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# The State of the Estate

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## Determining Heirship of a California Estate

As the adage goes, two things are inevitable in this life: death and taxes. Unfortunately, a recent survey found that nearly 60 percent of Americans do not have a basic will, which designates who will receive their property after they pass away. Some people simply procrastinate; others mistakenly think that wills are only for wealthy people; and some people believe they're jinxing themselves by making a will.



If you die intestate (without a will) in California, any assets you possessed will be divvied up by a state government formula. Some or most of your assets may go to undesirable destinations instead of the ones you would have intended. In addition, family strife, divorce, separation, children from multiple marriages, and so forth can create emotionally charged, awkward, and confusing situations when it comes to agreement on distribution of assets.

Drafting a will is wise for adults of any age. Although the chances of dying accidentally, suddenly, or from a terminal illness increase once we hit middle age, no one is guaranteed tomorrow. A will also allows parents to name a guardian for their young children rather than letting it up to a judge.

And don't forget to create an advance healthcare directive. This document establishes who will be your durable power of attorney for healthcare (to make decisions for you in the event you are incapacitated) and lists the treatments you want or don't want to receive in certain circumstances (living will). As your life situation evolves, make sure your will and advance healthcare directive reflect those changes.

If you need help drafting a will or advance healthcare directive (which can spare your family additional stress and confusion upon your passing), the **Grossman Law Firm** can refer you to a good estate planning attorney who will guide you through the process. Call us today at (888) 443-6590.

# Naples – City of Mysteries



Scott and I had a wonderful trip to Italy in June. When we told people Naples (Napoli) was on our agenda, we heard dire warnings about what a rough, polluted, crime-ridden city it is.

We were happy to discover that while it is certainly a tough, busy port city, it also has amazing history, beauty, and what is universally considered by Italians to be the best (and strongest!) *caffè* (espresso coffee) in Italy.

Our hotel was across the street from what looked like a castle fortress. We stayed on Via Partenope, named after the legend of the siren Partenope, whose tomb is said to be on Megaride, an island where Castel dell'Ovo ("Castle of the Egg") now stands.

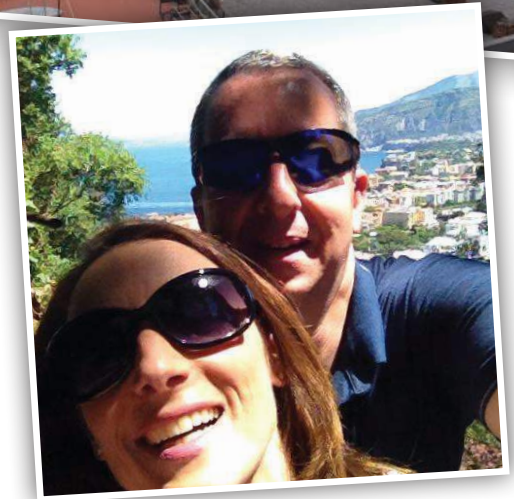
There is an underground city completely hidden beneath modern-day Naples. The tunnels have been used over centuries, including for mysterious esoteric rites. Castel dell'Ovo was the centerpiece of our hotel balcony view, so we were fascinated with it during this trip.

The castle was built on an island on the remains of a Roman villa. Then it became a prison (dungeons are still evident), then a cloister, then a law court, and finally a castle.

The castle gets its name from the legend that the poet Virgil placed a magical egg in an amphora (large pottery jar) in an iron cage in a basement, and if the egg breaks, the city of Naples will sink into the sea.

Over the centuries, Virgil has been venerated (considered not only a poet, but a wizard), along with the siren Partenope. Another local Castel dell'Ovo legend says Virgil freed 12 devils trapped in a bottle, and in exchange they taught him his magical arts.

We loved walking around the castle and admiring its views of Mt Vesuvius, the city of Naples, and the hot springs island of Ischia. I'm sure we only heard a small fraction of the total legend of its mysterious, mystical past, and it was a magical taste of ancient Italy.



# Demonstrating Mental Incapacity in a California Trustee

When the creator of a trust (“trustor” or “settlor”) becomes incapacitated or dies, the successor trustee assumes trust administration duties—managing and preserving the trust’s assets, and carrying out the terms of the trust. Some trusts are uncomplicated and practically run by themselves. In other instances they can be more complex, requiring wise and astute decision making.

Trustees whose mental capacity comes into question may cause irreparable harm to the trust and its beneficiaries. If the trustee is unwilling or unable to acknowledge his/her diminished mental capacity, beneficiaries may need to pursue legal action to appoint a new trustee.

Demonstrating mental incapacity may require the following:

- Contact an experienced San Diego probate attorney for guidance.
- Look for telltale signs of the trustee’s mental incapacity, such as forgetfulness or trusting unknown persons without good cause.
- Gather all written and/or email communication between the beneficiaries and the trustee, especially those that indicate the trustee’s reduced mental capacity.
- Refer to the terms of the trust, which often outline the actions that should be undertaken to determine mental incapacity of the trustee.
- Request that the trustee undergo psychological and neurological evaluations. Reports from two separate doctors are strongly advised.
- If the trustee is resistant to the idea of the above-mentioned tests—a distinct possibility—your attorney may recommend filing a petition with the probate court.

Time is of the essence when demonstrating mental incompetence on the part of the trustee. Contact the experienced probate and trust attorneys at the **Grossman Law Firm**—(888) 443-6590—for expert guidance on the matter.

## Plenty of Fish in the Sea

When it comes to the most abundant vertebrates on the planet, the bristlemouth fish takes top honors—population...over *one quadrillion!* Seven billion humans is a drop in the bucket.

Bristlemouths are approximately four inches long or less. They have disproportionately big mouths filled with sharp teeth (hence their name) to terrorize smaller fish and copepods, and they dwell most comfortably one-half mile to one mile below the ocean surface.

Bristlemouths were thought to be exceedingly plentiful as far back as the 1870s. But in the 20th century, a massive, dense layer of ocean life was discovered that migrated toward the ocean surface at night and retreated to the depths during the day. Krill, a wide variety of fish, and siphonophores (gelatinous, translucent creatures) dominated the layer. Surprisingly, bristlemouths were an afterthought. Perhaps word of their abundance had been exaggerated.

However, from 2010 to 2014, more intensive efforts in ocean research accompanied by the most cutting-edge technology and finer-mesh nets yielded resounding reaffirmation that bristlemouths were indeed at the top of the vertebrate heap. Though they shied away from the migratory layer of ocean life, they were seemingly everywhere else.

Bristlemouths have a fascinating quality that sets them apart from the crowd. They can illuminate their bellies, which spares them from larger predators. When predators approach from below, they see a sea creature’s dark silhouette contrasted with the light from the surface. When a bristlemouth illuminates its underside, the silhouette is masked, rendering it virtually invisible.

If there’s strength in numbers, it’s good to be a bristlemouth.





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This newsletter is intended to educate the general public about probate, trusts, wills, and other issues. It is for information purposes only and should not be construed as legal advice. Prior to acting on any information contained in this publication, you should consult with experienced, competent counsel regarding your specific situation.



## Accentuate with Accessories

More than anything else in your home, your accessories give each and every room a little bit of your personality! Without them, you only have the setting for a model room in a model home. Accessories make each room come alive with pop and pizzazz! There's nothing better to help you reflect your tastes and those of your family. Simply stated, a home without accessories is like food without seasonings!

Acquiring accessories is truly a never-ending delight. Whenever and wherever you see something that grabs your eye or catches your attention, acquire it if possible, because it will give you never ending pleasure every time you look at it. Plus, it adds a very personal touch to your home.

- Small, artistic objects are most effective when arranged in groups of odd numbered pieces
- Blocks of wood or old books can be used to achieve varying degrees of height as you place your accessories
- Silk plants are always an imaginative addition to an accessory plan
- It's not necessary for groupings to consist of similar elements.
- Old-fashioned family portrait photographs are not out of place in a sophisticated room, when grouped in a variety of interesting frames.

By adding “spice” to your design plan, you'll be adding decorative finishing touches to each of your rooms.

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