this. Once we send drafts, ***it is your responsibility to contact us with changes or to make an appointment to sign your documents***. If minor revisions are needed, we will make those revisions but another set of drafts ***will not*** be sent to you. However, if the changes and revisions are significant and you would like to review those changes, we will send out another draft of the document(s), to allow you time to do that.

3. For existing clients who do not need to discuss changes, etc., with the attorney and are returning to do minor changes or wanting to update existing estate planning documents to be current with State, your file can be reviewed by the attorney to determine what estate planning documents, if any, need to be updated and we can make your changes without a meeting. If your estate planning documents are being updated to bring them current with State laws or the changes requested are minor, drafts of these documents ***will not*** be sent for your review since the information has remained the same, except that the documents are the most current or the changes are minor in nature. However, you will be given the documents prior to your signing them for you to review them. Appointments to sign these updated documents can be made at the time you call in with the changes.

If you have more extensive or substantial changes or need to discuss the changes or circumstances with the attorney, then an appointment will be made for you before changes are made. Drafts of these documents will be sent out for your review within the 8 -12 week timeframe as noted above.

4. After you review your drafts, the next step is to sign them. **You should contact the office to schedule an appointment to sign these estate planning documents.** ***PLEASE NOTE: Any changes or corrections to those draft documents must be given to us before the day of your appointment.***

To make sure we have enough witnesses and time for signing, appointments for signings are generally scheduled Tuesday through Thursday (10:00 a.m., 11:00 a.m., 1:00 p.m., or 2:00 p.m). Please note, that it will generally take two – three weeks to get an appointment. If an earlier or later appointment in the day is needed or if you need a different day, please call the office and speak with a member of our staff and we will do our best to accommodate you.

PLEASE NOTE: ***Estate planning documents are not valid until they are signed in the presence of a Notary Public and two witnesses who are not related to you.***

5. On the day of the signing, the attorney will go over the estate planning documents and answer any questions you have. If you are a new client and will be signing a trust, you will be given instructions for making transfers to that trust. ***Please remember that the purpose of a***

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revocable trust is usually to avoid a probate upon your death. A probate is required if there are assets titled in a person's sole name at their death and those assets have no named beneficiary. To avoid a probate, assets titled in a person's sole name must be retitled into the name of the trust. ***PLEASE NOTE***: Just signing a trust ***does not*** mean that your titled assets have been transferred to it. The instructions you receive after you sign your trust will assist you with these transfers. If you have any questions regarding transferring your titled assets to your trust, please do not hesitate to contact us. If you are an existing client, you would have already received this information at the time you signed your initial trust, but please feel free to call if you have any questions or need assistance with any transfers.

PLEASE BE AWARE: a revocable trust will not protect your assets in the event of a nursing home stay.

6. After you have signed your estate planning documents, we will keep the originals of those documents for scanning and copying. Due to the volume of documents, we have contracted with an outside agency that performs this work for us. We send estate planning packages to be scanned and copied every week. You should receive your copies, and your originals, if you are not leaving the originals with our office, within 2 - 3 weeks from the date you signed them. If you have an urgent need for copies sooner than that, let us know at the signing appointment and we can make a copy for you.

7. If you have signed a trust and own real estate, the attorney will also discuss with you whether you want us to prepare the deed(s) to transfer your real estate into your revocable trust. If you want our assistance, you will be asked to review and sign a Deed Agreement. ***By signing this agreement you are authorizing us to prepare the deed and state forms, locate an out-of-state attorney to perform deed work, if necessary, and acknowledging that you understand that costs associated with this work are your responsibility. All deed work is billed separately and is not included in the estimated cost listed on the Attachment to the Fee Agreement you signed for the preparation of your estate planning documents.*** You will receive your deed(s) and any appropriate State and Town forms within 8 - 12 weeks after you sign the Deed Agreement. After you have had a chance to review the deed and any accompanying forms (if needed), they should be signed and notarized as indicated and returned to us for recording at the Registry of Deeds. If, upon your review, you find that any of the information is inaccurate, please call to let us know so we can correct the document(s) before you sign them. ***We do not do any title work and only insure that your existing deed is retitled to your trust.***

We can prepare deeds for real estate located in New Hampshire, Maine and Massachusetts. Deeds for other states will have to be prepared by attorneys in those particular states. If you own real estate in another state and have a relationship with an attorney in that state, you may want to contact that attorney inquiring if they would be able to assist you with the transfer of your real estate to your revocable trust or you can let us know the attorney's name and we will be happy to contact that attorney on your behalf to inquire as to whether they would be able to assist with that transfer. If you do not have a relationship with an attorney in the state in which you own real estate, let us know as we do have relationships with attorneys in several states. Otherwise, we will attempt to locate an attorney who will be able to prepare the deed and any state forms that may be required for you in that particular state.

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Our fee for the preparation of the deed and State and Town forms (for New Hampshire, Maine and Massachusetts) is $350.00 plus out-of-pocket costs (i.e., tax stamps, recording fees, etc.). Please be aware we have no control over the out-of-pockets costs charged by the Registry. You will be billed for any real estate work after you have received the recorded deed(s). The fee for out-of-state deed work depends on the out-of-state attorneys.

8. On our website, you will be able to find information about changes in the law, helpful information and other important announcements. You should be sure to check the site at least once a year to see if Congress or the State is making any changes in the law that would affect your documents. If you find your documents should be updated or would like to go over your documents, please contact my office to setup an appointment.

9. KSW Law offers an annual retainer arrangement, which ranges from $250 - $500 per year, depending on your particular situation. This annual retainer allows you to pay a fixed fee so any changes and updates and a meeting each year are done at no further charge. Clients with trusts and clients who have named our office as fiduciaries are strongly encouraged to do an annual fee arrangement. ***Please Note***: ***this annual retainer is optional, only good for the year paid for, not transferable, and non-refundable.***

Generally, Trusts and Wills should be reviewed every 5 – 10 years, depending on your circumstances. Durable General Powers of Attorney should be updated every two years as financial institutions do not like to see this document too old.

FOR YOUR INFORMATION: If you are making changes to your Trust(s) or Will(s), we will always (unless they have been recently updated) update your Durable General Powers of Attorney, Durable Powers of Attorney for Health Care and the Authorization for the Release of Protected Health Information forms to make sure they are current with State laws as well.

Again, thank you for allowing us to assist you with your estate planning needs. If you have any questions, please do not hesitate to call

Kathryn S. Williams
James W. Hardy
and Staff

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