



Duke Dementia Family Support Program

Caregiver Connections

An Educational Webinar Series with the Experts

The presentation will begin shortly.

dukefamilysupport.org
919-660-7510



January 2026

ESTATE PLANNING:

"Important Estate Planning Documents for Families Affected by Dementia."



Nichole Hatcher, Esq.

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For The Next Hour,
I Want To Share
What No One's Told
You About Estate
Planning!



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BEST WAY TO LEARN...



Turn off
your phone

Close your door,
Google, and Social
Media

You deserve this
time for yourself



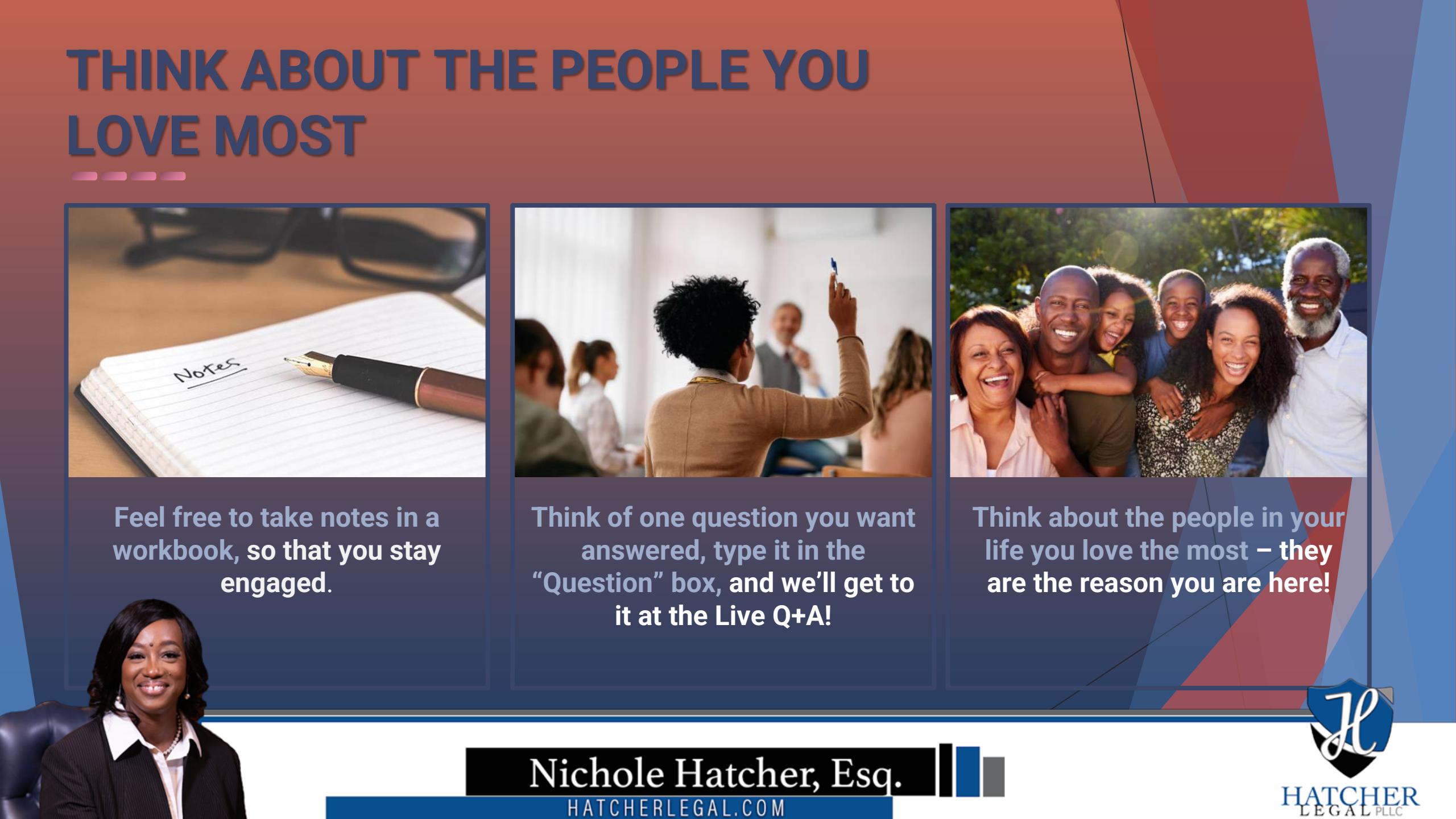
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THINK ABOUT THE PEOPLE YOU LOVE MOST



Feel free to take notes in a workbook, so that you stay engaged.



Think of one question you want answered, type it in the “Question” box, and we’ll get to it at the Live Q+A!



Think about the people in your life you love the most – they are the reason you are here!

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BUSINESS LAW AND ESTATES

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NICHOLE M. HATCHER, ESQ., is the Managing Attorney at the Law Office of Hatcher Legal, PLLC. Attorney Hatcher has been a practicing attorney for more than 20 years and brings a wealth of Experience in Business Law, Business Litigation, Estate Planning, Administration, and Probate.

WHAT YOU'LL LEARN TODAY...

- ▶ What are the core legal documents for Estate Planning- Protecting your assets pre/post Dementia Diagnosis:
 - ▶ What is the primary Difference between a Will and a Trust?
 - ▶ What are the different types of trusts that will help in a Dementia scenario?
 - ▶ What is a Financial Power of Attorney?
 - ▶ What is a Healthcare Power of Attorney?
 - ▶ What are Advanced Directives?
 - ▶ Why is a HIPAA Authorization a good document to have?



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DEMENTIA – HOW DO WE PLAN

The reality is that we DON'T know the future...

We don't know what the future holds in terms of our health, so the BEST time to do your estate planning is NOW.



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WE WAIT TOO LONG...

- ▶ Many people wait too long to do their estate plan.
- ▶ Once there is a loss of mental capacity, the ability to plan for your assets and how they will be distributed and/or protected is severely impacted.
- ▶ If a doctor will not issue a letter to a lawyer, in many instances, no lawyer will prepare your estate documents.
- ▶ Your family is then likely to wind up in Probate.



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THE 3 BIGGEST EXCUSES/DOUBTS ABOUT ESTATE PLANNING....



I'm not old enough, or I have plenty of time to do my Estate Planning



It will take too long, and I don't have the time or the money



I'm not wealthy enough



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THE REALITY ...



We know death does not have a specific age. It's coming for all of us, and so it's never too early to prepare



The financial and emotional benefits of estate planning far outweigh any excuse. We find the money for everything else we need and/or want... and the reality is that you are either going to pay a little now, or someone will pay a whole lot later.



EP has nothing to do with how much money you have! You owe it to the people you love and will leave behind to make sure they are protected, provided for, and not left with a burden... Your voice!



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**Tell me... Are you ready for some “Real
Talk”
No More Excuses**



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THE BIG PICTURE

ESTATE PLANNING
ISN'T ABOUT YOU...
IT'S ABOUT THE
PEOPLE YOU LOVE
THE MOST



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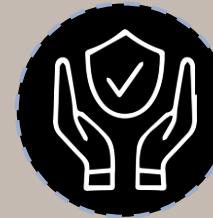
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OPTION 1: Last Will & Testament



OPTION 2: Revocable Living Trust



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LAST WILL AND TESTAMENT



Better than nothing!



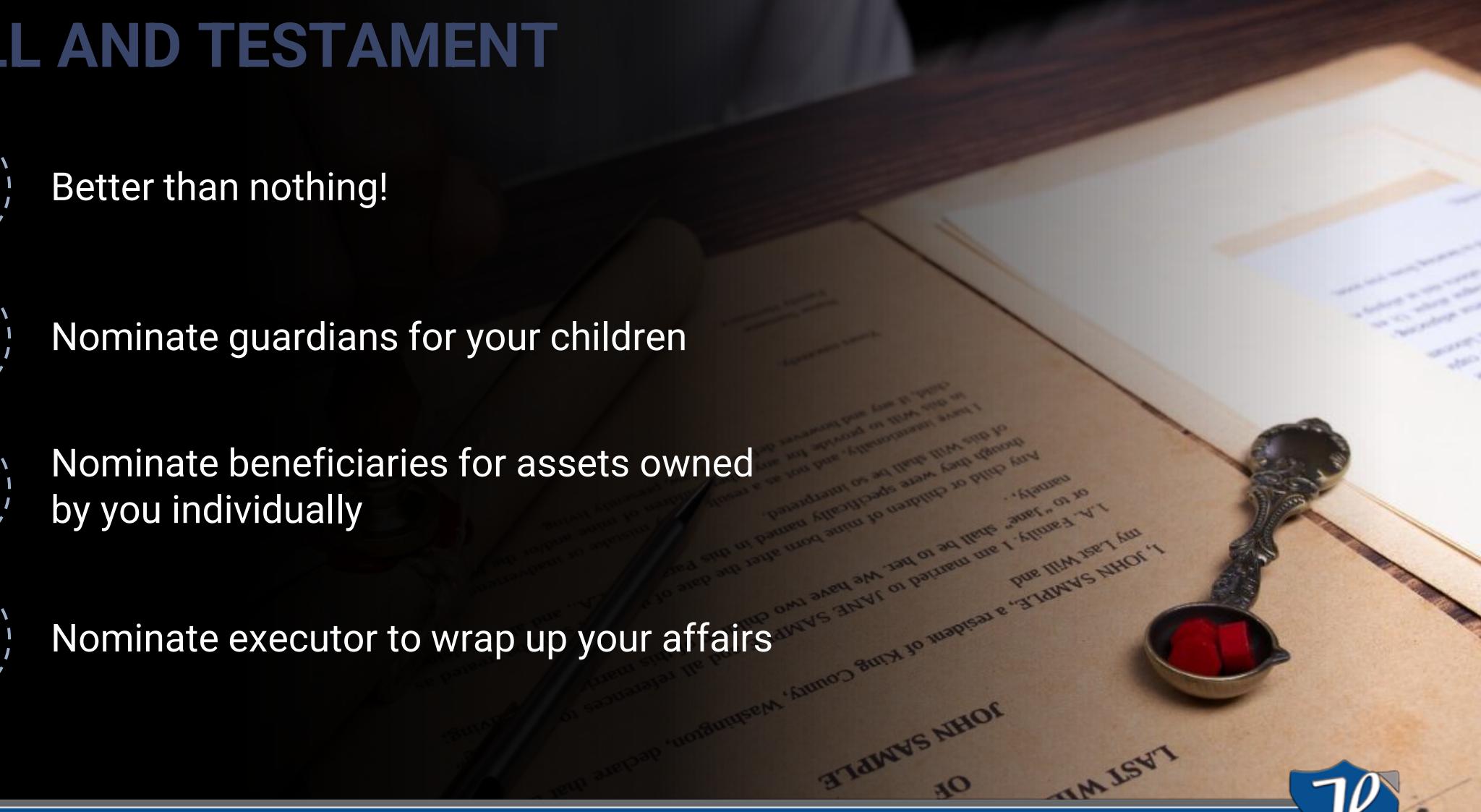
Nominate guardians for your children



Nominate beneficiaries for assets owned by you individually



Nominate executor to wrap up your affairs



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WHEN IS A WILL-BASED PLAN APPROPRIATE?



Estates less than \$20,000 (\$30,000 for spouses) in North Carolina are eligible for a simplified probate process

Most Estates are easily higher (Property or a Car individually titled.)

In this case, you are only concerned with naming guardians for your minor children and do not care about the publicity or potential for someone to spend your child's inheritance



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WHERE A WILL FAILS

- » Wills have to go through probate court
- » They do not provide for incapacity
- » Problematic if they cross state lines
- » Kids get money at 18
- » Do not control most property
- » Provide direction and protection for a short time at your death:
 - » Not during your life
 - » Not for the lives of the surviving spouse, children, and grandchildren



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**Where there's a will,
there's a probate!**



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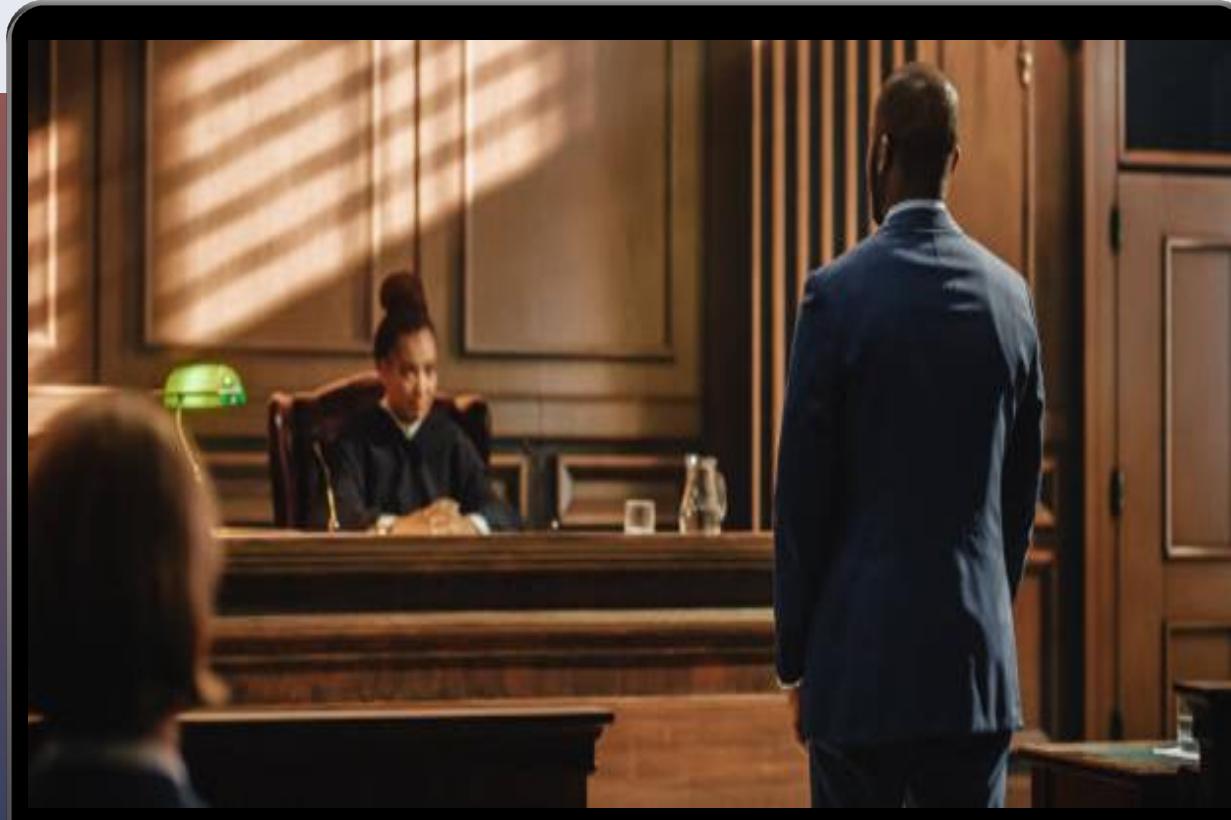
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PROBATE COURT = BAD

■ ■ ■ ■ ■



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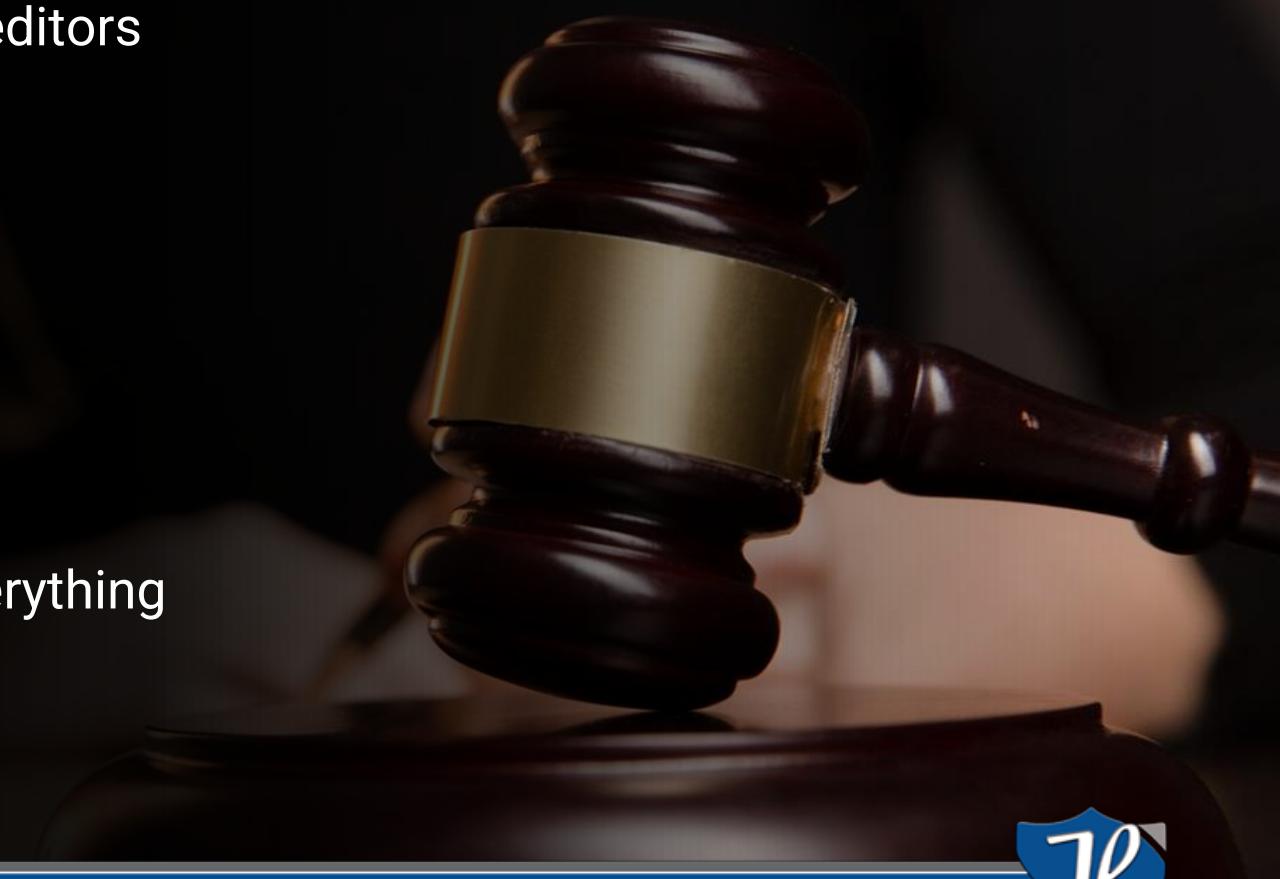
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WHAT IS PROBATE COURT?

- 1 Court appoints Executor
- 2 Publish notice in papers to creditors
- 3 Inventory and appraise assets
- 4 Distribute assets
- 5 Everything reported to judge
- 6 Need court permission for everything
- 7 Need to hire a lawyer



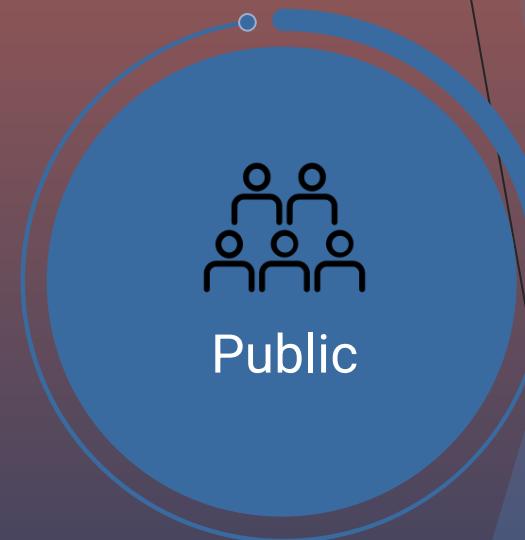
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3 DOWNSIDES TO PROBATE



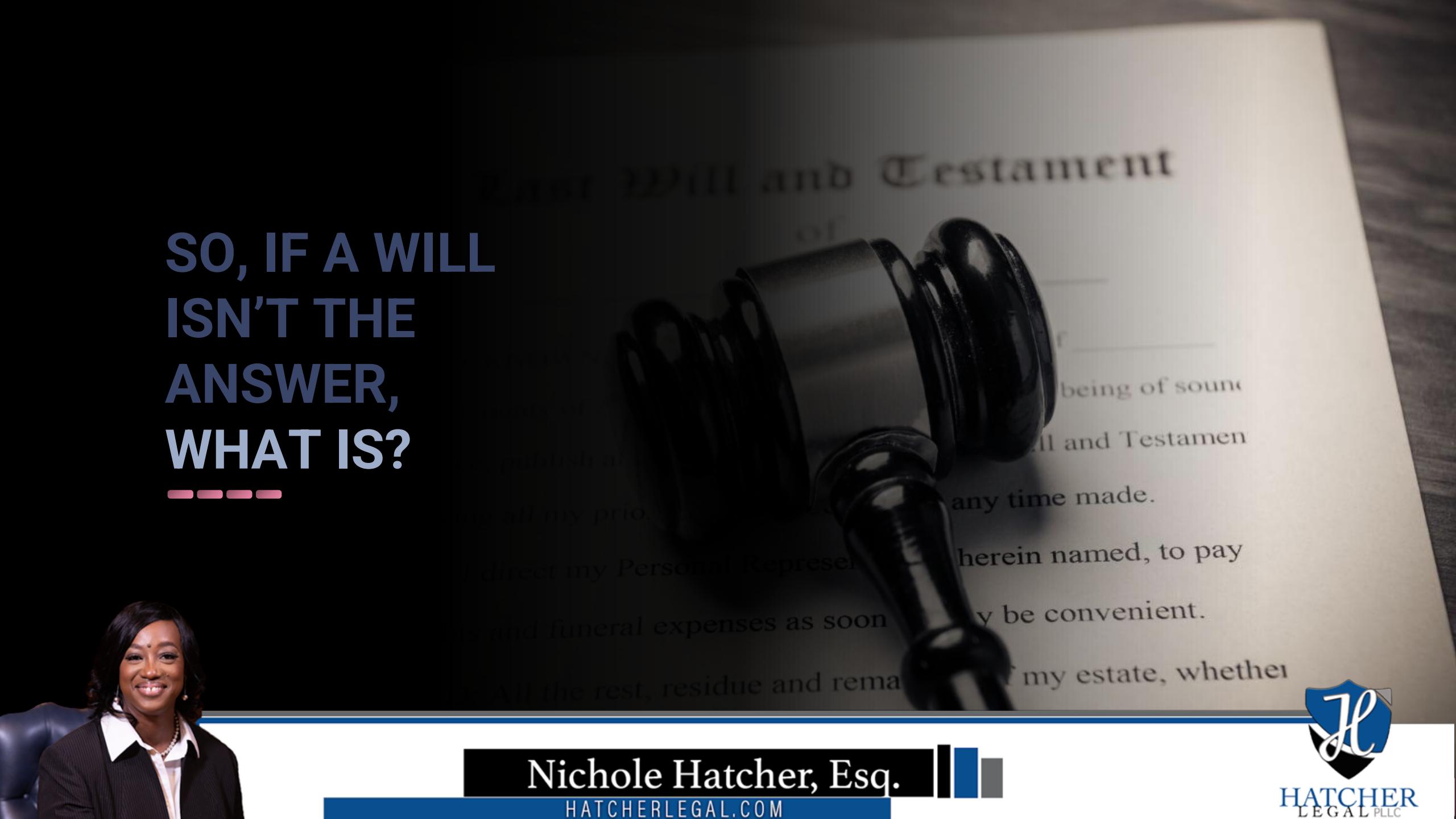
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SO, IF A WILL ISN'T THE ANSWER, WHAT IS?



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A BETTER OPTION: REVOCABLE LIVING TRUST



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AREN'T TRUSTS ONLY FOR RICH PEOPLE?



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WHAT IS A TRUST, ANYWAY?!



A man and a woman are sitting at a table, looking at a document together. The man is wearing glasses and a red shirt, and the woman is wearing glasses and a denim jacket. They are both smiling. In the foreground, a woman in a suit is standing and smiling. The background shows a window with a grid pattern.

An agreement that spells out the rules you want followed for the assets in trust when you pass away.

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3 ROLES IN EVERY TRUST



Grantor

person who contributes assets to trust

Trustee

person who manages the trust assets

Beneficiary

person who is entitled to the assets

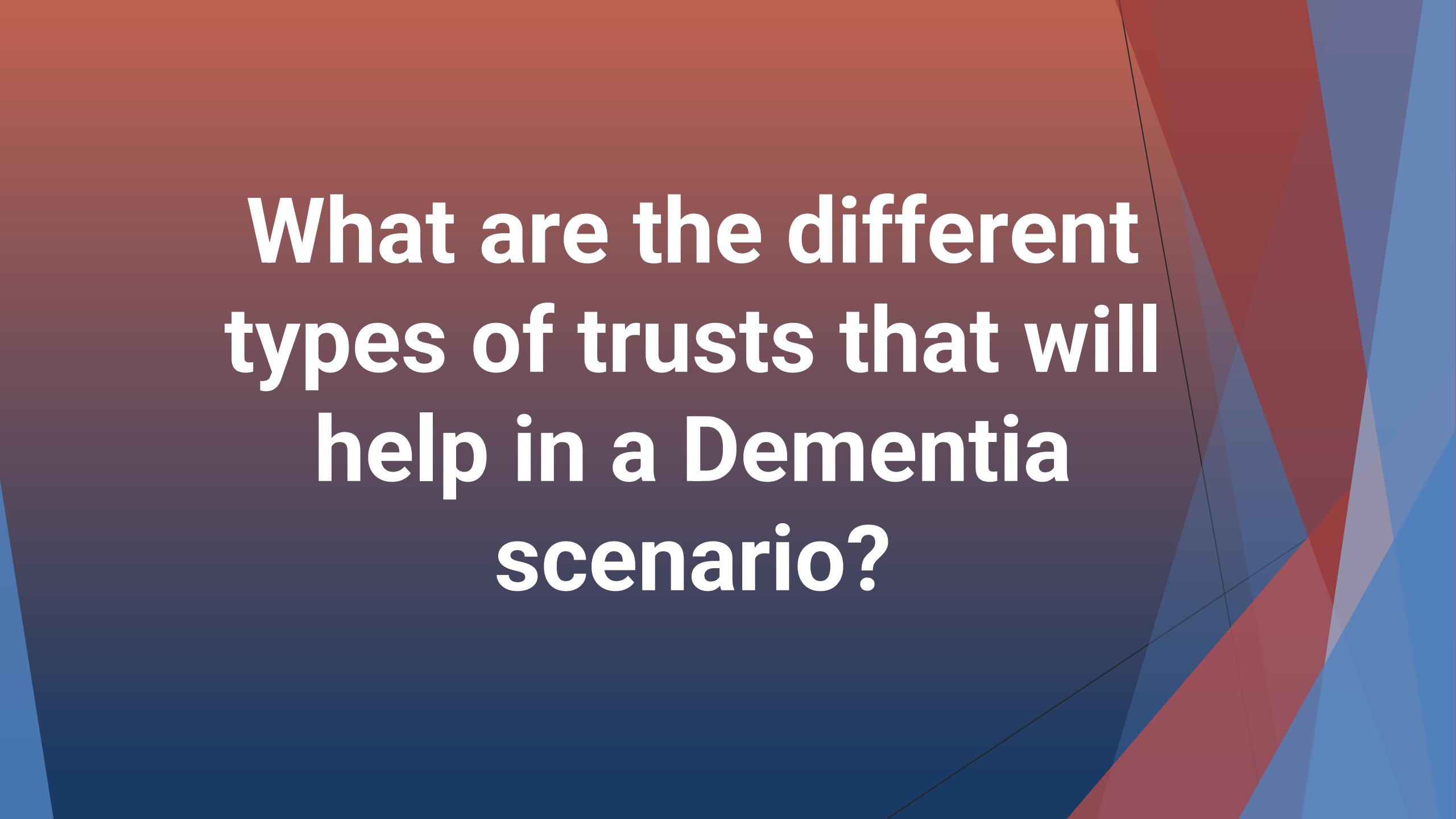


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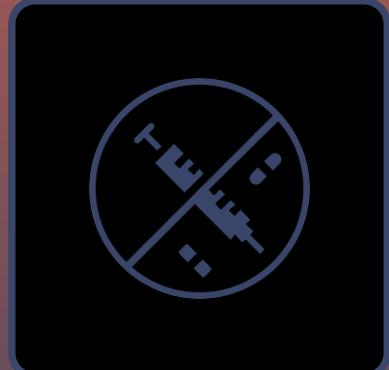


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**What are the different
types of trusts that will
help in a Dementia
scenario?**

OPTION #1: REVOCABLE LIVING TRUST



Will on steroids!



Name beneficiaries for your assets in the Trust



Trust is revocable – you can change or amend



You are trustee during life – have total control



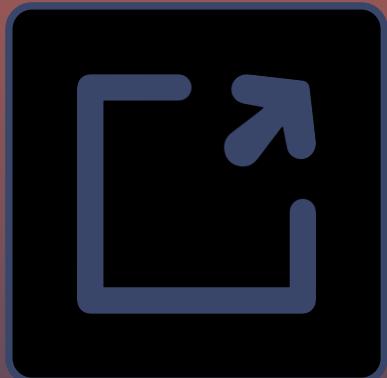
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OPTION #1: REVOCABLE LIVING TRUST



Everything you own now is outside of your Trust



Move your assets into your Trust by retitling them to your Trust



But still maintain control over assets in Trust



The benefit: Everything in your Trust bypasses probate when you pass away!



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OPTION #2: NON-REVOCABLE TRUSTS

- ▶ LEGACY TRUSTS
- ▶ DYNASTY TRUSTS
- ▶ MEDICAID PROTECTION TRUSTS
- ▶ “LEGACY TRUST” or “MEDICAID ASSET PROTECTION TRUST” can be established to protect assets from being spent down on long-term care in a nursing home. The assets you place in the Legacy Trust will become exempt from the Medicaid spend-down requirements after a 5-year look-back period.



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WHEN TO CONSIDER A NON-REVOCABLE TRUST

Best creditor protection against bankruptcy, litigation, etc.

- A. Assets that you want to stay in the family (land/property).
- B. Special needs.
- C. Medicaid protection.
- D. Long-term care protection.

5-YEAR LOOK-BACK PERIOD!!!



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OTHER TYPES OF TRUST

- ▶ CHARITABLE TRUST
- ▶ SPECIAL NEEDS TRUST



BEWARE OF DIY OR “BARE BONES” TRUSTS!

.....



May not
comply with
state law



No personalized
planning - cookie
cutter design



Often not funded
or improperly
funded



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Creating Generational Wealth



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Generational wealth refers to financial assets that are passed down through families to children, grandchildren and beyond. Assets passed from one generation to the next might include cash, investments, property and more.



BUILDING GENERATIONAL WEALTH

Family Money



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FINANCIAL POWER OF ATTORNEY

- ▶ WHAT IS IT?
- ▶ WHY IS IT IMPORTANT IN A DEMENTIA SCENARIO?
 - JOINT ASSETS
 - LOSS OF MENTAL CAPACITY

MEDICAL POWER OF ATTORNEY

- ▶ WHAT IS IT?
- ▶ WHY IS IT IMPORTANT IN A DEMENTIA SCENARIO

MARRIAGE DOES NOT GIVE AUTHORITY

FIGHTING/CHAOS

LOSS OF CAPACITY

MOST MEDICAL FACILITIES LOOK FOR IT

ADVANCED MEDICAL DIRECTIVES

► WHAT IS AN ADVANCED MEDICAL DIRECTIVE?

- LIVING WILL

► WHY IS IT NEEDED?

► WHAT DO THEY DO

- LIFE SUPPORT

- DNR

- FEEDING TUBES

- PREVENTS CHAOS/STRESS/UNCERTAINTY

HIPAA AUTHORIZATION

► WHAT IS IT?

► WHY IS IT NEEDED?

DIY DOCUMENTS

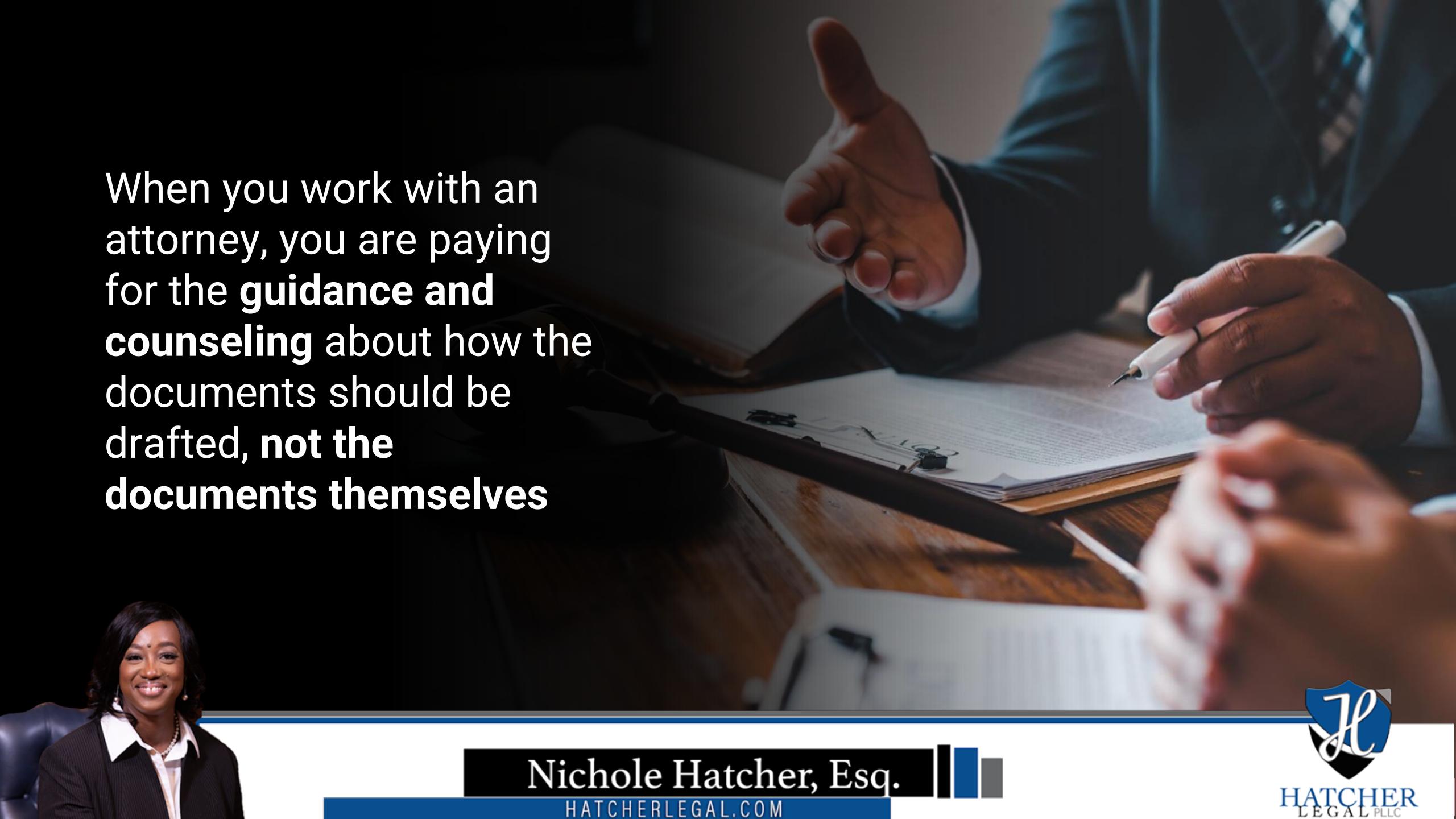


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When you work with an attorney, you are paying for the **guidance and counseling** about how the documents should be drafted, **not the documents themselves**



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YOUR OPTIONS



...



YOU CAN “HAVE IT YOUR WAY....DO IT YOURSELF”



Poorly Drafted Documents



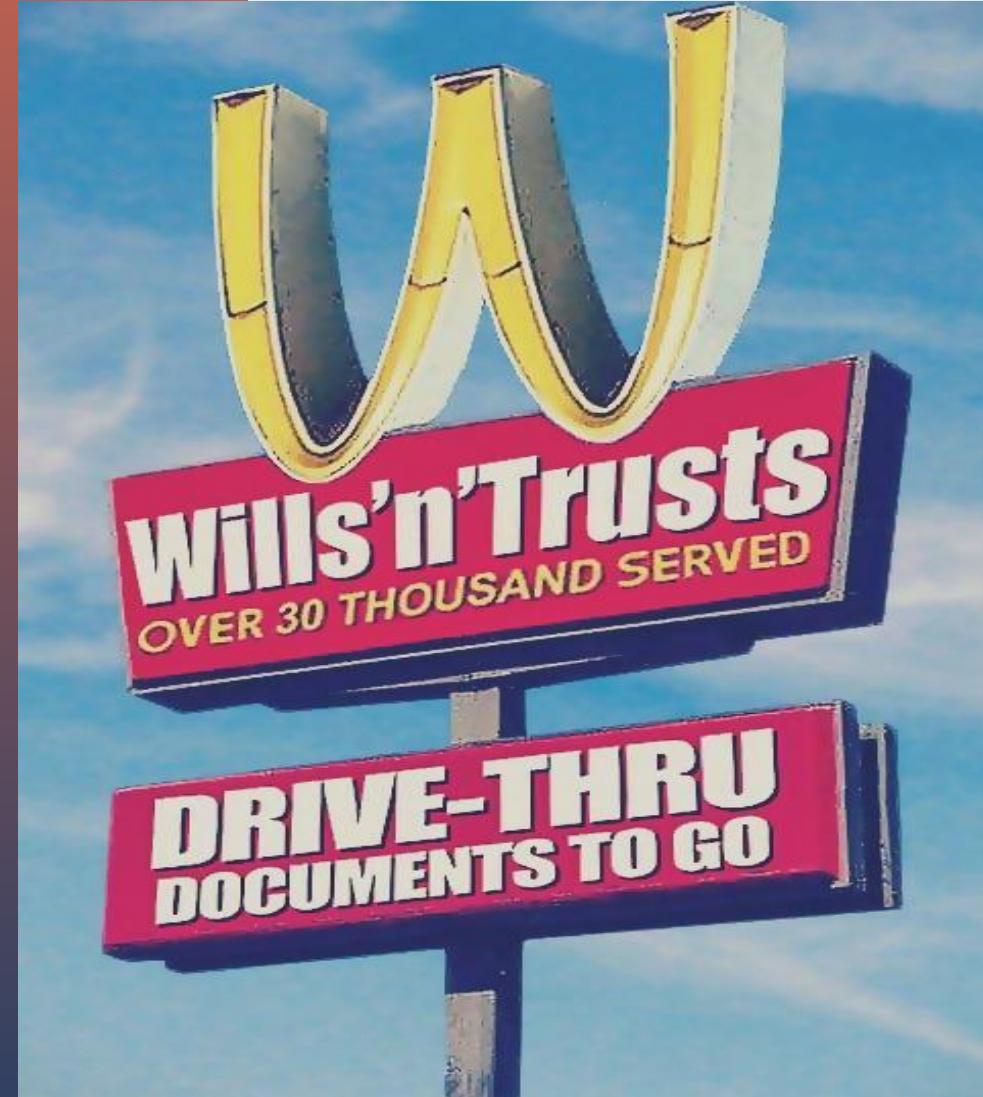
No Probate Avoidance



No Timely Updates



Children Get Inheritance at 18, and not protected from Divorce, Bankruptcy, or Lawsuit



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YOU GET WHAT YOU PAY FOR! WHEN TO AVOID BARGAINS

- » Parachutes
- » Fire Extinguishers
- » Brain Surgery
- » Estate Planning



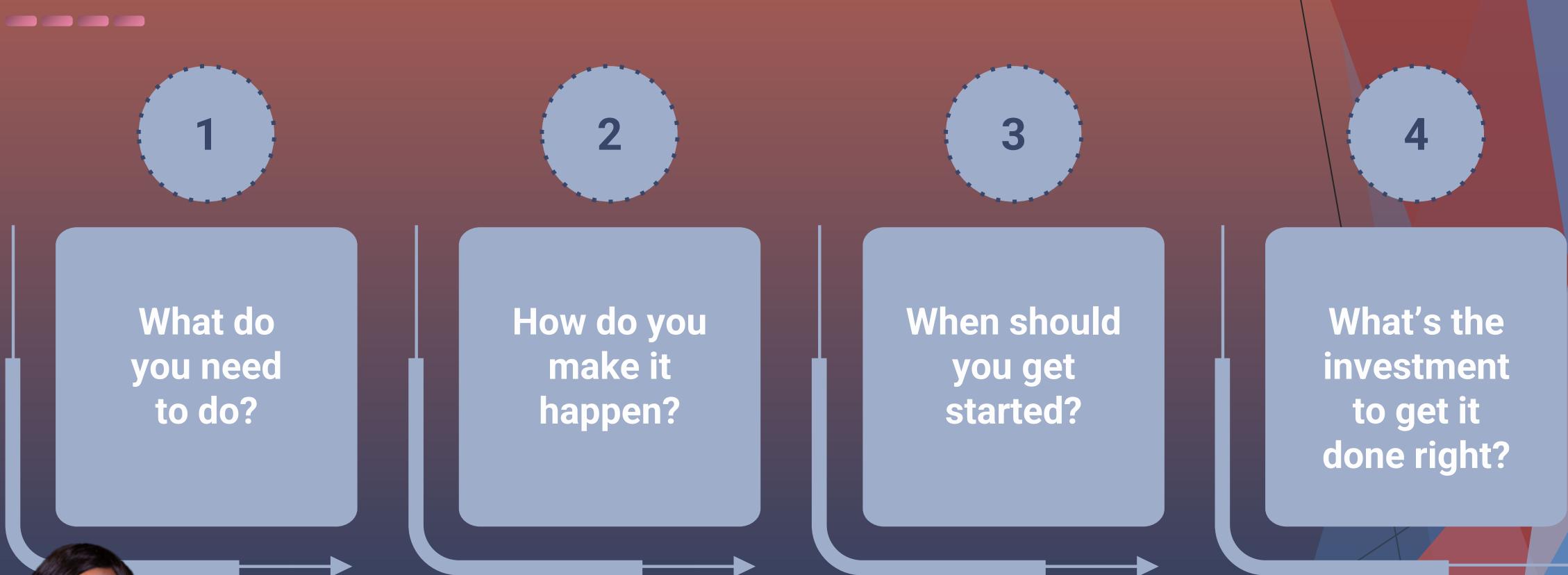
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NEXT STEPS! - WHEN AND HOW



1
What do
you need
to do?

2
How do you
make it
happen?

3
When should
you get
started?

4
What's the
investment
to get it
done right?



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Flat Fee



Proactive



Relationship-based



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OUR VIRTUAL ESTATE PLANNING PROCESS



01

Webinar



02

Design Meeting



03

Document
Review



04

Signing
Instructions



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Silver

Last Will +
Testament & Powers
of Attorney

\$3,000



Gold

Revocable
Living Trust
& Children's Trust

\$4,000



Platinum

Irrevocable
Living Trust,
Children's Trust, and
Estate Tax Planning

\$6,000+



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GOLD PLAN - \$4,000

- 1) Revocable Living Trust
- 2) Pour-Over Will
- 3) Children's Trust
- 4) Power of Attorney
- 5) Health Care Proxy
- 6) HIPAA Waiver
- 7) Living Will
- 8) Nomination of Guardians
- 9) Explanation of Documents
- 10) Title Transfer Instructions
- 11) Certified Copy of Trust
- 12) Successor Trustee Instructions
- 13) Final Disposition Instructions
- 14) Portfolio Binder
- 15) Electronic Copies of Documents



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Share the Blessing!

- ▶ This information is too good and too vital to simply have, and not do anything with it.
- ▶ Of course, we hope that you will take the next step with us and get your Estate in order, but also please invite your friends, relatives, colleagues and others to attend our Webinar Series and Events, so that they can learn as well.
- ▶ We want all people to know and understand the Benefits of doing your estate planning now and protecting what you/they have worked so hard for, as opposed to waiting for something bad to happen!



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NEXT STEP: BOOK YOUR DESIGN MEETING



<https://calendly.com/nhatcher/estate-planning-design-meeting>

Have questions first? Book 15-min Follow Up Call w/
Nichole

<https://calendly.com/nhatcher/15min>



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Thank you for joining us today!

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