

THE LAW OFFICES OF SAMANTHA K. WOLFE

20 EAST SIXTH STREET, SUITE 206
WAYNESBORO, PA 17268
717- 655-2676

Volume 1 / Issue 1

DID YOU KNOW?

1. Estate planning is becoming less prevalent overall: The number of adult Americans that have a will or another type of estate planning document decreased by nearly 25% since 2017.
2. Older adults are less likely to have a will: The number of older and middle-aged adults with estate planning documents dropped by 20% and 25% since 2019, respectively.



WELCOME TO OUR OFFICE

We would like to welcome you to The Law Offices of Samantha K. Wolfe. Our team is ready to assist you in all your estate planning needs. We are here to help you in the following areas:

- Estate Planning
- Asset Protection Planning
- Long-term Care Pre-Planning
- Medicaid Planning
- Special Needs Planning
- Business Succession Planning
- Estate Administration

*“Our **Last Will and Testament**, providing for the only future of which we can be reasonably certain, namely our own death”*

WE ARE HERE FOR YOU

Our Mission is to **provide mindful legal direction for you and your future generations**. We consider it a privilege to serve you. We are committed to fulfilling our mission to you, our client, by adhering to the following principles:

C-Collaborating with your accountant and financial advisor to create the best team for you.

A-Advocating for you and your family in times of crisis

R-Reinforcing your estate plan with asset protection strategies

E-Ensuring efficient administration upon your death

We **CARE**. We are looking forward to serving you!

Please call our office to schedule a free initial consultation to review any documents you may already have in place or to discuss new documents you wish to execute.

We Want You To Relax And Enjoy Life Don't stress! Let us help you limit some uncertainties in your life. You can count on us to help you through today and tomorrow.

Types of Powers of Attorney

Financial Power of Attorney

Health Care Power of Attorney

Living Will

Mental Health Power of Attorney

Looking more in depth at each Power of Attorney

Financial Power of Attorney- A Financial Power of Attorney is (1) effective during your life unless revoked, and (2) upon death this document is no longer effective, and your Last Will and Testament governs.

- (a) **Durable Power of Attorney:** A durable power of attorney is effective when you execute the document and when your agent signs the acknowledgment agreeing to serve as your agent. You do not have to be incapacitated for your agent to act under a durable power of attorney.
- (b) **Springing Power of Attorney:** A springing power of attorney is only effective upon some triggering event. For example, a springing power of attorney may be effective if you are incapacitated.

Recommendation: The Law Offices of Samantha K. Wolfe recommends that individuals execute a durable power of attorney to ensure that your interests can be immediately protected if you become incapacitated.

Typically, if you have a springing power of attorney, the agent cannot act until two physicians agree that you are incapacitated, which may take a period of time. Our thought is that if you are

appointing someone that you trust to serve as your agent, then in an emergency, you would want them to act immediately.

What powers should be included in my Financial Power of Attorney?

- (1) power of create both revocable and irrevocable trust,
- (2) power to make unlimited gifts (unless you specifically grant your agent the ability to make unlimited gifts, your agent can only transfer \$15,000 and there may be a need to make larger gifts between spouses, at least),
- (3) power to update beneficiary designations for retirement accounts and insurance products,
- (4) power to access digital accounts, and
- (5) a financial release to your agent.

*Any Financial Power of Attorney executed prior to 2015 should be reviewed because the law changed in 2015 for powers of attorney.

Health Care Power of Attorney- A Health Care Power of Attorney is effective if you cannot express your wishes to the physician, but are expected to recover from the medical issue. A Health Care Power of Attorney is the first part of your Advanced health Care Directive.

Typically, an Advanced Health Care Directive consists of a Health Care Power of Attorney and Living Will. The Law Offices of Samantha K. Wolfe separates the health Care Power of Attorney and Living Will into separate documents since each document is legally effective at different times.

What should a Health Care Power of Attorney include?

- (1) Appointment of an agent and at least one successor agent;
- (2) A HIPAA release granting your agent and additional individuals access to information and the ability to communicate with medical professionals;
- (3) The ability to admit or discharge you from a medical facility responsible for your care; and
- (4) Any funeral preferences or directions regarding disposal of your remains (for example, cremation, etc.).

Living Will- A Living Will is effective if you cannot express your wishes to the physician and have a terminal diagnosis with no realistic hope of recovery. A Living Will is the second part of your Advanced Health Care Directive.

Typically, an Advanced Health Care Directive consists of a Health Care Power of Attorney and Living Will. The Law Offices of Samantha K. Wolfe separates the Health Care Power of Attorney and Living Will into separate documents since each document is legally effective at different times.

What should a Living Will include?

- (1) Appointment of an agent and at least on successor agent;
- (2) A HIPAA release granting your agent and any additional individuals access to information and the ability to communicate with your medical professionals;

- (3) The ability for your agent to consent to pain-relieving drugs being administered intravenously in order to keep you comfortable;
- (4) The direction that you do not want any life prolonging procedures including CPR, dialysis, ventilation, surgery, chemotherapy, radiation, antibiotics, or a feeding tube;
- (5) Direction that you do not want a feeding tube if you are diagnosed with dementia or Alzheimer's Disease, and your health deteriorates to the point that you lose the ability to swallow, since the diagnosis is not necessarily a terminal diagnosis; and
- (6) Any funeral preferences or directions regarding disposal of your remains (for example, cremation, etc.).

Mental Health Power of Attorney- A Mental health Power of Attorney is used in 2 situations:

- (1) When an individual has a history of mental illness; or
- (2) When an individual is planning for the second half of life and wants to address treatment for dementia or Alzheimer's.

An agent under your Health Care Power of Attorney cannot consent to experimental treatment, and sometimes for federal funding purposes, a drug is labeled experimental and you may want your agent to be able to consent to that treatment, after consulting with your treating physician and determining that is in your best interest.

Recommendations: The Law Offices of Samantha K. Wolfe recommends executing a Mental Health Power of Attorney to grant your agent the maximum amount of power he or she can receive under Pennsylvania law, so that your agent does not have to petition the court in order to have the authority to act in that manner.

**Please note that under Pennsylvania law, your Mental Health Power of Attorney automatically expires every 2 years. If you have capacity at the end of 2 years, we recommend that you execute an updated Mental Health Power of Attorney.

**WE ARE HERE
FOR YOU AND
YOUR FAMILY**



Hello, and welcome to the Law Offices of Samantha K. Wolfe, LLC. We are so happy to be working with you!

We wanted to share a little bit of our history as we start this new venture. Our office journey begins with Tucker Maxwell. Our fantastic team members, Tamera Siegrist and Sandra Davis, have been long-standing employees with Tucker. Sandy has worked for Tucker for over 50 years, and Tammy began working with Tucker in 1985.

In 1999, Samantha was a freshman at Greencastle-Antrim High School and deciding what foreign language to take to fill her academic requirement. She decided on Latin. Her Latin teacher was Mrs. Maxwell, Tucker's wife. Samantha took 4 years of Latin in high school, and Mrs. Maxwell would often talk about her beloved husband who was an attorney in Waynesboro, PA. At that time, Samantha was not considering a career in law, but loved learning Latin. Fast forward to the Summer of 2006. Samantha just finished her first year in law school and wanted to intern at a law firm near her home. On a whim, she sent a letter to Tucker Maxwell explaining how she had Judy as a Latin teacher and asking Tucker if there was a possibility that he needed a legal intern over the summer. Tucker was gracious enough to meet with Samantha about a legal internship.

Both summers Samantha was in law school, she worked for Tucker as a legal intern. She had the opportunity to work with Tammy Siegrist and Sandra Davis, Tucker's long-standing employees, during that time. Over the course of those summers, Samantha discovered that she enjoyed helping clients complete their estate planning or assisting with administering estates upon a family member's death.

When Samantha graduated from law school in 2008, she decided to pursue a legal masters in taxation to further her knowledge for future clients. When she graduated from her program in 2009, she worked for 7 1/2 years at Steinbacher, Goodall & Yurchak (Williamsport, PA) in the area of estate planning, asset protection planning, long-term care planning, special needs planning, and business succession planning. She loved her job and her clients, but missed her family who still lived in Fairfield, PA. In 2017, Samantha moved back to join Maxwell Sipe Law Offices, LLC to be closer to her family and serve the greater Waynesboro area.

The Law Offices of Samantha K. Wolfe, LLC opened July 1, 2020, and with the help of Tucker's long-standing employees, Tamera Siegrist and Sandra Davis, and the new addition of Amy Meek, we hope to serve the community in the area of legal expertise. We value the legacy that Tucker Maxwell created in Waynesboro. He believed in working hard for his clients and serving the community. We are honored to be serving clients in the area of estate planning, estate administration, asset protection planning, long-term care pre-planning, Medicaid planning, special needs planning, and business succession planning. In order to provide information about the firm and certain legal topics, we will be creating a quarterly newsletter to provide to referral sources and clients. We hope you enjoy it, and we welcome your feedback. Please reach out to us if you would like us to share more information about a certain topic. Every newsletter we will try to share information regarding a legal topic, as well as update you about what is happening with our staff members. Thank you for allowing us the opportunity to serve you. We appreciate you!