

◆ David Altman has taken the place of Katherine Mockler handling probates in Alachua County, as well as probates and guardianships in Levy and Gilchrist Counties. Ms. Mockler is moving to family law. A new staff attorney will be hired in the very near future and will be assigned to take over guardianships in Alachua County, as well as probates and guardianships in Levy and Gilchrist Counties. Until then, Ms. Mockler and Mr. Altman will share responsibilities for Alachua County guardianships.

◆ A discussion was held regarding the best way to handle submission of proposed orders in probate and guardianships cases. Although it is permissible to e-mail proposed orders directly to the responsible staff attorney, due to the sometimes fluid nature of which staff attorney is responsible for a particular case at any given moment, the preferred method is to submit proposed orders to the two respective proposed order e-mail addresses so as to enable easy access by all staff attorneys. These e-mail addresses are as follows: probate-orders@circuit8.org and guardianship-orders@circuit8.org.

◆ Peter Enwall initiated a discussion regarding the best way to handle estate planning for IRA and other retirement accounts so as to best take advantage of the IRS stretch rules where multiple beneficiaries are involved.

Naming each individual beneficiary to receive his or her share of the account outright was discussed, as was naming a trust as beneficiary to prevent an individual beneficiary from obtaining immediate access to withdraw the entirety of his or her share of the account.

Two types of trusts were discussed in this regard. A so-called conduit trust may be employed whereby the trustee withdraws the required minimum mandatory distribution amount on an annual basis and makes distribution thereof to the individual beneficiary or beneficiaries. Under IRS rules, a trust can qualify to take advantage of the stretch rules. If the trust has more than one beneficiary, the life expectancy of the oldest possible beneficiary is used as the measuring life for purposes of determining the minimum mandatory distribution amount. A so-called accumulation trust was also discussed. This is designed to be used in cases involving spendthrift beneficiaries or beneficiaries of tender years. The minimum mandatory distribution amount is withdrawn from the IRA but, rather than distributing this amount to the individual beneficiary or beneficiaries, the trustee accumulates the withdrawn amount and maintains it in trust until future dates designated for distribution by the grantor of the trust (account owner).

Ellen Gershow advised the group that there are a number of people in Congress who are working to eliminate the availability of the IRS stretch rules and to replace them with a maximum five-year withdrawal period. Apparently their thinking is that the IRS stretch rules are way too favorable to taxpayers (account beneficiaries). The intention of the legislation authorizing retirement accounts to grow on a tax-deferred basis was to allow individuals to provide for themselves in their retirement years. The intention was never to allow account owners to accumulate massive amounts, tax-free, and to then pass those amounts on to their chosen heirs, allowing the heirs to continue to grow these accounts on a tax-deferred basis for the better part of the lifetime of the heir. In addition, the federal government is at all times in need of more money to remain in business.

◆ It was pointed out by a thrifty section member that some law books, such as the annual Florida Rules of Court book, can be obtained used online at amazon.com at prices substantially below the normal price when such a book is purchased new. I tried it and obtained a very slightly used copy of the Rules of Court for something like \$8.00.



All interested parties are invited to participate in probate section meetings. Please contact my office if you wish to be added to the e-mail list to receive notice of future meetings (lciesla@larryciesla-law.com).