



Lawrence N. Berwitz, Esq. and
Maureen Rothschild DiTata, Esq.

Veteran's Pension Programs

The Department of Veterans Affairs ("VA") provides a variety of benefits for veterans and their family members. A VA pension is a needs based program which provides financially eligible veterans with additional tax-free funds to help pay for expenses. Generally, to qualify the veteran must have served during a period of war and be sixty-five (65) years of age or older. In addition, the veteran must either be disabled, be a patient in a nursing home receiving skilled care, receive Social Security Disability or receive Supplemental Security Income. The surviving spouse of a veteran, may also qualify for a survivor's pension provided he or she was married to the veteran at the time of the veteran's death. However, the surviving spouse does not qualify if he or she remarries. The veteran must have met all of the required wartime service criteria.

In addition to pension benefits, the VA affords qualifying veterans or a surviving spouse "Aid and Attendance" benefits. To qualify for Aid and Attendance benefits, the veteran or surviving spouse must be eligible for a VA pension or survivor's pension as described above. The Aid and Atten-

CONTINUED ON PAGE 4

A Lesson Learned at David Bowie's Expense

David Bowie, a trend setting entertainer, died from cancer on January 10, 2016. By January 29 the media was already in possession of the details of Mr. Bowie's estate plan. We learned that his estate was worth as much as \$100 million, \$2 million of which he left to his personal assistant and another \$1 million to his older child's nanny. The balance of his estate was divided between his wife Iman and his two children.

Until his death, we were not privy to any of this personal information. Why? Because it was not until his Last Will and Testament, which was executed in 2004, was filed with the Court and became available to the public, that his highly personal decisions were disclosed to the world. During his lifetime, the size of Mr. Bowie's estate was not public knowledge. He did not twitter about his cash bequests to non family members. He did not post that his estate on Little Tonshi Mountain, near Woodstock, would become the property of his 15 year old daughter. Yet, after his death,

CONTINUED ON PAGE 2

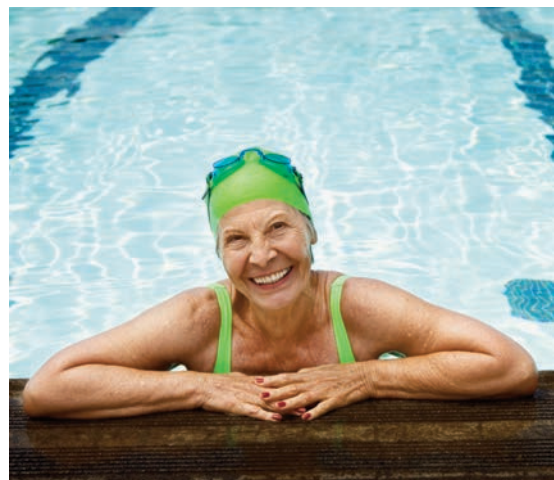
Slowing Alzheimer's: Things You Can Do

Memory loss; difficulty solving problems; becoming confused about place or date or time. Only a doctor can determine whether your or a loved one's issues are the result of Alzheimer's or something else, and that doctor should prescribe a course of action for treatment. There are, however, things that you might do to help slow the onset of Alzheimer's or other types of dementia. Several key recommendations have been offered by the Alzheimer's Research & Prevention Foundation and the Alzheimer's Association to help delay mental decline associated with Alzheimer's.

Make sure to eat right

Remember when your parents told you to eat your vegetables? They were right - and that's a life

CONTINUED ON PAGE 3



IN THIS ISSUE:

A Lesson Learned
at David Bowie's Expense
Veteran's Pension Programs
Slowing Alzheimer's:
Things You Can Do
Estate Planning
for Business Owners

Estate Planning for Business Owners

If you are the owner of a business or professional practice, it is important that your estate planning documents are complete and up-to-date. You should develop an ownership transition plan so that your family and your business will be protected in the event of your death or incapacity. It is also important to consider the books and records that you maintain in connection with your business. Whether your business is structured as a corporation or an LLC (limited liability company), to ensure that you will benefit from the protection which the corporate structure is designed to afford, it is necessary to keep current and follow the guidelines as required.

One of the primary benefits associated with forming a separate entity to conduct your business is to shield your personal assets from the debts and liabilities of your company. The goal is to limit your personal liability. If you fail to update your minutes and records, however, potential litigants may make the argument that your busi-

ness is not actually conducting business as a corporation. This is known as “piercing the corporate veil.” Although you may have followed all the rules with respect to establishing your entity, that is not enough. Corporations are required to conduct annual meetings and maintain a record of the meeting’s minutes. Although LLCs are not required to conduct annual meetings, it is strongly recommended that you do so in order to protect yourself from attempts of adverse parties to “pierce the LLC veil.”

Your annual minutes should document the various business transactions that have taken place throughout the year. You should include information about loan applications, lease renewals, contracts and other important business decisions that have been made. If proper records are not maintained, you risk jeopardizing the protection afforded by doing business as a separate entity. If you are interested in updating your business records and books, please contact our office and we will be happy to assist you.



A Lesson Learned at David Bowie's Expense

CONTINUED FROM PAGE 1

all this became known to the world. And this is not the only information that is available in the Court file. His last known address and the addresses of his wife and children are set forth in the file as is a valuation of each of his assets. Information which Mr. Bowie was careful to keep private while he was alive is now an open book.

Imagine what the wrong people can do with such information. We worry about identity theft during our lives. How easy is it for a dishonest person to mine the Surrogate's Court files for information on a decedent that can be used to obtain credit cards, make online purchases, take out loans, etc.? Even worse, addresses and contact information of loved ones, children and grandchildren, are also available in the files.

This could have been avoided. Had Mr. Bowie utilized a trust to distribute his assets, all of those whom he wanted to benefit from his estate would have received just what he intended. However, nothing would have been filed with the Court and the information that is now available to the public, to serve prurient or criminal interests, would have remained private. We have yet to meet a person who voluntarily discloses all of this personal information during their lives. Yet, everyone who has a Will that will be probated in New York invites this scrutiny.

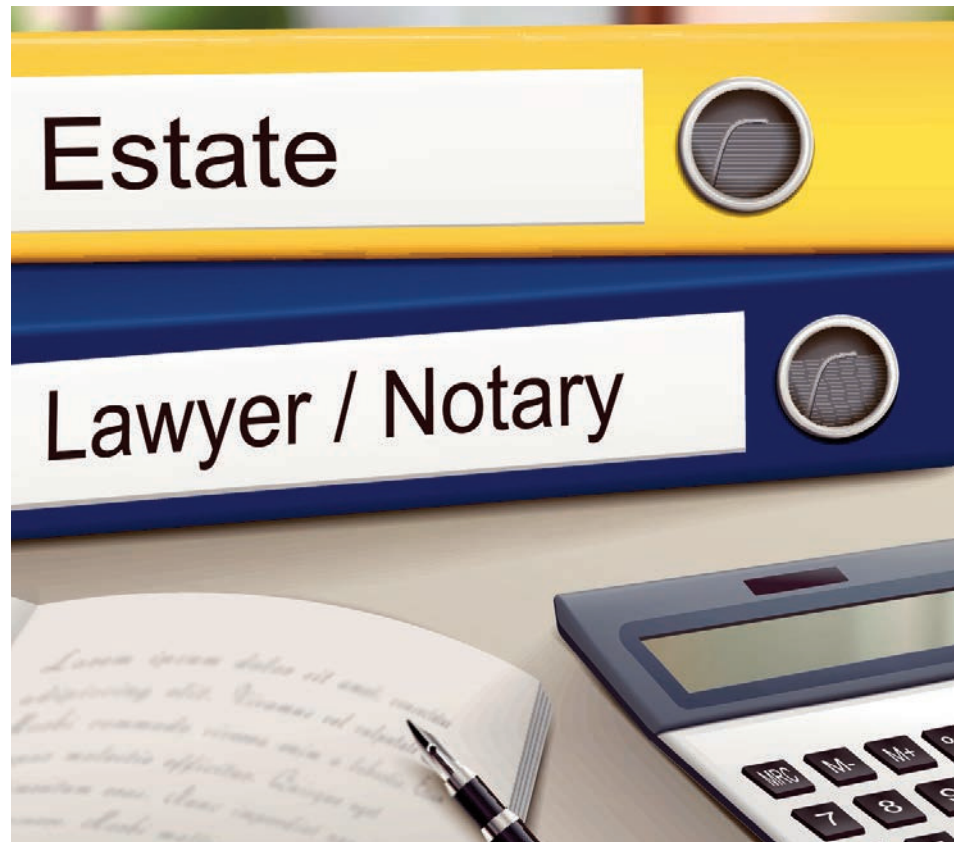
Perhaps, if Mr. Bowie had re-

CONTINUED ON PAGE 3

CONTINUED FROM PAGE 1

viewed his estate plan with his counsel every 3 to 5 years, as we recommend, he may have made better choices. While it is too late for Mr. Bowie, it is not too late for you. You have the opportunity to review your plan. This is especially important if it has been more than 3 years since your estate plan was implemented. Things change. Grandchildren are born. Children and spouses die. Assets increase – or decrease. Memories become faulty. The ability to do physical activity deteriorates. Any one of these things can be a reason to revise an estate plan.

How long has it been since your estate plan was reviewed? Come for a consultation, review your estate plan, identify your wishes and determine whether or not your plan will work for you. Call now. We look forward to hearing from you.



Slowing Alzheimer's: Things You Can Do

CONTINUED FROM PAGE 1

lesson. Consume a healthy diet filled with fruits and vegetables. Try to replace red meat, which can be high in harmful saturated fat, with fish, which contains helpful omega-3 oils. A healthy diet can go a long way toward warding off Alzheimer's.

Avoid stress

It's no secret that stress can cause a variety of health problems, and Alzheimer's disease is no exception. The fact is, the body releases cortisol when it is under stress, which can damage brain cells that control memory. Find productive ways to deal with stress: exercise and meditation. Learning how to relax will help regulate cor-

tisol levels and decrease stress-induced memory loss (important for caregivers too).

Get moving

Exercise can reduce the chances of developing Alzheimer's by up to 50 percent. Something as simple as going for a 30-minute walk or swimming in a backyard pool several times a week is enough to keep the body and the brain in good shape. Stay active. Go for a brisk walk after dinner.

Stimulate the brain

Just as it's important to exercise the body, it's equally important to exercise the mind. Research has

shown that increasing mental activity can actually slow the progress of Alzheimer's in the early stages. Activities like playing chess, cards or mahjong, solving a crossword puzzle or reading a book are all great ways to keep one's mind engaged.

Bonus tip: Plan ahead

If you're beginning to notice signs of cognitive impairment, one of the most important things that you can do is to prepare for the future. Talk with family members about who will supervise care, research costs and explore options to pay for it. This type of planning won't slow the progression of Alzheimer's, but it will provide some peace of mind. Make sure that appropriate estate planning documents are in place and updated.

310 Old Country Road, Suite 101
Garden City, New York 11530

TELEPHONE: (516) 747-3200

FACSIMILE: (516) 747-3727

WEBSITE: www.berwitz-ditata.com

Veteran's Pension Programs

CONTINUED FROM PAGE 1

dance benefit allows for the veteran/spouse to receive an additional monetary payment if the applicant meets one of the three following requirements: (1) the applicant is bedridden or requires assistance with the activities of daily living, such as bathing, grooming, dressing, toileting, feeding or transferring from chair to bed or toilet; (2) the applicant is a patient in a nursing home due to mental or physical incapacity; or (3) the applicant is legally blind.

In addition to the requirements listed above, there are maximum income and asset allowances under which the applicant's household must

fall. These income and assets allowances differ greatly from the income and resource allowances under Medicaid. Too often, mistakes are made in the planning process that result in an unintended disqualification for one or another of the benefits for which the veteran hopes to be eligible.

If you or a loved one requires assistance at home and hope to secure benefits from either Medicaid or the VA, it is important to ensure that the estate plan strictly adheres to the eligibility requirements for both. In order to receive benefits from both the VA and Medicaid, it is important to sit down with an experienced estate planning attorney, familiar with planning for both Medicaid and VA benefits, who can advise you on asset protection planning to meet all of your needs.

Have You Relocated?

Do You Want to Keep Receiving This Newsletter?

If you have moved to a new home, either permanently or temporarily, please contact our office with your up-to-date address, telephone numbers, and e-mail addresses. We want to be sure that you will continue to receive communication from us.

This newsletter does not constitute the provision of legal or tax advice.

It is to provide general information only and should not be acted upon without legal and/or professional assistance.

Copyright © 2016 Berwitz & DiTata LLP. All Rights Reserved.