

Enduring Wisdom



One might argue that Americans value freedom more than anything else. For many, this thirst for freedom extends to an individual's legacy after he or she has "shuffled off this mortal coil," as Shakespeare's Hamlet once put it. In fact, most Americans take the initiative to utilize the law as a way to exercise control over exactly what happens to them—and to the wealth they have accumulated—should a worst-case scenario become reality.

David Sowerbutts knows this fact better than most. As one of three attorneys with Liebmann Family Law in Newtown, Sowerbutts maintains a long and diverse client list, including those who rely on him for estate-planning matters—in other words, individuals who are intent on making sure their wishes are honored if and when they are unable to make decisions for themselves, due to a death or a life-altering circumstance.

For starters, Sowerbutts says just about every adult can benefit from having a carefully drawn will. This essential estate-planning document outlines precisely how one's assets will be distributed, who will be the executor of one's estate, and who will serve as the guardian of one's young children in the event of an individual's death.

"Simply put, without a will, the rules of intestacy determine who will receive your assets," Sowerbutts says. "Only if there are no living relatives available does the property go to the Commonwealth of Pennsylvania, but if there is no will, the rules automatically determine who gets what."

"Estate planning is about maintaining control," he continues. "You may not want certain people to get the same amount that the automatic rules provide, or you may even want to disinherit certain individuals. If you don't have a will to state your intentions, those decisions are beyond your control."

Proper estate planning can also help heirs make good decisions with the assets one leaves behind. Sowerbutts cites the example of an 18-year-old heir coming into a large sum of money.

Liebmann Family Law offers peace of mind through well-crafted estate plans designed to protect clients' wealth, as well as their wishes.

by **BILL DONAHUE** photography by **ALLURE WEST STUDIOS**



Group photograph by Terree O'Neill Yeagle



about liebmann family law

Founded in 2008, Newtown-based Liebmann Family Law is one of a handful of firms in Bucks County focusing exclusively on issues pertaining to family law: contested and uncontested divorce; child custody and visitation; child support; spousal support and alimony; prenuptial and postnuptial agreements; division of property; wills and estates; grandparents' rights; and adoption.

The firm includes three full-time attorneys—Jeffrey A. Liebmann, Mindy J. Snyder, and David Sowerbutts—aided by four legal assistants. Each of the attorneys has at least 30 years of experience in family law, and each of them possesses a unique skill set, handling each case with care and compassion. If needed, any one of the three attorneys can step in and handle any emergency, or answer questions that may arise throughout a case.

Although an 18-year-old may be an adult in the eyes of the state, most 18-year-olds lack the maturity and discipline needed to manage such a life-changing event. As a result, the wealth an individual worked so hard to accumulate in life could end up getting squandered.

In these cases, Sowerbutts might recommend establishing a trust as a way to delay the distribution of that money until a later date, such as 25. "By that age," he says, "most people are beyond college and the initial stages of graduate school. They will likely be in a better position to make good decisions."

Above and Beyond

Estate-planning matters concern much more than simply crafting a will that spells out who, when, and how assets will be distributed.

Sowerbutts names four other critical documents that can affect what happens if, for instance, someone becomes ill, injured, or unable to manage their affairs:

- A *durable power of attorney* designates an agent in the event that the person becomes incapacitated or is in a state of health where he or she can no longer manage his or her affairs. "If you don't have one, somebody may be forced to go to court to try to get guardianship," Sowerbutts says. "It's time intensive, it's expensive, and the judge is the one who makes the decision—not you."
- A *real estate power of attorney* designates an agent in regard to real estate transactions. Sowerbutts says title companies will accept a general durable power of attorney, but he considers this simpler and more compact

document, which is devoted specifically for real estate, to be a "better and more effective practice."

- An *advance healthcare directive*, also known as a living will, determines the medical procedures an individual does or does not want performed to sustain the individual's life, if the individual is suffering from an incurable and terminal condition.
- A *healthcare power of attorney* enables an agent to make healthcare decisions for an individual. In some cases, the agent is the individual's spouse. As with other estate-planning documents, having an alternate agent would enable another designated party to step in and manage healthcare decisions if, for instance, both spouses are injured or ill at the same time.

While the careful creation of these documents is of paramount importance, Sowerbutts says a thorough attorney will go "above and beyond" the collection of information and preparation of documents, such as ensuring that agents are aware of their responsibilities. His goal: "to create a unified plan and make sure everything has been put into its proper place."

"When I meet with clients, I go over all of these details, and I also explain to them that it's their money so they should be able to protect it as best they can and exactly as they want," he says. "I'm willing to get on the phone and make sure that happens so their account administrators set up the accounts the way I'm recommending."

IRA accounts may be a good example.

"There's a whole layer of issues with IRA accounts," he says. "The rules are very strict in terms of linking an IRA account to a trust. In order to have trust-controlled IRA assets, it has to be constructed in a certain way or it will be ignored by the IRS. If the IRA trust is ignored, it may have to be cashed out, which will result in a huge tax event."

In addition to wills and estates, Sowerbutts concentrates his practice in family law and real estate, as well as business and transactional work. Such diversity of practice often comes into play, as a single client may have legal needs that span several areas of the law. For example, a small-business owner may come in for counsel when selling off a business, but he may also require a prenuptial agreement in advance of a second marriage. At the same time, Sowerbutts will also be able to handle updates to the individual's estate-planning documents.

"My goal is to advise and protect every client," he says. "With estate planning, it's all about protecting your assets and preserving your wishes. If you put the essential documents into place, you're the one who ultimately controls what happens to yourself and to your assets, not a judge or anyone else." ■

 **LIEBMAN FAMILY LAW**
The Atrium | 4 Terry Drive, Suite 4
Newtown, Pa.
(215) 860-8200
LiebmannFamilyLaw.com