



WALT SHURDEN LAW

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“I got you? Babe”

By Walt Shurden

Sonny Bono’s 1965 song “I Got You Babe” romanticized love without money. Young people all over the world with stars in their eyes and nothing in their pockets identified with the catchy tune. They were young, just starting out.... But you aren’t! Listen up.

The Scenario.

Estelle is 72, a widow, with three grown children and a younger sister who are the beneficiaries of her Revocable Living Trust. After a long time living alone, Estelle is excited to experience romance. She is considering a marriage proposal. But she wonders what issues a new marriage would raise at this time in her life. This article addresses a few of the many legal effects that marriage has on older Floridians.

Effect of Marriage on the Home Estelle Owns.

According to Florida law, if Estelle remarries she can’t leave her home to her children and sister if her spouse is still alive at her death. Instead, at the time of Estelle’s death, the new spouse gets to decide if:

- (1) he will continue to live in the home for the rest of his life with the house then passing by law to Estelle’s children, but not Estelle’s sister, or
- (2) he will sell the home and keep one-half of the proceeds, with the remaining proceeds going to Estelle’s descendants, but not Estelle’s sister. A valid prenuptial agreement *can* preserve Estelle’s estate plan.

Effect of Marriage on Estelle’s Long Term Care Planning.

Veterans’ Long Term Care Benefits. If Estelle is the widow of a Veteran who served during war time, she would, upon remarriage, no longer be eligible to be considered



by the Veterans Administration to receive a pension of \$1,149 per month. This pension, referred to as Aid and Attendance, helps thousands of widows pay for care in assisted living facilities. But all potential benefits are cut off when the widow of the war time veteran remarries.

Medicaid Long Term Care Benefits. The average cost of care for one month in a Florida nursing home is \$8,662. If Estelle’s new husband needs nursing care and applies for help from Medicaid, then Estelle’s own assets are considered along with her husband’s to determine whether he is eligible. Prenuptial agreements do not shield the healthy spouse’s assets from consideration in determining Medicaid eligibility.

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Our Goal

To provide exceptional legal service to our clients.

Spider Cookies

Ingredients

- ½ cup shortening
- ½ cup peanut butter
- ½ cup brown sugar
- ½ cup sugar
- 1 egg
- 2 tbsp milk
- 1 tsp vanilla
- 1 ¾ cup flour
- 1 tsp baking soda
- ½ tsp salt
- ¼ cup sugar (for rolling)
- 48 mini Reese's cups (unwrapped & frozen)
- 96 candy eyes
- ½ cup chocolate chips



In a large bowl, beat together shortening, peanut butter, egg, sugar, brown sugar, vanilla, & milk. Set aside.

In a medium bowl, whisk together flour, baking soda, & salt. Gradually add to wet mixture and beat until blended.

Form into balls about the size of walnuts. Roll in sugar and place two inches apart on ungreased cookie sheet.

Bake at 375 for 10-12 minutes. Immediately press an upside down frozen peanut butter cup on top of each cookie and place on wire rack to cool. Put on the candy eyes while chocolate is still slightly soft.

Refrigerate for 10 minutes to allow cookies to firm. Place chocolate chips in corner of zippered sandwich bag. Microwave for 20 seconds, knead and repeat until chocolate is melted. Clip very small piece off of corner of bag to allow for piping and draw 8 legs on each cookie. Place in refrigerator for 10 minutes to allow legs to set.

(Recipe by Mommy Musings at <http://www.mommymusings.com>)

Halloween Pet Safety



Halloween can be a frightening and dangerous time for your pet. The doorbell continually ringing, door opening and closing, and those scary noisy kids, can be stressful to your pet.

Here are some common sense safety suggestions to keep your pet happy and healthy on Halloween:

- Keep your pet in a closed room away from where the door will be opening and closing. This will not only cut down on stress for the pet, but also prevent accidental "escapes."
- Don't force your pet to wear a costume that is going to cause him stress. Some pets don't mind being dressed up, but some are caused extreme stress by being confined in a costume.
- If your pet enjoys being dressed-up, still do not use a mask that will restrict his vision.
- Remember that chocolate can be deadly to your pet in any amount.
- Candy wrappers left lying around can be a real threat to your pet if ingested. The wrapper will not digest and can get stuck and cause a trip to the vet at the least.
- Jack-O-Lanterns and/or an open candle of any type can be a hazard, not just to your pet, but to your home if your pet knocks it over.
- Always remember that there are cruel people in the world who might try to cause harm to your pet, especially black cats, on and around Halloween. If possible, keep them inside on Halloween night.

WISHING YOU AND YOUR PET A SAFE AND HAPPY HALLOWEEN.

IN OUR EAR

If Dad was discharged from a hospital for 100 days of rehab at a skilled nursing facility, and if Dad goes back to the hospital from rehab, does Medicare restart Dad's 100-day rehab benefit?



A return to the hospital may extend skilled nursing facility coverage by the number of days one spends in the hospital, because the time spent in the hospital should not count toward the 100 days. However, Dad will not receive a new 100-day allotment until he has been out of the hospital and the skilled nursing facility for at least 60 days.

Care?

Why did Dracula's mother give him cough medicine?
Because he was having a coffin fit.

What would you get if you crossed a vampire and a teacher?
Lots of blood tests!

What breed of dog does Dracula have?
A bloodhound.

This Month's Spotlight



Lisa Illustrato

Lisa has been a volunteer at Consulate Safety Harbor for approximately a year and volunteers 8 to 10 hours each week. Her duties include visiting residents, reading to them and just sitting with them to chat. She also assists the Activity Director and helps bring residents to the many activities offered.

As a teen Lisa worked as an aide in a hospital and decided when she retired she wanted to volunteer somewhere she could help people.

Lisa was a corporate travel agent for 30 years and retired to help her ill father for sixteen months.

She moved here 30 years ago from Alabama and lives in Clearwater with her husband and three rescue dogs.

"I got you? Babe" ... *Continued from page 1*

However, a prenuptial agreement certainly would help Estelle leave the marriage with her assets if a "divorce" occurred.

Without a doubt, Medicaid eligibility planning is complex in second marriages. For example, Medicaid allows unlimited transfers of assets between spouses. But in a second marriage, where each spouse has different beneficiaries, it may be folly to transfer the sick spouse's assets to the healthy spouse who then controls who ultimately inherits those assets.

Alimony is another serious issue. If Estelle's new husband is paying alimony to his ex-spouse, Medicaid, despite the Court order of alimony, will not reduce his required nursing home payment by the amount he must pay his former wife each month. This can have the very unfortunate effect of forcing Estelle to pay the first wife's alimony or alternatively, go back to court to attempt to reduce the alimony, eliminate the alimony, or provide a lump sum payment in lieu of further alimony.

Conclusion.

Before you remarry, go to an attorney to understand how your current assets and plans would be affected. Prenuptial agreements can help you control what happens to your home and savings at your death or in the event of a divorce. But Medicaid and VA benefits are largely unaffected by these agreements.

Ocean Conservancy's International Coastal Cleanup®

The Shurden family, Walt, Ashley, Langley, & Hayes recently took part in the Ocean Conservancy's Coastal Cleanup in Indian Rocks Beach. With 50 – 100 other local volunteers they walked the beach picking up trash that might be harmful to aquatic life. The effort will also make the beach look nicer.

For nearly 30 years, the Ocean Conservancy has sponsored coastal cleanup activities around the world. In 2015, more than 18 million pounds of trash was collected by nearly 800,000 volunteers during the International Coastal Cleanup.

To find out how you can help go to <http://www.oceanconservancy.org/our-work/international-coastal-cleanup>



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Legal Term of the Month

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