



THE ELVILLE BENEFACTOR

Planning for Life, Planning for Legacies. What's Your Legacy?

ESTATE PLANNING | ELDER LAW | SPECIAL NEEDS PLANNING

Fall 2024 | Issue 20



2024 Annual Client and Community Education Event

Saturday, November 9, 2024

THIS YEAR'S THEME IS:

*Modern Elder Law 4.0 –
What Families Need to Know
(Not Your Parents' Elder Law!)*

2024 Annual Client and Community Education Event



Date: SATURDAY, NOVEMBER 9, 2024

Time: 8:30 A.M. TO 12:30 P.M.

Location: Ten Oaks Ballroom – 5000 SIGNAL BELL LANE
CLARKSVILLE, MD 21029

Ten Things to Look for in an Estate Planning, Elder Law, and Special Needs Planning Attorney



1. Provides **warm, empathetic** approach and caring environment.
2. Attorney is a **counselor** and not just a technician.
3. Clients are provided with a **unique** estate planning or elder care planning **experience**, and not just a transaction.
4. Provides an **interactive planning process** in **partnership** with clients – emphasis on **client's goals** (not a paternalistic approach).
5. **Ensures** Financial Advisor/ CPA – **collaborative** approach with goal of **inclusive** advisory team effort; works in good faith with Financial Advisors and/or CPAs to implement all appropriate solutions in **best interests** of the client.
6. **Timely** and **structured process** – encourages clients to complete the planning process and discourages procrastination.
7. Asset alignment – planning attorney and firm's asset alignment coordinator **oversee** and **ensure proper** asset alignment with all estate and elder law plans (client not abandoned with unfunded plan).
8. **Client education and understanding** – to the extent possible, attorney **ensures** that client **understands** and has at least a working knowledge of their planning documents and choices.
9. **Follow up** – maintains **ongoing contact with clients** via annual continuing education and client care programs to encourage clients to meet with attorney at least bi-annually, and **facilitates client-attorney contact** throughout the years via newsletter and other communications.
10. Value-added services – provides client access to **state-of-the-art Client Care Program (CCP)** as primary path towards **achieving “perfection in planning”**, and access to the latest in contemporary estate planning ancillary solutions for “complete” estate planning, elder care planning, and special needs planning.



ANTICIPATING AND QUICK STARTING FOR 2025! ARE YOU READY?

Stephen R. Elville, J.D., LL.M.
Managing Principal, Lead Attorney, and CEO
Elville and Associates, P.C.

Fall Greetings! Welcome to the Elville Benefactor Newsletter, Issue 20. Today's world makes great demands on our time and attention, so please take just a few minutes to peruse our articles and information, and we hope you take away substantive concepts and information that can benefit you and your family. Please also take note of the dates and times of our events and upcoming workshops, particularly our November 9th Client and Community Education Event, and the next Client Care Program continuing legal education event on December 7th at Anne Arundel Community College.

As we approach the holiday season, it's important to know that over the past 15 years, Maryland law has taken great strides towards modernization and getting up to contemporary standards for all things estate planning related. Along these lines, there has never been a better time or a more important time to update your estate planning, elder law-focused estate planning, special needs planning, and business planning. Arguably, the most important things I can convey to you in this introductory article, as both the writer and lead attorney at Elville and Associates, are (1) the importance of regularly maintaining and updating your planning; (2) the importance of family and fiduciary education; (3) the importance of building flexibility into your planning; (4) the importance of having a collaborative advisory team; and (5) the importance of planning for both lifetime and after our passing.

Having said this, we face many challenges ahead in the political, social, economic, and world order, and it seems like just yesterday many of us were discussing what would happen



Cliffs Towering Above Omaha Beach Where Normandy Invasion Occurred

at 12:01 on January 1, 2000 when the new millennium was ushered in. Yes, in just a few weeks, twenty-five years will have passed. Time is "a goin' by" as my ancestors would say, and it certainly is and does. From a planning perspective, the question is whether you and your family are ready, and whether you will make your planning a priority in the coming year(s).

I would be remiss if I didn't mention one of the biggest events of 2024, something that arguably equals or transcends current world events, as monumental as those events are. The men who stormed the beaches at Normandy in 1944 were reluctant heroes, ordinary men doing extraordinary things and writing their valorous deeds indelibly in the annals of history. But one thing is clear - they were up to the task, and they were ready for anything. These Members of the Greatest Generation were trained, committed, vigilant, and determined. As was recently exhibited during the 80th anniversary of the Normandy Invasion (D-Day) where world leaders gathered to commemorate the epic events that took place on those French shores, freedom, the self-determination of nations, and the repression of tyranny

required then and require now a heightened vigilance and preparedness.

Are we prepared for what may come during the rest of 2024 and in 2025? Valor in 2024 may express itself in a variety of ways that are both similar to and diametrically opposite to that in 1944. For example, I am certain that the courage and dedication of today's servicemen and servicewomen is exactly the same as it was when the doors to those landing craft exploded open on June 6, 1944 and thousands of men, their beating hearts full, streamed onto the shores of Omaha Beach that day as to secure the beachhead, push back the Nazi enemy, and set the stage for one of the greatest battles of all time, The Bulge. I am also certain about the courage and dedication of the heroes of the 9/11 tragedy, those who sacrificed their lives in response to the heinous terrorist attacks that shocked us forever; I'm also certain about the vigilance and dedication of the school teacher who, despite countless setbacks, continues to believe in his or her students and their futures and serves with honor; and my unwavering certainty continues regarding the commitment and dedication of retired persons who, in the spirit of service to others launch into a

full-fledged second or third careers in charitable work, such as two persons I met just a few days ago who give up their weekends to give free haircuts and personal care services to children and adults with disabilities; and the list continues indefinitely, on and on and on. These more contemporary heroes, including many of you who are reading these words, are making a difference in our world, right now; not by chance, and not out of obligation, but undoubtedly because they are committed to serve, they are prepared to serve.

With all this talk of commitment, service, and preparedness, I encourage you to simply consider taking care of your own needs to, and first and foremost, commit to also serving and being prepared for yourself. Let's very briefly discuss self-determination at a high level and what it really means in the estate planning/legal context.

In short, don't sacrifice purely for others but be blind to your own needs, including your legal needs. For example, in estate planning, it is an accepted foundational concept (among lawyers) that clients should (and must) take care of themselves first. Unfortunately, most lay persons don't think about this or consider the full importance of what it means. In this world I am describing, the counter-intuitive world, you must think of your life and your self-sacrificing efforts for others in a selfish way that is puzzling to most. In estate planning and elder law, and especially in special needs planning, clients are challenged to think of their own health and well-being and how this first consideration generally comes into play over time, as life and health changes may occur over many years, including how family relationships mature, and being diligent and prudent in the legal sense concerning the ongoing and future perpetuation of your substantial personal goodwill, service, and your good intentions in the world. But clients are also challenged to consider the same during the "planning for life phase" of planning – namely, incapacity,



the perpetuation of not only your own self-care and longevity in a legal sense, including who would pay your bills, and who would come and take care of you in your hour of need, or manage your care; who would take care of your spouse regarding the same; and who would take care of any person who is dependent on you, perpetuate your charitable giving or other projects, goals, and values, and carry forth your general life purposes by and through your wise and well-thought-out incapacity plan? This is, without question, a difficult and counter-intuitive thought process. But by approaching the unthinkable in this way, you are literally perpetuating the very essence of yourself in any event, at least in the legal sense, but certainly also in the broader, conceptual sense. By doing so, you will be able to live fully and rest comfortably in the knowledge that your living life plan and your legacy plan (your planning for life and not just at death), truly speaks to your individual life, your individualized future plan(s), and the unique things that drive you that you would ideally want to continue to drive forward given a worst case scenario of a lifetime disability. To briefly jolt us into this reality, we need look no further than to the 24-hour news cycle to see and hear about those who lose their lives due to tragic or other circumstances around the world each day; or consider those less fortunate persons who cannot carry out the activities of daily living and or who live with disabilities that limit the scope of their future life. All this to

say that estate and incapacity planning, and the maintenance of that planning, is a privilege and is fundamental to our own individual self-determination. As mentioned throughout this article, remember that as you serve others and continue to create your Legacy, you should also serve yourself equally well by taking care of yourself (first) – in the legal context, the broad, living aspect of your planning. By doing so, you will not only be a hero to those persons and organizations you adore, but you will also be a hero to yourself (and also to your lawyers!).

In closing, to all those brave men and women of the United States military services, active and reserve, and to all our U.S. First Responders, we at Elville and Associates salute you, we thank you for your service, and we keep you in our highest thoughts, prayers, and meditations as you carry out your duties to defend and preserve the Nation, oftentimes in harm's way. And to all our valued clients and client families, along with our community and collaborative partners throughout Maryland, we thank you for your confidence in us and for your partnership with us as we look towards 2025. On behalf of all the attorneys and staff members here at Elville and Associates, I wish you a very special and happy holiday season ahead, and a Happy New Year!

*With best wishes,
Stephen R. Elville, J.D., LL.M.
President, CEO, and Managing Principal
of Elville and Associate, P.C.*



PROTECTING AN INHERITANCE FROM CREDITORS OR A DIVORCING SPOUSE

Shannon Goodwin, J.D.
Principal Attorney
Elville and Associates, P.C.

When thinking about an estate plan, one of the most common concerns of parents is whether the inheritance they are leaving for their child, grandchild, or other beneficiaries will be protected from creditors, namely from a beneficiary's spouse in the event of a divorce.

Generally speaking, the answer is yes – an inheritance is protected from a divorcing spouse. In Maryland, property acquired prior to the marriage and property acquired by gift or inheritance during the marriage is considered separate property and is not subject to division in the event of a divorce. Thus, any inheritance left behind for your child or other beneficiary will remain that beneficiary's property and will be protected from a divorcing spouse. There are multiple other states that share this viewpoint, including the local jurisdictions of Virginia and District of Columbia. However, as with everything else in the legal world, there are certain exceptions to this general rule.

As an added layer of protection, your child or other loved one may implement a pre-marital or post-marital agreement, commonly referred to as pre-nuptial and post-nuptial agreements. Provided that both spouses reach agreement, it can be made clear in writing that an inheritance will be the separate property of the inheriting spouse and will not be considered as part of the marital estate. Although there are many nuances and legal considerations in these types of agreements, this can include future or expected inheritances from parents or other family members.

Turning to other creditors aside from a divorcing spouse (i.e. general creditors, bankruptcy creditors, accidents), a number of different estate planning tools can be used to protect an inheritance from potential claims. One of the most common tools is to leave an inheritance in further trust for the benefit of beneficiary – whoever that beneficiary may be. This kind of trust established at death is commonly referred to as a spendthrift irrevocable

trust. A trust such as this may be called by many names, including the term "legacy trust." This type of trust is an irrevocable trust established upon the death of the person leaving the inheritance (and can also be implemented as a lifetime trust). Rather than leaving the inheritance to the individual beneficiary outright, the inheritance is distributed into the legacy trust for the benefit of the child or other beneficiary. The trust can be perpetual or for a shorter duration.

The next question most clients ask is "who is going to be in charge of the legacy trust's assets, and will the child or other beneficiary be able to withdraw funds freely as they wish?" In Maryland, the child or beneficiary can be the trustee of their own trust. However, if the primary beneficiary is also the sole trustee with full control over the trust's assets, the assets are likely more vulnerable to the individual's creditors. In addressing this issue, limiting distributions to an ascertainable standard called a "HEMS" standard, where the trustee has the discretion to distribute assets for the beneficiary's health, education, maintenance, and support, along with a careful review of design and flexibility measures, including tax considerations, and the ability for independent trustees to serve if needed, along with an understanding and analysis of the use of powers of appointment, is a good starting point. Along these lines, a special fiduciary may be granted the power to appoint an independent trustee to control and manage the distributions of the trust. While the trust would still be for the benefit of the child or beneficiary, they would no longer be in sole control of the trust assets, and may be provided a much greater level of protection from the beneficiary's creditors. It is also important to keep in mind that there are exception creditors in nearly all states (except Nevada), and these include IRS, claims for alimony, and child support claims.

If the child or other beneficiary is not able to appropriately manage finances or there is



concern with the individual receiving a large sum of money all at once, a spendthrift provision contained within the trust can be used to help protect the inheritance from creditors. A spendthrift provision can be used to prevent creditors from being able to seek payment from the trust or attaching an interest on future distributions from the trust. Such a provision will also bar the beneficiary of the trust from assigning his or her future rights to distributions from the trust. In other words, the beneficiary cannot use the trust's assets or future distributions from the trust to secure credit.

These are just a few of the tools that can be used to achieve the common goal of providing a legacy for future generations and protecting generational wealth. This is intended as a basic overview of a few options, but I encourage you to come in for a consultation and further discuss your estate planning options with our firm.

Shannon Goodwin is a Principal attorney at Elville and Associates, and is the Leader of the Firm's busy Estate and Trust Administration Department. She has quickly shown the scope and depth of her talents and abilities in the complex world of estates and trusts. Through her guidance, she partners with clients as they address the sometimes-challenging matters of the administration of loved ones' estates from start to finish, including helping navigate the probate process, inventory and reportings, accountings, and much more. Shannon also represents clients in estate planning and elder law matters.

Shannon was named to the Maryland Rising Stars list in 2024 and can be reached at sgoodwin@elvilleassociates.com, or 443-393-7696 x116.

SERVICES OFFERED BY ELVILLE AND ASSOCIATES, P.C.

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- Trust Administration
- Fiduciary Representation
- Estate Tax Planning
- Asset Protection
- IRS Tax Controversy
- State of Maryland Tax Controversy
- Personal and Business Tax Planning
- Business Law
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- Charitable Giving and Philanthropy
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- Elville Legacy System™

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- Medical Assistance Planning
- Long-Term Care Asset Protection
- Long-Term Care Planning
- Nursing Home Selection and Placement
- Assisted Living Issues
- Guardianship
- Veterans Benefits
- Social Security
- Senior Housing

SPECIAL NEEDS PLANNING

- Special Needs Trusts
- Public Benefit Qualification and Preservation
- Supplemental Security Income (SSI)
- Social Security Disability (SSDI)
- Funding of Tort Recoveries
- Financial and other Planning for Special Needs Children and Adults
- Health Care Decision Making
- Fiduciary Services

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- Legal representation, including but not limited to: compliance with Maryland Trust Act requirements
- Court proceedings related to administering a Trust (ex., modification of Trust terms, judicial terminations), and guidance on interpretation of Trust terms;
- Preparation of Trust Income Tax Returns;
- Preparation of Trust Accountings;
- Maintenance of Trust Books and Records;
- Assistance with initial set-up of new Trusts (obtain Tax ID number, organize Trust management, open new Trust accounts);
- Manage Trust Terminations, including: calculating distributions, determining Inheritance Tax due (if applicable); and preparing releases of Liability for Trustees.



ELVILLE
AND ASSOCIATES



ELVILLE AND ASSOCIATES, P.C. OPENS NEW MONTGOMERY COUNTY OFFICE IN ROCKVILLE

Stephen R. Elville, J.D., LL.M.
Managing Principal, Lead Attorney and CEO
Elville and Associates, P.C.

After nearly 25 years of serving residents of Montgomery County at its former Rockville and Pike and Rose locations, I'm proud to announce the opening of Elville and Associates' new permanent Montgomery County office at 1700 Rockville Pike, Suite 530, Rockville - serving Rockville, Bethesda, Potomac, Gaithersburg, Silver Spring, and all of Montgomery County.

Montgomery County is a dynamic setting for business and government, and a diverse population with continuous and growing needs for comprehensive and contemporary estate and other related planning. Montgomery County remains largely underserved in Elder Law, now a burgeoning area of law affecting nearly all individuals and families. Elville and Associates is both proud and privileged to serve this great community and County, and to be a Member of the Bar Association of Montgomery County.

If you are a community leader, nonprofit organizer, financial advisor, CPA, insurance professional, Aging LifeCare Manager, firefighter or police officer, or other collaborative professional; or, if you know someone who is in need of client care-focused, education-based estate planning, elder law planning, special needs planning, or business related planning, we invite you to contact us. We look forward to meeting you as Elville and Associates continues to serve those who make Montgomery County great. You can reach me, Stephen R. Elville, J.D., LL.M., at 443-393-7696 x108, or at steve@elvilleassociates.com. You can also reach Lillian Hummel, our Principal Attorney at the new Montgomery County office, at 240-583-7990 x201, or at lilly@elvilleassociates.com.





ELVILLE AND ASSOCIATES WELCOMES LILLIAN HUMMEL, ESQ., TO FIRM AS A PRINCIPAL ATTORNEY

Jeffrey D. Stauffer
Community Relations Director
Elville and Associates, P.C.

In April, Elville and Associates, P.C. proudly announced and welcomed Lillian (Lilly) Hummel, J.D., M.P.A, as a Principal Attorney with the firm. Lilly leads the firm's recently established Montgomery County office, located at 1700 Rockville Pike, Suite 530 in Rockville.

Licensed in Maryland and the District of Columbia, Lilly maintains her practice focus in elder law, estate planning, estate and trust administration, and special needs planning. Lilly counsels individuals and families about eligibility for Medicaid and other programs for seniors and individuals with disabilities; navigating long-term care; and establishing and administering special needs trusts. She also represents clients in guardianship matters.

Lilly is currently the Chair of the Elder Law Section of the Bar Association of Montgomery County and a Council Member of the Elder and Disability Section of the Maryland State Bar Association. She is also a member of the Academy of Special Needs Planners and the National Academy of Elder Law Attorneys.

Reflecting on joining Elville and Associates, Lilly shared, "I'm delighted to join Elville and Associates, and lead the firm's expanded presence in Montgomery County. Elville and Associates is a leader in estate planning, with a particular focus on elder law and special needs planning. This focus aligns perfectly with my own interest advising clients on the intersection of estate planning and benefits eligibility."

With her commitment to clients, vast array of legal knowledge, and innate leadership ability, we could not be more excited for Lilly to join our team here at our expanding firm. *Please join us in welcoming Lilly to Elville and Associates!*

Lilly can be reached at lilly@elvilleassociates.com, or by phone at 240-583-7990 x201.



Lillian (Lilly) Hummel, J.D., M.P.A



Elville and Associates' new Montgomery County office is located at 1700 Rockville Pike, Suite 530, Rockville, MD 20850.



MARYLAND'S NEW DECANTING LAW – GOING BEYOND THE VINEYARD

Stephen R. Elville, J.D., LL.M.
Managing Principal, Lead Attorney, and CEO
Elville and Associates, P.C.

Maryland's new decanting law, effective October 2023, is a huge development. What am I talking about? It's about Maryland finally catching up with many states that have enacted laws allowing for the decanting of trusts - the ability to change a trust from one form to another - into a new trust; or to amend an old trust. If this strikes you as strange or weird, you are not alone. But once we take the time to think about it, decanting probably makes sense, especially since Maryland's decanting law, in my view, is straight down the middle and beneficial in many useful and practical ways.

Consider how many irrevocable trusts exist throughout the United States. Thousands? No. Tens of thousands? No. Hundreds of thousands? Now we are probably getting close. Many of these trusts are older, meaning they were established under laws that existed in the past, and they were designed or developed with only the practical techniques that existed at the time. Very few of these trusts have any form of built-in flexibility - the ability to amend, revise or update the trust over the passage of time, if needed, for the purposes of modifying for changes in circumstances, changes in material purposes, or changes related to health or other circumstances of the trust beneficiaries, or because of on-going changes in the tax laws, and many other potential variables over time. What was the law to do?

Well, various forms of approach to this problem developed over the years, such as the recognition by courts of the necessity of reforming trusts by way of judicial modification, common law techniques, non-judicial settlement agreements, to the recognition of special fiduciaries with amendment power such as trust protectors or advisors, and



now decanting. Focusing strictly on decanting, under the new Maryland law, a trustee can now decant certain trusts with or without court approval, subject to a very clear criteria depending on how much discretion is provided in the original trust - this includes the ability to change an original trust to a new trust, or to amend an existing trust in a significant way. Happily, this means that Marylanders can now avail themselves of the benefits of this fantastic area of the law. But it also means that on a broader scale, Maryland has, by virtue of this law, now become a desirable jurisdiction for out-of-state residents to utilize Maryland law for the decanting of their own trusts. Lastly, and I am happy to report, Maryland's new decanting law recognizes and emphasizes planning for persons with disabilities, or what is otherwise known as special needs planning. Parents, grandparents, and others can now have the confidence that when they implement long-term trusts for children, grandchildren, nieces and nephews, or other beneficiaries, that not only is there significant flexibility available in foundational planning to provide for stand-by supplemental needs trust planning for unforeseen circumstances

involving disability for beneficiaries, but also long after their passing and long after the irrevocable trusts are in place for further beneficiaries. Those long-term trusts may now be decanted, subject to their terms and provisions, to provide for the protection of disabled beneficiaries - and those who may become disabled later in life long after an otherwise irrevocable trust is established. For example, a general needs trust might be decanted into a supplemental needs trust, thereby preserving assets and paving the way for the disabled person to utilize means-tested public benefits that may be available to them.

I strongly recommend that you familiarize yourself with Maryland's new decanting law. One easy way to do that is to watch my latest webinar where we break down the elements of Maryland's decanting law and gain an understanding of what clients generally need to know about decanting. Finally, I know that many of you are wine lovers and understand the concept of decanting in the context of wine and winemaking. To all readers, including the wine connoisseurs among you, I say, "Cheers!"



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PLANNING FOR A LOVED ONE WITH SPECIAL NEEDS: THIRD-PARTY SUPPLEMENTAL NEEDS TRUSTS

Shannon Werbeck
Principal Attorney
Elville and Associates, P.C.

Successful estate planning takes into account not only your personal preferences for who will inherit your wealth upon your death, but also the potential effects that inheritance may have on a beneficiary. The most common scenario in which this is significant is when an intended beneficiary has special needs. In this scenario, a third-party supplemental needs trust may be required to protect the beneficiary as well as the inheritance.

A third-party supplemental needs trust is an estate planning tool utilized to provide financial support to individuals with special needs without disrupting their eligibility for needs-based government benefits such as Social Security Income and Medicaid. A “third-party” supplemental needs trust is funded with assets owned by someone other than the beneficiary, such as a parent, grandparent, or other family members. It allows family members and friends to leave an inheritance or gifts to a loved one with special needs without disrupting their eligibility for means-tested government benefits. Since the assets are held in this type of trust and managed by a trustee, they will not count as a resource for Social Security Income and Medicaid eligibility purposes.

One of the traditional objectives of a third-party supplemental needs trust is to enhance the quality of life and provide for the needs of an individual with special needs beyond what government benefits cover. The assets within the trust can be used to pay for the disabled individual's supplemental needs, including personal care services, dental expenses, transportation, recreational activities, vacations, and many other needs and services that are not provided by public benefits.

Furthermore, a third-party supplemental needs trust provides a level of asset protection and management that is not possible through a direct bequest. By appointing an appropriate trustee to oversee the supplemental needs trust, you can ensure that the trust assets are being used appropriately and in the best interest of the disabled beneficiary. Trustees have a fiduciary duty to manage the trust prudently and in accordance with the trust agreement, which in turn gives the grantor peace of mind. One should carefully consider who will be named as trustee, selecting someone who is trustworthy, reliable, and capable of fulfilling their fiduciary duties.

Additionally, a third-party supplemental needs trust allows for flexibility in customizing the trust terms to the specific needs and circumstances of the beneficiary. The trust agreement can specify how the funds should be utilized, provide instructions for the trustee, include a designated advisory team, allow the trustee the option of hiring a care manager, and include provisions for contingent beneficiaries in the event of the lifetime beneficiary's death. This enables families to tailor the trust to meet their specific goals and intentions.

A third-party supplemental needs trust is a valuable estate planning tool for families looking to properly plan and provide for loved ones with disabilities while preserving their eligibility for public benefits. By utilizing this type of planning structure, families can preserve eligibility for means-tested benefits, provide asset protection, ensure proper management of trust assets, and customize provisions to meet the specific needs of the disabled beneficiary. It's important that you



consult with an estate planning attorney who understands the intricacies of special needs planning and has the capability to draft a third-party supplemental needs trust that complies with state laws and regulations. With proper planning, education, and guidance from a knowledgeable estate planning attorney, you will be able to provide financial support and security for your loved one with special needs.

Shannon F. Werbeck, J.D., is a Senior Associate Attorney with Elville and Associates and is the Leader of the firm's busy Estate Planning Department. She educates and counsels clients through the entire estate planning process – beginning with the initial consultation, followed by the design and implementation of their plans, as well as the necessary maintenance and updating of their planning as changes occur in the laws and their lives. Shannon is a contributor and presenter for the firm's Elville Webinar Series and has been named to the Maryland Rising Stars List by Super Lawyers in 2023 and 2024.

Shannon may be reached at shannon@elvilleassociates.com, or by phone at 443-393-7696 x148.

SPECIAL NEEDS PLANNING AT ELVILLE AND ASSOCIATES



The Special Needs Planning attorneys at Elville and Associates are privileged to work with and serve families and their loved ones with disabilities as collaborative advocates and partners through a planning process that emphasizes creativity in document and fiduciary structure, along with education for all persons involved in the beneficiary's life. Our mission is to counsel, educate, and provide solutions based on the most contemporary legal-technical information and strategies available nationwide.

Our legal services for Special Needs Planning include the following:

Special Needs Trusts

Trustee and other Fiduciary Services

Public Benefit Preservation

Housing and Support Solutions

Financial and other Planning for Children and Adults with Disabilities

Health Care Decision Making

If you have questions or would like to know more about planning for a loved one with special needs, contact Barbara Roddin at barbara@elvilleassociates.com, or at 443-393-7696 x149



WEALTH PRESERVATION TOOLS: CRUMMEY POWER

Lissa L. Betancourt
Associate Attorney
Elville and Associates, P.C.

The Internal Revenue Service (IRS) imposes a federal estate tax on high-net-worth estates and a federal gift tax on individuals (donors) who transfer large amounts of assets during the donor's lifetime, if the donor receives nothing, or less than full value, in return. As a basic premise, the IRS combines the lifetime estate tax exemption of an individual with the lifetime gift tax exemption into one unified lifetime tax exemption amount, adjusted annually, whereby an individual can use (gift) during their lifetime or bequest at death before taxes are imposed. For 2024, the basic exclusion amount (estate tax exemption) is \$13.61 million per individual and \$27.22 million for married couples who maximize the use of their exemptions. In other words, individuals can transfer up to \$13.61 million in 2024, but any amount over \$13.61 million will be taxed at high rates and reduce the value of the estate that could be distributed to the beneficiaries. So one question is: for high net worth individuals or couples, how can the exclusions and exemptions from estate and gift tax best be utilized, assuming that the individual wishes to make gifts to beneficiaries during their lifetime?

One option to reduce high-net-worth estates is to utilize by utilizing the annual gift tax exclusion to transfer assets outright or into trust. The annual gift tax exclusion allows individuals to transfer assets valued up to a specific amount, adjusted annually, in exchange for no consideration or less than full, fair market value, and avoid "taxable gift" status on that transfer. For 2024, the annual gift tax exclusion is \$18,000 per individual (\$19,000 in 2025) and \$36,000 for a married couple (\$38,000 in 2025) who properly utilizes their gift exclusions. However, for a transfer during your lifetime to qualify as a gift eligible for the annual gift tax exclusion, the gift must qualify as a



"present interest." One common reason individuals choose to implement a trust or trusts to own gifted assets as part of their estate plan is to transfer assets to other individuals (beneficiaries) while placing limitations on when those beneficiaries can receive or access those assets held in trust. Although establishing a trust for the benefit of a beneficiary is routinely structured to occur after death, thus creating a future interest in the trust assets for beneficiaries, how can an individual transfer some of their assets into a trust and utilize the annual gift tax exclusion when the very nature of transferring it into a trust disqualifies the transfer as a qualifying "present interest" gift under the IRS Code?

Thanks to the Ninth Circuit Court in *Crummey v. Commissioner* in 1968, trusts drafted to include the "Crummey power" provisions essentially provide the answer, whereby a future interest in a transfer of assets becomes a present interest so that it can qualify as gift for the annual gift tax exclusion. To convert a future interest into a present interest under the Crummey power, the beneficiaries of the trust must receive a notice after every transfer to the

trust that the donor wants to qualify as a gift, so as to utilize the annual gift tax exclusion, and that the beneficiary has the right to withdraw the gifted assets within a stated period of withdrawal, which is typically thirty (30) days. It is this right to withdraw and access the gift "now," and not to have to wait until the death of the trust creator to be able to access it, that converts the future interest into a present interest. But while that conversion might help alleviate the gift tax consequences for the donor, it may also incidentally create gift tax consequences for the beneficiaries if they fail to exercise that withdrawal power, which is routinely done, and as a result the trust assets grow faster and achieve the grantor's broader purposes (this will depend on the goals and purposes of the particular trust). Because the Crummey power gives the beneficiaries the immediate and unrestricted right to access the assets, it also creates a general power of appointment. And when a general power of appointment is exercised, released, or lapsed, such as when beneficiaries receive notice under the Crummey power and fail to exercise their present and immediate withdrawal power, it can be treated as a transfer of their (present) assets during

their lifetime for no consideration, or for less than full fair market value. In other words, if a beneficiary does not exercise their withdrawal right under the Crummey power, they could, in turn, be subject to gift tax consequences. However, that is where “five-by-five powers,” “hanging Crummey powers,” and other mitigating tools can be exercised.

If utilizing Crummey withdraw powers is something you would like to learn more about when incorporating a wealth preservation strategy as part of your estate planning, please contact me, Lissa

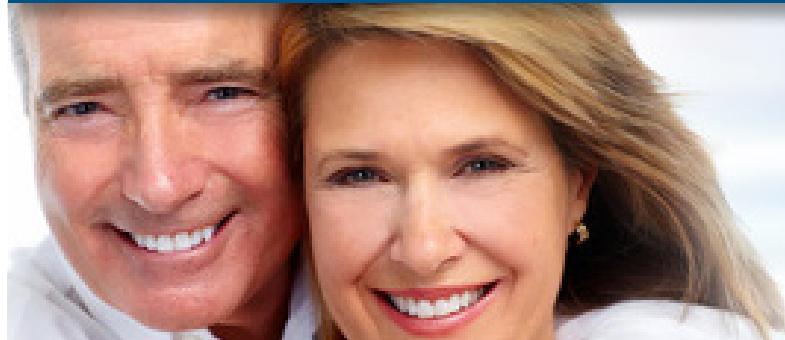
Betancourt, to set a time to meet and discuss this and other important estate planning issues. I can be reached at Elville and Associates in the following ways: call 443-393-7696, then select my extension; or email me at Lissa@elvilleassociates.com.

Lissa Betancourt's practice focuses on estate and trust administration, estate and trust litigation, estate planning, tax planning, and guardianship. She has experience assisting personal representatives and trustees in handling the full range of matters in the administration of estates and trusts, in addition to routinely representing interested

persons in litigation matters involving fiduciary-related cases and Will contests. Lissa's experience in estate planning includes family wealth transfer planning and preservation, estate and gift taxation, and generation skipping transfer tax planning.

Lissa is committed to educating clients and guiding them through the legal system in the hopes to provide some relief in their time of need and grief, and in developing estate plans that are specifically curated to meet each client's specific needs and objectives. Lissa may be reached at lissa@elvilleassociates.com, or by phone at 443-393-7696

DO YOU KNOW SOMEONE WHO WOULD BENEFIT FROM MEETING WITH ELVILLE AND ASSOCIATES?



ELVILLE
AND ASSOCIATES

As we celebrate our 13th anniversary, much has changed over the years; however, our foundation of providing education and counseling as we work to create solutions to our clients' needs using the best legal-technical knowledge available will always remain the same.

Our attorneys and professional staff are committed to and passionate about providing our clients with a unique experience and exceeding their expectations as they navigate through the important decisions and complexities of estate planning, elder law, estate and trust administration, and special needs planning. We assist our clients with compassion, through education and counseling, and in a collaborative manner – acting as a true partner as we work alongside their planning team advisors to provide the very best counsel and service possible.

We are very active in the communities we serve through educational webinars and workshops, our firm's charitable organization (the Elville Center for the Creative Arts, Inc.), innovative programs, and philanthropic efforts. We always welcome the opportunity to meet new people of all backgrounds and be resources to them – sharing our knowledge and helping them achieve peace of mind through “planning that works.”

Because you are a client or advisor who understands our commitment to outstanding service and our “Caring for Clients” model, we look forward to meeting and assisting someone you know – perhaps a family member, friend, or co-worker – that would benefit and appreciate the service you've come to expect from Elville and Associates. A referral from a satisfied client and financial advisor “friend of the firm” is one of the finest compliments we can receive.

You can always reach out to our Community Relations Director, Jeff Stauffer, at jeff@elvilleassociates.com, myself at steve@elvilleassociates.com, or at 443-393-7696.

Thank you again for the trust you've placed in Elville and Associates.

All my best,

Stephen R. Elville

Managing Principal and Lead Attorney



Shelly A. German, Realtor®
Bob Lucido Team, Keller Williams Lucido Agency

POCKET LISTING: WHAT IS IT AND HOW CAN IT HELP OR HURT ME?

Victoria Burton Hathaway, Realtor®, CSA, CSHP, SRES
Director, Silver Group Bob Lucido Team, Keller Williams Lucido Agency



Our goal is for homeowners considering selling to be as educated and informed as possible about industry practices, and to ensure the best possible outcome for sellers in every scenario. Sharing information many sellers don't even know they don't know is an important way to advocate for sellers, empowering them to make the best choices, in alignment with their goals.

In this article, first in a series, we will discuss pocket listings. In future articles we will look at topics every seller should know and understand to optimize the process of home selling. In addition to pocket listings, we will explore what it means when an agent "buys" the listing, listing contracts, home inspections, contractor and agent relationships, purchasing new construction, and the importance of Power of Attorney when a real estate transaction is occurring.

What Is a Pocket Listing?

Pocket listings, also called quiet listings, off-MLS listings, and office exclusive listings, are privately sold homes. The property is listed with an agent, but not made available to the public. Pocket listings can be good or bad for a seller, depending on the seller's goals.

The Good: Privacy, Control, Legacy

Some sellers do not want their property publicly marketed due to privacy concerns. They may not want neighbors or the wider community to be aware that they are selling, they may not wish for their home to be made public, and they may have other reasons as well.

It can be helpful to teach concepts by taking a case study approach, so we'll share a few stories to help illustrate some good and sensible sales that were conducted as pocket listings.

Privacy and Speed:

A newly retired professional couple wished to sell their home quickly and with as little stress as possible, and they did not wish to do any renovations prior to the sale. We presented a comprehensive market analysis, including discussion of different paths to selling and the resulting impact on the bottom line and their profit: Investor sale, as-is some renovations, full renovation. The sellers were presented with four different estimates of their net profit. Making the highest profit was NOT their goal, which was speed and privacy. The sellers chose to sell to an investor for the lowest profit, realizing their goals for a quick, private sale.

Legacy:

The clients were decades-long residents in their small neighborhood, preparing to move to a retirement community, and best friends with their next-door neighbors. The neighbors' dream was to age in their home, and for their children to move nearby. Our seller clients wanted to sell to their neighbor's

children, could afford to sell for market value only, and not worry about fully marketing the property to possibly obtain multiple offers, competing offers, and netting the highest possible profit. We presented their property's market analysis, carefully reviewed comparable sales to determine what they could expect to sell for, and their neighbors' children were able to purchase for that price. We represented the seller clients for their sale, and there was no marketing of the property. They agreed they probably could have sold it for more money, but they were thrilled to have accomplished their goal of receiving market value for their home sale and achieving their goal of legacy-level friendship to their friends and neighbors.

Safety:

The client was recently widowed and had clear title to the property she and her husband had owned together. Her husband's ex-wife had lived there previously as her ex-husband's then wife. Our client, the second wife and widow, wished to sell, downsize, and move



to a new construction condominium. Her husband's ex-wife and her adult stepdaughter believed that they had claim to the property and were harassing the client. This client chose to sell "quietly." No public listing, no signage, no advertisements. After researching the value of the property, we were indeed able to sell it at market price, also protecting her from an adjoining neighbor's predatory, far-below market value offer. She was able to sell safely and securely.

The Bad: Lower Sale Price, Possible Discrimination and Fair Housing Violations

Sellers interested in private sales risk not being advised by agents that selling "quietly" can hurt the client's bottom line. If the agent sees a benefit to selling quietly (the potential for the agent to earn a higher commission in spite of selling the property for a lower price) they may fail to educate the seller that if the seller chooses not to openly market the property, the property will not have the widest exposure, and the benefit of marketing the property to ensure achieving the highest possible sale price and profit will be lost.

Predatory Pocket Listing, How It Works:

The Agent does not present a market analysis, which involves showing recent and "like" comparable properties to base the selling price on current data, and instead asks what the Seller thinks their property is worth and/or what price they would like to sell for. Sellers, particularly older sellers who either haven't sold before or haven't sold in many years, can be out of touch with what their property is worth in today's market, especially if it has been many years since they bought it. The seller says they believe their home is worth a lower than market amount, and the agent responds that they can easily sell the property for that amount, for cash, with privacy, in weeks.

The agent does proceed to sell the house, privately, quickly, in cash and for the agreed-upon price, oftentimes to the



agent's investor/partner. These sales can result in huge losses to the seller, and it is not unusual for them to be tens if not hundreds of thousands of dollars lower than fair market value; much less what could have been achieved if fully marketed, particularly at this time when inventory is low, and even properly priced properties are bringing five and six figures over asking price.

It is important to know that conventional wisdom about agents wanting to sell a property for the highest sale price to achieve the highest commission doesn't always hold true. In the above example, the agent took a higher commission on a lower sale price. The agent taking a 5% commission on a \$400K sale makes MORE than on a 2.5% commission for a \$500K sale, which would have been the market price. Meanwhile, the client loses \$100K.

This same scenario can play out with private purchase offers not even involving an agent, and hinge on older adult sellers not knowing the current value of their long-owned property. We were sent to provide a market analysis of a property for homeowners who owned it for 60 years thanks to advocacy on the part of a retirement community's salesperson who feared these sellers/incoming residents were going to be taken advantage of regarding their property's sale. The homeowners had purchased for a price in the tens of

thousands 60 years ago, had never sold a home, and were being offered \$190,000 cash by their neighbor's son. Our analysis pointed to a starting sale price of \$275,000, and we eventually sold the property for \$325,000 to everyone's great joy.

Fair Housing Hates Pocket Listings:

The Fair Housing Act, established in 1968, is a federal law that forbids discrimination in most housing-related activities. Because pocket listings provide fertile ground for discriminatory practices, the Department of Housing and Urban Development takes a dim view of the practice. The agent is controlling who has access to the property, not the wider market, the ability to pay, and being open to all interested parties.

Word to the Wise:

Make certain that you interview more than one Realtor to obtain the benefit of having at least two different presentations; the value of getting a second opinion is huge. There is enough subjectivity in the practice of real estate agency due to the individual agent's background, experience, and expertise that consumer best practice should always be obtaining more than one consult. Presentations of market data can also vary depending on who is doing the research and how the data is compiled.

Expect to be shown current market data, like an appraiser would use for that research, using nearby properties of like size and price, and properties that are currently on market or recently sold.

Be sure to have your goals for selling clearly in mind and communicate them to the Realtor to ensure that they are willing and able to listen, and to align your goals with their proposed marketing strategies and plan of action for the sale of your property.

Always remember, YOU are the Customer!

Victoria Hathaway serves the Bob Lucido Team of Keller Williams Lucido Agency as the Director of Silver Group, the Team's seniors real estate division. Victoria's expertise is in guiding and educating clients, sharing resources for retirement living options, downsizing, estate sales, elder law, estate planning, Veterans benefits and more. Her service is

included, working along with her team's agents throughout the client's entire process of downsizing, selling, and moving, by providing an additional layer of expertise, navigation, and support.

Victoria is a Realtor®, Certified Senior Advisor, Certified Senior Housing Professional, Seniors Real Estate Specialist®, and holds the Certificate on Aging from Johns Hopkins University. Past-president of Coalition of Geriatric Services (COGS), she also serves as a Commissioner for Howard County's Commission On Aging, Johns Hopkins University's Aging Studies Advisory Board, Maryland Gerontological Association (MGA) and National Association of Senior Advocates (NAOSA) boards, and has volunteered for a decade of driving for Howard County's senior rideshare program, Neighbor Ride.

Victoria can be reached at victoria@boblucidoteam.com, or 410-979-4284.

Shelly German has been a recognized and well-respected top-producing Realtor® for 19 years. Her unparalleled service, integrity, negotiating skills, diligence, and positive attitude, combined with the full resources available through her association with Keller Williams Lucido Agency has made her a successful Realtor® with over 100M+ dollars in individual sales. She also offers a unique perspective to a potential homebuyer. Shelly was born in the Baltimore area and has a broad knowledge of neighborhoods, schools, and trending neighborhoods. Shelly understands and values the diverse geography, culture, history, and educational opportunities available in Baltimore and surrounding areas, and has been very successful in finding the right home to meet the unique needs of each individual client.

Shelly can be reached at shellygerman@boblucidoteam.com, or 443-500-9405.



Elville and Associates' Accredited Client Care Program

IT'S TIME TO MAINTAIN AND UPDATE YOUR ESTATE PLAN

Do you want to achieve perfection in your planning?

Learn about Elville and Associates' accredited Client Care Program - for "planning that works."



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SILVER GROUP® +

A LUCIDO DIVISION

When you or the people you love are ready to move, you need more than just an agent. You need a team you can trust.

Silver Group® is Bob Lucido Team's unique division dedicated to providing specialty services to address the challenges associated with a Senior Move.

When you're ready to move, Silver Group® will provide:

- *An extensive referral network of experienced, reputable professionals to help you downsize*
- *Our Home Enhancement Listing Program where you defer payment for home updates until settlement**
- *Our Guaranteed Sale Program where we will sell your home in 57 days or less**
- *FREE home staging consultation and market analysis*
- *FREE use of our fleet of moving trucks**



"Thank you so much for the amazing support you provided during this whole process. I couldn't have asked for a better team to work with!! You are truly amazing at what you do and so helpful and understanding and so so supportive and uplifting. Many many many thanks."

C. PARKER + JOHANNA KEMPER | COCKEYSVILLE, MD

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A LUCIDO SELLER PROGRAM

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Our proven home enhancement listing program allows you to work with vendors* who will fix your home so we can list it at top dollar...and you don't pay anything until we sell your house!*

*Certain restrictions apply.



**11700 RANDY LANE
SOLD IN 6 DAYS FOR \$35,000 OVER LIST PRICE!**

As Is Value: \$245,000

Renovations + Repairs (payment deferred until settlement)

Investment: \$115,750

Based on CMA before renovations

List Price: \$425,000

Sold Price: \$460,000

SELLER PROFIT: \$99,250

ROI: 85%

BOB LUCIDO,

*President, CEO, Associate Broker
c: 410.979.6024*



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BOB LUCIDO TEAM
OF KELLER WILLIAMS LUCIDO AGENCY

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YOUR CLIENT CARE PROGRAM UPDATE – 529 PLANS, FINANCIAL POWERS OF ATTORNEY, THE CORPORATE TRANSPARENCY ACT, ANTIQUES APPRAISALS, BACKING THE BIRDS AGAIN AT OPACY... & OUR FALL ANNUAL CLIENT EVENT!

Jeffrey Stauffer
Community Relations Director, Client Care Program Director
Elville and Associates, P.C.

In mid-April – after being delayed twice due to snow – Managing Principal Steve Elville and Elville and Associates welcomed Client Care Program members, their families and friends to their next Continuing Legal Education Event, held at Anne Arundel Community College's John A. Cade Center for Fine Arts.

Steve Elville and Gary Greenwald, Principal of The Law Offices of Gary Greenwald, kicked off the event with their presentation titled, "Understanding Financial Powers of Attorney – A Retrospective and Prospective View."

The morning's featured speaker was Mr. Alex Seleznev, MBA, CFP®, CFA, President and Founder of Capital² Financial. Mr. Seleznev, also a presenter at our upcoming annual Client Event, has a distinguished and client-centered background in the financial planning and financial services arena, and he shared his presentation titled, "529 College Savings Plans: Advanced Strategies to Plan for College" with members.

Mr. Seleznev discussed how 529 college savings plans can be highly versatile tools for securing children's and grandchildren's educational futures. He explored the advantages and different strategies associated with incorporating these plans into one's planning process and discussed the integration of 529 plans into one's overall estate plan, providing a comprehensive approach to financial and legacy planning.

A full video of the spring Client Care Program event can be found on the Program's YouTube channel!

Fortunately for our members and the firm, it did not snow in June ... and we were able to host the Program's next event right on schedule in mid-June, which

featured an "Antiques Roadshow" theme. Featured guest Mr. Todd Peenstra, Owner of Peenstra Antique Appraisals and one of the preeminent appraisers in the country, shared a brief overview of his work and used the majority of his time offering his thoughts on antique pieces members brought to the event. Items ranging from old train sets, to antique serving sets, to pre-Civil War guns, as well as a 1940s diamond and ruby-studded cigarette case valued by Mr. Peenstra at around \$25,000 were just some of the interesting items shared by members and their guests. Stories of items' origins were told by their owners along with Mr. Peenstra sharing how he determines values of various items.

Steve Elville and Gary Greenwald offered a presentation regarding the very important new Corporate Transparency Act, which went into January 1, 2024. The Corporate Transparency Act (CTA) requires many business entities – such as corporations, limited liability companies (LLCs), and other similar entities – formed or operating in the United States to file Beneficial Ownership Information Reports (BOIR) with the Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Department of the Treasury. It is the first ever federal legislation requiring the reporting of beneficial owners and is expected to impact more than 32 million existing businesses and over five million newly formed businesses per year going forward.

In early September, over 130 members, their family and friends enjoyed the annual Social Event at Oriole Park as we watched a pitcher's duel take place between Tampa Bay and the O's. Lower box seats next to the third base dugout made for a great view of the action as the

O's pulled out a 2-0 victory!

The second – and by far our largest event of the year – we're planning right now is our annual Client Event, which is set for Saturday, November 9th from 8:30 to 12:30 once again at the beautiful and spacious Ten Oaks Ballroom in Clarksville. This year's theme is "Modern Elder Law 4.0 – What Families Need to Know (This Is Not Your Parents' Elder Law!)." We have a great line up of speakers ready for you along with live entertainment, award-winning breakfast foods, door prizes galore, and more for your education and enjoyment! Simply use the QR code on the inside cover of this newsletter to RSVP!

In mid-fall, we'll also be announcing plans for our final quarterly education event of 2024 (where has the year gone?), to be held in early December.

As one of two firms in the state of Maryland and one of roughly 100 in the United States with an accredited Client Care Program through the Client Care Academy in Boston, Steve Elville and the Executive Management Team have worked diligently through the Program's nine years to develop one that provides offers benefits, drives its core mission of "Planning that Works," takes care of families, and cumulatively aren't found in a Program anywhere else. Look further into all the benefits that are available to by visiting our Client Care Program link on our website at <https://elvilleassociates.com/client-care-program/>.

To learn even more about the Client Care Program or how to become a member, please contact me – your Client Care Program Director, Jeff Stauffer – at jeff@elvilleassociates.com or 443-393-7696 x117.

WELCOME TO THE ELVILLE WEBINAR AND WORKSHOP SERIES!

“Offering sound legal education for our clients, financial advisor partners, and the communities we serve.”

The Elville Webinar and Workshop Series is offered for free on a recurring basis each month, featuring presentations covering a wide array of legal and non-legal topics. All are welcome to attend – clients, financial advisors, and the general public. We are constantly adding new presentations to our calendar, so be sure to visit elvilleassociates.com/events or scan the QR code below for the latest schedule. Our webinar presentations are also available on Elville and Associates’ YouTube Channel for review the day after the presentation is offered.



Most all of our presentations offer continuing education hours for CFPs®, CPAs, and other professionals.

Should you have any questions about the Series, have an idea for a new topic, or are interested in Elville and Associates providing education for your organization, please contact Community Relations Director Jeff Stauffer at 443-393-7696 x117, or jeff@elvilleassociates.com. *We look forward to hosting you!*



ELVILLE AND ASSOCIATES’ YouTube CHANNEL

Disclaimer: Presentations are meant for education only and are not intended as, nor can they be construed as legal advice, or as substitutes for legal counseling.



THE ELVILLE CENTER FOR THE CREATIVE ARTS – HELPING LAY FOUNDATIONS FOR STUDENTS’ LIFETIME MUSICAL JOURNEYS

Jeffrey D. Stauffer
Executive Director
Elville Center for the Creative Arts, Inc.

“Music has the ability to bring people together like no other force on earth. It has the power to transcend language barriers, to connect people of all ages and backgrounds, and to create a sense of community. Nowhere is this more evident than in the way music can bring joy and kindness to children and families.” MiaLisa Millares, Executive Director – Doing Good Together™

As the Elville Center for the Creative Arts embarks upon its 11th school year and the bevy of instruments and equipment in my office temporarily decreases with donation deliveries to music programs in schools and other organizations, I find myself thinking of so many programs, students, and teachers the Elville Center has worked with in the past and the positive impact we've made. I also find myself frequently thinking of my own path in music as a young trumpet player – from 4th grade exploratory music with Mr. Grissom, to middle school first chair battles directed by Ms. Sahlin, to high school concerts and solos with Mr. Walton, and through University of Maryland concerts with Dr. Sparks. My playing days ended there, but I get to scratch my music itch and then some through my work with the Elville Center. I know my first brass trumpet which I donated to the Elville Center many years ago is in good hands with a current student musician, and my silver Bach trumpet is still in my closet, tucked away. Perhaps someday I will pick it up again.

Fast forward 26 years to Century High School's auditorium. I sat down with a mix of anticipation, excitedness, and relaxation all wrapped into one for my daughter's Century High School wind ensemble concert. Watching my daughter play her flute on stage is a thrill for me and brings back so many rewarding memories. I opened the concert program

and noticed a familiar name next to several of the pieces being performed that evening. The composer of some of the pieces was none other than Brian Balmages, the trumpet player I used to battle with for first chair at Ridgely Middle School. I literally fell out of my seat as I pointed this out to my family seated with me. I later saw that Brian has become a famous American composer, conductor, and music educator.

I had always wondered what happened to Brian Balmages, and now I know. Kudos to Ms. Sahlin and all of the teachers past and present for being generous with their time and expertise, encouraging music and the arts in schools with their kindness even when times are difficult, and showing students the joy and lifetime benefits the world of music can provide.

The Elville Center works to “Make a Musical Difference in the Lives of Children” each day. How do we accomplish this somewhat daunting yet worthwhile to its core mission? The Elville Center offers student musicians the opportunity to learn music theory and application, to experience cultural events related to the musical and creative arts, and uses music and the promotion of music-related activities to transcend social and economic divisions. The Elville Center partners with school music programs, arts organizations, and local businesses to give the gift of music to children of all ages who want to participate in music but don't have the means to do so on their own. It refurbishes donated musical instruments, provides rental instruments, offers support to develop new music programs, partners with professional organizations to fund music education initiatives, and much more.

Now more than ever the support of interested clients, community members, and advisors like you is critical to the Elville Center's continued ability to keep music alive, and in many cases help restore music to schools and thousands of student musicians in Maryland that aren't afforded the opportunities they desire to participate in music. During my travels to schools throughout Maryland, I have seen firsthand the tragedy that has occurred when music programs have been deemphasized. Countless programs don't have the necessities to function properly to give student musicians the experiences they deserve. Though they probably can't afford to do so, teachers pour their own money into their programs to pay for needed equipment, supplies, and instruments. Funding for music remains extremely low and there are not enough instruments and equipment to go around for every student that wants to participate.

If you've ever considered supporting the Elville Center, now is the time to do so! Below are Just a few snippets of our many stories of partnership and possibility. And, know these stories would not be possible without donations and support from interested people like you who are charitably-inclined and help the Elville Center keep moving forward.

Baltimore Classical Guitar Society

Over the past several months the Elville Center has donated 18 fully refurbished classical and acoustic guitars to benefit the Baltimore Classical Guitar Society (BCGS) and its remarkable education and outreach programs. Included in these programs is “Guitars for Change” along with distribution of guitars to Title 1 school students. It was a sincere pleasure and honor recently to welcome BCGS's



World-Renowned Classical Guitarist Manuel Barrueco Visits Elville to Pick Up Guitar Donations

president, Asgerdur Sigardardottir, and her husband, world-renowned classical guitarist Manuel Barrueco, to the offices of Elville and Associates and the Elville Center where they picked up several guitar donations.

Guitars for Change is entering its sixth year, providing immigrant and refugee children with guitars, accessories, and weekly lessons in an effort to encourage and inspire them through the gift of music.

To further assist the ever-growing Guitars for Change program, the Elville Center also purchased 17 Miwayer Guitar 4-Position Foot Rests and six high-end Cayaha Sheet Music Stands.

As one of a handful of organizations that provide guitars to BCGS's educational programs, the Elville Center is always seeking high-quality classical and acoustic guitars in very good condition. If you have a guitar you would like to donate to the Elville Center, please reach out to me so we can make arrangements to accept your donation. As always, all donations made to the Elville Center are tax-deductible and tax donation letters are provided to donors.

Please consider donating directly to the Baltimore Classical Guitar Society as well! Visit its website at www.bcds.org, or donate to the Elville Center so we can do more to support this outstanding

arts organization! To learn more about "Guitars for Change" and the Society's inspirational "Lullaby Project," please visit the "Programs" page on its website.

The Columbia Orchestra

The Columbia Orchestra has been making a positive difference in the community it serves for almost 50 years – through high-quality orchestral works and concerts, offering local musicians artistic opportunities, engaging children in orchestral music by providing them access to instruments and performances, and much more. It is an easy decision each year when The Columbia Orchestra inquires about the Elville Center's sponsorships of its Family Holiday Concert and Young People's Concert featuring Peter and the Wolf – we respond with a resounding "Yes!" The Elville Center will be expanding its sponsorship of these concerts during the 2024-25 season and will be doing so for an eighth consecutive year. The Orchestra's vision and mission are so near and dear to what we work to accomplish here every day at the Elville Center. These concerts and more are held at the popular Jim Rouse Theatre for the Performing Arts in the heart of Columbia. Tickets for these and other Columbia Orchestra

concerts as well as other ways to support this local gem can be found at www.columbiaorchestra.org.

There are recurring themes I hear from hardworking teachers trying to provide the best educational opportunities for students. These themes include teachers having been at the same school for several years, their needs continue to grow – especially post-Covid with an influx of interested new student musicians – and a constant struggle to come up with funds to improve their classrooms. Teachers and programs need funds to pay for musical instrument inventory repair, reeds and other supplies, new instruments, field trips, and more. Some teachers have shared with me they spend well into the thousands of dollars of their own money each year just to keep things going for their student musicians and programs.

Gaithersburg Middle School

Located in the heart of Montgomery County and around the corner from Elville and Associates' new Rockville office, Gaithersburg Middle School is fortunate to have Lisa Ehrenspeck as the leader of its band and orchestral programs. Ms. Ehrenspeck has been at the school for 16 years and it's immediately evident she's very committed to her school and students. I had the pleasure of traveling to meet her at the school early one morning at the end of Teacher Appreciation Week this past spring. We had a nice conversation about the growth, opportunities, and challenges of managing a music department post-Covid.

In one of our largest musical instrument donations of the year, the Elville Center provided eight violins of varying sizes, two trumpets, two trombones, a cornet, two amps, and two electric guitars – all fully refurbished – along with some needed supplies to Ms. Ehrenspeck and her growing music program.

In an act of kindness, Ms. Ehrenspeck shared some of those instruments with GMS's feeder school, Gaithersburg Elementary!

Pine Grove Middle School

It was a full-circle moment when I received a message from Ms. Jennifer



A Large Instrument Donation for Gaithersburg Middle School During Teacher Appreciation Week

Westbrook, Band and Choral Teacher and Music Chair at Pine Grove Middle School in Baltimore. Not only was Pine Grove my middle school's "rival" school, but my wife attended school there as well. We won't delve into whether my Ridgely Middle Stags or Pine Grove Middle's Cougars are superior – all that matters is this wonderful teacher found the Elville Center and we were privileged to be of assistance!

With a post-Covid surge in band students over the past two years and not enough instruments to go around, to her credit Ms. Westbrook has been creative in seeking out support for Pine Grove's band program. From church bulletin blurbs to creative instrument repair to the Elville Center, she finds a way to make it happen for her students. The Elville Center provided four flutes, two trumpets, two alto saxophones, two clarinets, and one cornet to Ms. Westbrook and this bustling music program.

The Elville Center for the Creative Arts *needs your support to further its important work.*

I have been privileged to be part of the Elville Center for over 10 years and at Elville and Associates for almost 11 years at this point. And, I have met many of you and know the Elville Center is an endeavor you're behind – I've never spoken to someone who didn't feel it was a worthwhile cause.

Every one of the refurbished instruments, pieces of equipment, and supplies the Elville Center provides music programs along with educational initiatives we support are not possible without donor support. We need – the students and teachers need – those instruments that you don't use anymore and are taking up space, and we ask that you please consider a donation to help with the cost to refurbish that instrument. And, we need your support to purchase supplies,

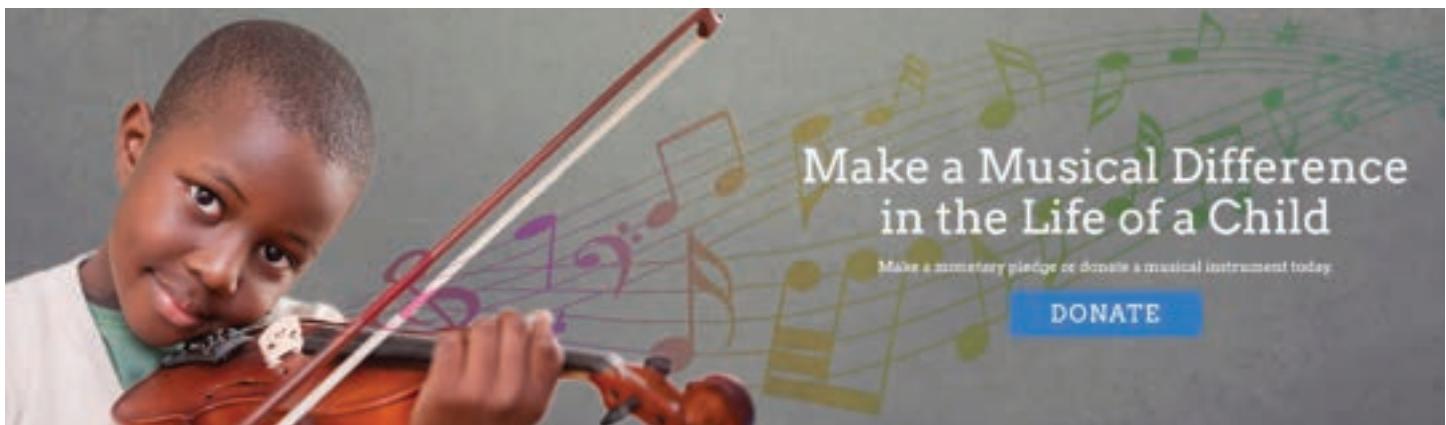
and facilitate cultural learning experiences for student musicians. A guitar costs on average about \$125 to refurbish; a trumpet on average costs about \$175 to refurbish properly and fully; and a cello – about \$225. Even a box of quality reeds costs \$30 these days! The Elville Center also purchases new bows and cases to go along with the refurbished instruments so they're like new for their student musicians!

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"How do we change the world? One random act of kindness at a time."

– Morgan Freeman





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The Elville Center is actively accepting donations of brass, woodwind, and stringed instruments as well as classical and acoustic guitars in good to very good condition!



REIMAGINING SHAKESPEARE

Judith Krummeck
91.5 WBJC Evening Drive-Time Host

We speak often on WBJC about the composers who were inspired by Shakespeare—from Mendelssohn and A Midsummer Night’s Dream to the 20th century version of Romeo and Juliet in the form of West Side Story. What is perhaps not as well-known is how Shakespeare himself was inspired by other creatives. With a genius like Mozart or Beethoven or Shakespeare, they seem to tower above their peers as if they just materialized fully formed out of nowhere. But in truth every genius, as exceptional as they may be, is also a reflection of their particular time and place.

In the case of William Shakespeare, he worked and thrived in the rich theater milieu of Elizabethan London, and he frequently drew on myriad contemporary sources to craft his extraordinary output. Twelfth Night, for instance, was based on three prior sources that involve cross-dressing or mistaken identity or both.

The first of these sources is thought to be an Italian production written collaboratively by the Accademia degli Intronati, literally, the Academy of the Enthroned. This was a scholarly and literary society that flourished in Siena in the early part of the sixteenth century. Their first publicly hosted event was a comic play called *Gl’ingannati*, or The Deceived Ones, produced on February 12, 1532. Described as a comedy of intrigue, it used stock characters of *Commedia dell’Arte* to tell the story of a young girl who foils her father’s plans to marry her off to an old man by disguising herself as a young boy and becoming the handsome servant to the man she’s in love with. You recognize the Twelfth Night theme of Viola disguising herself as Cesario and serving in the court of Count Orsino? Oh! And her brother is involved as well.



Second Globe Theatre, detail from Hollar's View of London, 1647

No less than four of Shakespeare’s plays—*Romeo and Juliet*, *Cymbeline*, *Much Ado about Nothing*, and *Twelfth Night*—were sourced from the Italian writer, Matteo Bandello. He wrote over two hundred *Novelle*—what we might think of as short-stories—and *Twelfth Night* is inspired by Bandello’s story of Nicuola and Lattantio. Here, we have Nicuola disguising herself as a page to Lattantio as a means to try to win his love, even as he sends his “page” to woo Catella on his behalf. When Nicuola’s brother, Paolo, is mistaken for her, he becomes entangled with Catella and ... well you get the picture.

The source closest to Shakespeare was his English contemporary Barnabe Riche, a soldier and author, whose best-known work is *Riche his Farewell to Militarie Profession conteining verie pleasaunt discourses fit for a peaceable tyme*, from 1581. It’s a collection of eight stories, three of which are translations from Italian, and although Riche claimed that the second story of Apolonius and Silla was his own invention, it actually hues very closely to Bandello’s story of Nicuola and Lattantio. Nevertheless, Barnabe Riche’s version is most likely the one

to which Shakespeare had access, and which provided the through-line from the *Gl’ingannati* and Bandello stories to *Twelfth Night*. It must be said, though, that much as the essence of cross-dressing and mistaken identity was borrowed from these sources, the comic business of Malvolio, the yellow cross-gartering, and the intrigues of Toby Belch, Andrew Aguecheek, Maria, and Feste, was pure Shakespearean invention.

Twelfth Night is right up there amongst my favorite Shakespeare plays because of the way it blends light and dark. Also, as an immigrant, I’m drawn to the storyline of the twins, Viola and Sebastian, who fetch up in a strange land and have to try to find their way in it. I relate to their close sibling bond, and the suggested bond between Olivia and her brother for whom she is in mourning, because I was so close to my own brother. Over the years, the idea of reimagining *Twelfth Night* as a contemporary novel has been turning over in my mind, and knowing that even a singular genius like Shakespeare had borrowed from other sources, I gave myself permission to do so too. And so my novel, *The Deceived Ones*, was born.

Gl'ingannati (The Deceived Ones)
written collectively by the Accademia
degli Intronati in Siena
(1531)



Novelle (Tales) (part 2, story 28)
by Matteo Bandello
(1554–73)



Of Apollonius and Silla
by Barnabe Riche
(1581)



Twelfth Night, or What You Will
by William Shakespeare
(1601–02)



The Deceived Ones
by Judith Krummeck
(2024)

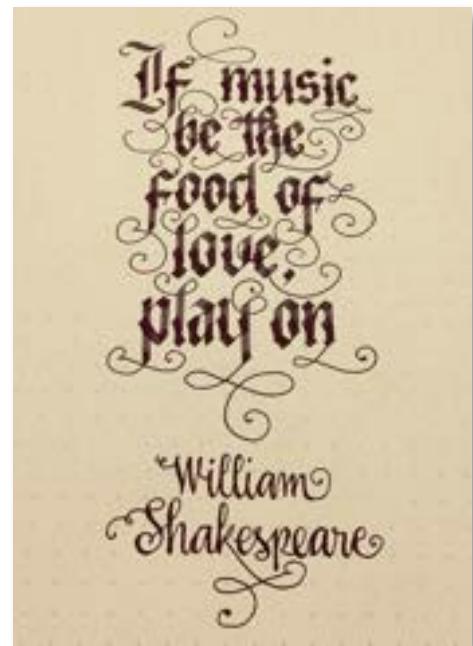
Originally, I conceived of the twins as coming from Dubrovnik in Croatia, because there is a school of thought that this may well have been the Illyria of Shakespeare's play. Then came the Russian invasion of Ukraine, and the idea of the twins being refugees from the war brought a new level of urgency and immediacy to the storyline. Taking the opening line of Shakespeare's play, "If music be the food of love, play on . . ." I've reimaged Count Orsino as the composer Orson Carradine, who has been commissioned to write an opera for the Twelfth Night Festival, but is struggling for inspiration. Olivia becomes the unattainable soprano, Isabella Foiani, who is Orson's muse but has withdrawn from

all performing for the foreseeable future. The twins, Vira Blyzynska and Sevastyan Blyzynskyi—she a viola da gamba player and he from the arcane field of quantum computing—are refugees from Lviv in Ukraine.

It goes without saying that I would never put myself on the same plane as Shakespeare! But it's interesting to me that, with him at my back, the cycle of borrowing, reimagining, and reinventing continues, with the arc reaching all the way back to February 12, 1532, through Shakespeare, to present-day Baltimore (and, no doubt, beyond) with each iteration bringing its own ethos of time and place. And Shakespeare's plays are so malleable, that reinterpreting them—either in music or words—is an endlessly rich process.

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*Judith Krummeck has been WBJC's evening drive-time host since 1998. Before immigrating to the United States, she was the arts editor for SAfm at the South African Broadcasting Corporation, where she also presented live symphony concerts for SABC-TV. Judith was given the Praise Singer Award for her arts programming from South Africa's Foundation for the Creative Arts, and she has twice been named Baltimore's Best by Baltimore Magazine. Judith was a drama and history of art major at the University of Cape Town, and she was a professional actor in Cape Town before turning to broadcasting. She also holds a history of music qualification from the University of South Africa and an MFA in Creative Writing & Publishing Arts from the University of Baltimore. She is the author of *Beyond the Baobab*, a collection*



of essays about her immigrant experience. Her biographical memoir, *Old New Worlds*, which intertwines her immigrant story with that of her great-great-grandmother, was a finalist in the 2020 Next Generation Indie Book Awards and the 2020 National Indie Excellence Awards.

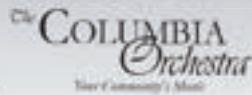
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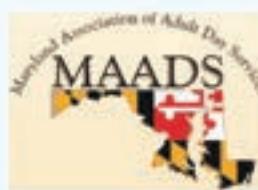
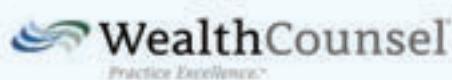
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