



THE NEW SECURE ACT

Thursday, March 26th
12:00 pm

Megan Selvey
Attorney at Law

If you have retirement account (s), you need to know how the new SECURE Act will effect your account beneficiaries and overall estate plan.

Join attorney **Megan Selvey** for a complimentary lunch, and learn the latest in planning strategies.

LOCATION:

Bivens & Associates
Learning Center, #250
5020 E. Shea Blvd.
Scottsdale, AZ 85254

Register TODAY: www.bivenslaw.com/events/

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BI-MONTHLY E-NEWSLETTER: To sign up email Robert@bivenslaw.com

EDUCATIONAL EVENTS:

Check out bivenslaw.com/events-calendar/

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♥ LOVE YOUR PET DAY ♥

TWO PET FRIENDLY EDUCATIONAL EVENTS

Thursday, February 20

12:00pm or 6:00pm



Professional Pet Photography available at each session.

www.edkendall.com



Andrea L. Claus, Esq.
Director of Estate Planning,
Probate & Trust Administration

LOCATION:

Bivens & Associates Learning Center
5020 E. Shea Blvd., Suite 250
Scottsdale, AZ 85254



Vanessa Cornwall
Planned Giving Specialist

Space is Limited
RSVP Today
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ARIZONA HUMANE SOCIETY

3 Locations to serve you: Scottsdale | Mesa | Gold Canyon

OUR PRACTICE AREAS

- ◆ Estate Planning
- ◆ Estate Administration
- ◆ Trust Administration
- ◆ Probate
- ◆ Powers of Attorney
- ◆ Wills and Trusts
- ◆ Elder Law
- ◆ ALTCS
- ◆ Long Term Care Planning
- ◆ Guardianship
- ◆ Conservatorship
- ◆ Special Needs Trusts
- ◆ Business Formation
- ◆ Succession Planning
- ◆ Pet Trust

*You are not alone.
We are here to help.*

Our attorneys have 50 years of combined experience. We provide comprehensive legal services and advice to better the lives of seniors, families, and individuals with special needs. We deliver practical solutions to meet our clients' needs with a five-star experience. The knowledge, compassion, and experience at Bivens & Associates, PLLC sets us apart.

We care. We listen. You matter.

Our Story...

We exist to provide premier legal services and advice in areas of Estate Planning, Elder Law, and Special Needs Planning to better the lives of seniors, families, and individuals with special needs. We are committed to providing comprehensive solutions to meet our client's needs with a five-star experience that makes clients and colleagues know they are welcome and valued. We strive to achieve trust in all relationships, to always act with compassion, and serve our community. The teamwork, knowledge, experience and dedication at Bivens & Associates, P.L.L.C. is where passion and purpose come together to provide peace of mind for our clients.



YOUR ATTORNEY TEAM

Stephanie A. Bivens, Esq., C.E.L.A.

Andrea L. Claus, Esq.

Megan E. Selvey, Esq.

Letty P. Segovia, Esq.

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& Associates, P.L.L.C.
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Scottsdale

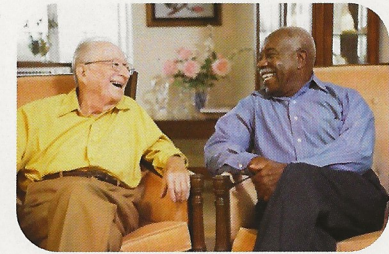
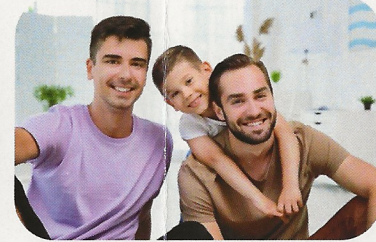
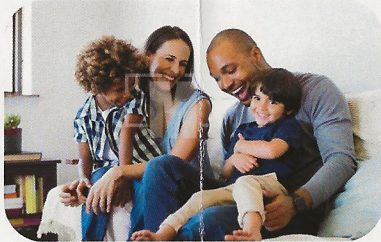
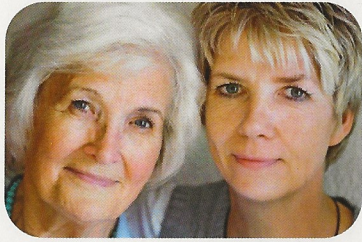
5020 E. Shea Blvd., Suite 100
Scottsdale, AZ 85254

Mesa

1811 S. Alma School Road, Suite 240
Mesa, AZ 85210

Gold Canyon

6804 S. Kings Ranch Road, Suite 102
Gold Canyon, AZ 85118



ELDER LAW & ALTCS

Elder Law attorneys have unique legal knowledge and experience related to issues of aging. We are concerned about matters that affect your lifestyle, comfort in retirement, medical and long term care needs, financial security and preservation of your assets, your future, and the future of your family. We are fully versed on government benefits for seniors, such as Social Security, Medicare, Veterans Aid & Attendance, Medicaid, and Arizona Long Term Care System (ALTCS) benefits, and all legal tools available to help you and your family plan to meet your needs. Seniors face special legal and life decisions; we provide the assistance and counsel needed to address these unique needs.

GUARDIANSHIP & CONSERVATORSHIP

When a life change leaves an individual unable to properly make their personal or medical decisions or handle their financial matters, a Guardianship or Conservatorship may be the best way to keep that individual safe and financially sound. Guardianship and Conservatorship require appointment by a court. We have significant experience handling these matters and represent individuals, licensed fiduciaries, financial institutions, and governmental agencies as Guardians and/or Conservators. We routinely appear in the Maricopa County Superior Court and handle matters throughout Arizona.

ESTATE PLANNING & PROBATE

The goal of Estate Planning is typically straightforward: to receive maximum enjoyment of your assets during your lifetime, provide for management of your assets and medical decision making in the event of your incapacity, and eventually, at death, transfer the assets with minimum taxation, court involvement, and family conflict pursuant to your wishes. However, no two estate plans are the same. Depending on your goals, your assets, family considerations, and taxation concerns, we collaborate with you to create individualized estate plans using a variety of legal documents. We take the time to listen to you, and put together the best plan for you and your family.

SPECIAL NEEDS PLANNING

For people with physical, mental, or emotional disabilities, health issues are just the beginning of life's challenges. If you have a disability or special needs, you likely have concerns about earning and supplementing an income, living in a safe and accessible living environment, obtaining the extra help needed, qualifying for health insurance, and increasing personal independence. If you have a loved one, such as a child with special needs (minor or adult) you likely have the same concerns, and want to know how you can be their best advocate and provide for them now and when you are no longer able to. We routinely prepare and advise Trustees of Special Needs Trusts.

Dear Clients and Colleagues,
 We hope you find this newsletter
 informative, helpful and fun.

Feel free to share this newsletter.

The SECURE Act : Impact on Your Estate Plan By Megan Selvey, Esq.

Effective January 1, 2020, the “Setting Every Community Up for Retirement Enhancement Act” or “SECURE ACT” will effect both participants and beneficiaries of retirement accounts. In particular, the SECURE ACT radically changes the estate planning landscape for your retirement benefits.

The purpose of the SECURE ACT is to motivate and help Americans save for retirement. Previous generations often had a pension through an employer that would provide a stream of income to the employee during retirement. Over time, pensions presented their own set of problems. Few employees today will earn a pension through their employer. Today, most Americans will save for retirement using a retirement account, such as a 401(k) or an IRA. For purposes of this article, I will use the broad term of “retirement accounts” to describe these accounts. When a person contributes to a retirement account, the money contributed is not immediately subject to income tax. That income tax will be paid later when the person begins drawing on that account in retirement as a source of income. If the person dies before they have withdrawn all the money in their retirement account, then their designated beneficiaries will pay the income tax on the remaining amounts (with certain exceptions).

The SECURE ACT makes several significant changes to the Internal Revenue Code section pertaining to how funds are withdrawn from these retirement accounts by the retirement account owner or designated beneficiary. The SECURE ACT makes other significant changes, however, in this article, I will focus on a couple of the changes that may affect your estate planning.

The Required Minimum Distribution Age Increased.

Previously, at age 70 ½ a person was required to take their “required minimum distribution” (RMD) from their retirement account annually. Now, the SECURE ACT increased the age to 72 to take the “required minimum distribution”.

Contribution Limits for Traditional IRAs Changed.

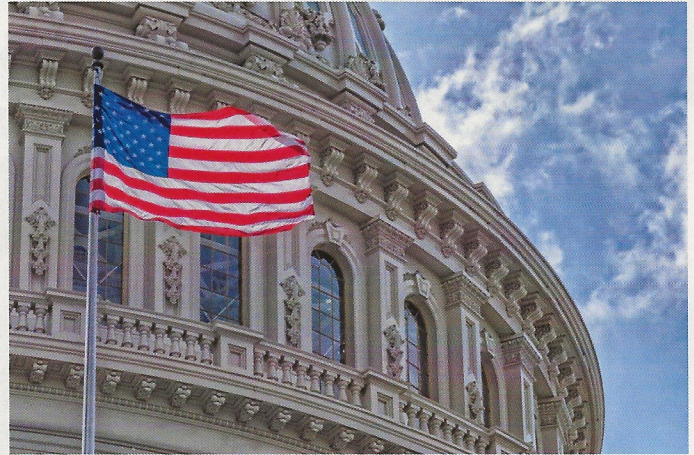
Previously, individuals over the age of 70 ½ who were still working, were unable to contribute to a Traditional IRA. Now, the SECURE ACT allows those over the age of 70 ½ who are still working to contribute to a Traditional IRA.

The “Stretch” IRA is Limited.

Previous law allowed all beneficiaries to inherit a retirement account and take distributions from the account over their lifetime. This allowed the beneficiary to pay income tax on distributions as the distributions were received over time. This was known as the “stretch IRA rule” because the beneficiaries were able to stretch taxable distributions over time to minimize the income tax implications. The SECURE Act has eliminated the life expectancy payout, with a few exceptions.

To find out more: Go to www.bivenslaw.com/blog/

**This article is not a comprehensive summary of the entirety of the SECURE ACT. This article does not provide specific legal or tax advice, whatsoever. Please consult with a professional regarding any specific questions or implications.*



NEW ARIZONA RULES OF PROBATE PROCEDURE

Effective January 1, 2020

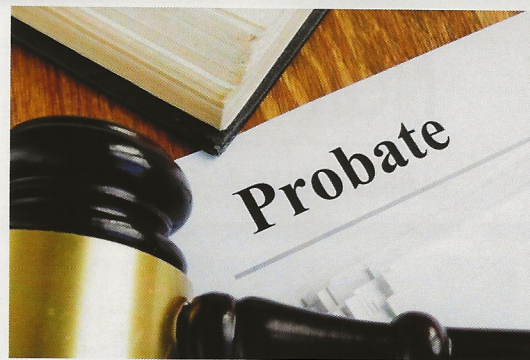
By Stephanie A. Bivens, Esq., C.E.L.A.

The Arizona Rules of Probate Procedure were amended in their entirety, excepting Rule 45, effective January 1, 2020. Although the Rules are based on an earlier set of Probate Rules, there are significant changes, both stylistic and substantive. In addition, many mandatory Forms were also amended. The new Rules govern procedures in all probate proceedings in the superior court, and apply to all persons in a probate proceeding, whether self-represented or represented by an attorney. As such, if you are involved in any guardianship, conservatorship, probate or trust matter before a superior in Arizona these now apply to you.

The Order amending the rules may be found at <https://www.azcourts.gov/Portals/20/2019%20Rules/R-18-0044%20Final%20Order.pdf?ver=2019-08-29-150128-037>.

The current Rules of Probate Procedure are located at [https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NEB9773C0971D11DD86F49F8874280CEA&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NEB9773C0971D11DD86F49F8874280CEA&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

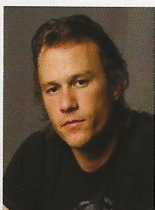
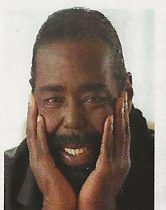
At Bivens and Associates, P.L.L.C. we have extensive experience handling all types of guardianship, conservatorship, probate and trust matters. Please call to schedule a consultation today; we are here to help.



3 ESTATE PLANNING MISTAKES OF CELEBRITIES

By Stephanie A. Bivens, Esq., C.E.L.A.

Celebrities have wealth and cadres of professional advisors that most of us do not. However, when it comes to making estate planning mistakes some celebrities are no different than the rest of us. Everyone's estate is vulnerable to outdated documents, botched beneficiary designations and other mistakes that can tie up your assets up in court for years, allow taxes and legal fees to eat up your estate, and leave inheritances to people you did not intend.



Making sure your estate ends up with the right people in the right way is more complicated than just drawing up a will. Retirement accounts and life insurance policies, for example, have their own named beneficiaries and will automatically pass to the designated person(s), regardless of what is in your will or trust. A will is not enough to protect your estate from probate or taxes, which can be time-consuming and expensive. A trust may be a better tool, when used correctly, in concert with a will (commonly referred to as a pour-over will), advance medical directives, and financial powers of attorney. Additionally, your assets and accounts must be titled correctly, and all beneficiary designations must coordinate with your estate plan. You should always work with experienced estate planning counsel that takes the time to educate you to ensure your goals and objectives are achieved, and periodically review and update your plan with legal counsel as needed due to changes in personal circumstance, tax or other laws.

Consider these well-known celebrities whose families have paid the price for their estate planning mistakes. **There is no time like now to review and update your estate plan!**

Having No Estate Plan – Prince

Do It Yourself Will – Aretha Franklin

Failing to Update Beneficiaries and/or Estate Plan – Barry White and Heath Ledger

To read about these celebrities go to: www.bivenslaw.com/blog/

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REAL ESTATE BY TRADE



ASU Retirees Association



ARIZONA HUMANE SOCIETY



Wednesday, January 22, from 6:00 p.m. to 7:30 p.m. - Open to the Public
 Topic: "New Year: Resolve to Get Your Estate Plan Organized"
 Speaker: Stephanie Bivens, Esq., C.E.L.A.
 Held at VIP Mortgage in Scottsdale (Registration recommended)

Thursday, January 23, from 12:00 p.m. to 1:00 p.m. - Open to the Public
 Topic: "Make A New Year's Resolution to Get Organized"
 Speakers are: Andrea Claus, Esq. and Cheryl Frager
 Held at Bivens & Associates (Registration required)

Saturday, January 25, from 1:00 p.m. to 2:00 p.m. - Open to the Public
 Topic: "Long-term Care & Estate Planning Educational Meeting"
 Speaker: Stephanie Bivens, Esq., C.E.L.A.
 Held at LivGenerations Pinnacle Peak (Registration Required)

Tuesday, January 31, from 8:00 a.m. to 9:00 a.m.
 Bivens & Associates Learning Center, Suite 250, Scottsdale
For professionals only - no registration required. Topic: Secure Act

Wednesday, February 5, from 10:00 a.m. to Noon - Open to the Public
 Topic: "Strategies for Protecting Your Assets Against the Cost of Long Term Care"
 Speaker: Stephanie Bivens, Esq., C.E.L.A.
 Held at Cowden Center on 2nd Street (Registration required)

Thursday, February 13, from 10:00 a.m. Noon
 Topic: "Elder Law and Preparing for Passing"
 Speaker: Stephanie Bivens, Esq., C.E.L.A.
 Held at ASU - Community Services Bldg., Room 330 (for Members only)

Wednesday, February 12, from 11:00 a.m. to 12:00 p.m. - Open to the Public
 Topic: Ask the Attorney "Properties held by LLC's and Irrevocable Trusts"
 Speaker: Andrea Claus, Esq.
 Held at Pioneer Title Agency (Registration recommended)

Thursday, February 20, (Two sessions) 12:00 p.m. & 6:00 p.m.
 Topic: "Love Your Pets" - *Pets welcome & photographer available*
 Speakers: Andrea Claus, Esq. and Vanessa Cornwall
 Held at Bivens & Associates (Registration required - space is limited)

Tuesday, February 25, from 8:00 a.m. to 9:00 a.m.
 Bivens & Associates Learning Center, Suite 250, Scottsdale
For professionals only - no registration required.

For more information about the events listed above, go to WWW.BIVENSLAW.COM/EVENTS/

