



Westport-Weston Probate Court Newsletter

Westport-Weston Probate Court Newsletter- January, 2018

Join Me!

**1/9 10:15 AM
Westport Snr Ctr
Imperial Ave
Westport**

**3/26 10:15 AM
Westport Snr Ctr
Imperial Ave
Westport**

Join Me!

**PROBATE COURT
FREE SEMINARS
TAUGHT BY MOI**

**Town Hall, Westport
110 Myrtle Avenue
Room 100 or 101
Time: 7:30 PM**

1/23: Estate Basics

**1/30: Trusts v. Wills,
What's the
Difference?**

**2/6: New Power of
Attorney Law**

Hi and Hello,

I'm Lisa Wexler, the Probate Judge for the Westport- Weston District in Connecticut. Welcome to our Probate Court newsletter. Our news:

NEW ESTATE TAX THRESHOLDS:

For CT taxpayers:

In 2018, estates must be over \$2,600,000 to be taxable.
In 2019, estates must be over \$3,600,000 to be taxable.
A sliding scale upward continues to 2020.

For all US taxpayers: The Federal Estate Tax:

In 2018, estates must be over \$11,200,000 to be taxable.
2019-2025, that amount is adjusted upward for inflation.
2025, estates revert back to approximately \$5,000,000.

**IF AN ESTATE OWES NO TAX, DOES IT STILL NEED
PROBATE?**

It depends. (Spoken like a true lawyer. Sorry.) Probate is a process by which property solely owned by a person transfers that property to someone else, usually a person designated by that person. So if a person only owns property with someone else, (we would say "jointly"), then technically that estate does not require probate to transfer the assets. But if the asset is a piece of real estate, the title company will require a "release of lien" to make the title marketable. That release is provided by probate court. So

2/20:

**Mental Illness &
Substance Abuse
Proceedings;
Intellectually
Disabled-
Guardianships**

2/27: Your Duties as
a Fiduciary-
Executor, Admin or
Trustee; Rights as
Beneficiary

3/6: Conservators:
Person & Estate

**Always
check
w/court at
203-341-1100
for last
minute
changes.**

Would You Like Me
to Speak to Your
Group? Need more
info?

Pls send email to
lisa@lisawexler.com

even though the asset is not "probated" the estate does have some paperwork to file in probate court.

The vast majority of estates are NOT taxable, and yet require probate court. That is because many people die with something owned in their own name. We notify all beneficiaries and heirs. We preside over will contests, where a person argues about the validity of a will. We make sure creditors are paid.

There are times where a non- taxable estate would not need probate court. For example, a person dies leaving a joint bank account of \$420,000 with her sister. Her sister inherits the money. No tax is owed. No release of lien is required. No probate forms are necessary.

However, CT law requires that all estates file a CT tax return, regardless of whether or not they owe tax. That tax return is filed in your local probate court. Probate courts are required to charge a fee on every estate. The amount is set by statute.

MEDIATION CERTIFICATE:

In October, I completed a 40 hour mediation training at the Quinnipiac School of Law. I'm officially a convert to alternative dispute resolution. I'm available to mediate probate disputes within the Probate Court system [HERE](#). Mediation is not the practice of law. It is rather the skilled resolution of disputes using a neutral party. I have personally seen the benefits in terms of emotional stress, money and time. I strongly encourage you to consider mediation if you are involved in a dispute.

COURT INTERNS MAKE GOOD:

Mazel Tov to Kate Davis, now a first year at BU Law School, and Jonathan Gaberman, new Asst Clerk at the Norwalk/Wilton Probate Court. Great thx also to Kiki Litvak, a second year at Wake Forest Law School.

Now accepting applications for spring and summer interns.



SUGAR in Winter. When not hiding under Shirley's desk, attending hearings, or pestering for a walk or treat, Sugar would prefer to be found rolling in the snow. Here she is in the fashionable attire of my wool scarf.



Types of Matters On Our Docket:

Note: These fact patterns do not represent specific cases in the court; rather, they are representative samples of the types of matters presented to the Probate Court.

1. A caregiver has inherited a person's entire estate. The children are not happy. They contest the will on the ground of undue influence.

2. A person with a diagnosis of schizophrenia has been compliant with meds and taking care of herself for many years. She no longer sees any need to have a conservator of her person or estate. She applies to the probate court to be "restored", to terminate the conservatorships.

3. A minor is involved in a bad car accident. The parents settle the case for \$3,000,000, paid out over a number of years. The parents need the court's permission to settle the case for this amount and petition to be guardians of the estate to handle the money.

4. An adult child wishes to be adopted by his stepfather. The mother consents. The birth father's consent is unnecessary now that the child is 18. The child and the stepfather petition for the adoption.

5. An elderly woman in a nursing home gave her power of attorney to her daughter. Dept of Social Services questions the expenditures from the account. A conservator is appointed, who petitions the court, demanding an accounting of the money.

Frank and Ernest



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Come say Hi, Rm 102, Westport Town Hall. Stay warm.

Judge Lisa Wexler