

August Planning

Latest news and bulletin updates from the Law Firm of
Cheryl A. Ward, PL

Understanding Lady Bird Deeds

A Lady Bird Deed, also known as an enhanced life estate deed, is a popular estate planning tool in Florida that allows property owners to transfer real estate to a chosen beneficiary and avoid probate. Because of its flexibility and simplicity, it is often used as part of a broader estate plan.

One of the most widely-known benefits of a Lady Bird Deed is that it allows property to pass automatically to the designated beneficiary upon the owner's death without going through probate. This can save time, reduce costs, and simplify the transfer of property for loved ones.

There are several common misconceptions about Lady Bird Deeds. Some people assume that once the deed is signed, it cannot be changed. In reality, a properly drafted Lady Bird Deed can generally be modified or revoked as long as the owner remains legally competent. Additionally, the property owner retains full control of the property during their lifetime. This means the owner may continue living in the home, sell the property, refinance it, mortgage it, or otherwise manage the property without the beneficiary's permission. The beneficiary does not gain ownership rights until the owner's death. However, not every deed labeled as a "Lady Bird Deed" provides these enhanced rights, making proper drafting vital to ensure the owner retains the intended level of control.

While a Lady Bird Deed can be an effective way to transfer Florida real estate and avoid the tedious and costly process of probate, it is important to verify it aligns with your estate planning goals. Reviewing your options with an estate planning professional can help determine whether this tool is appropriate for your situation. Schedule a consultation today and take charge of your legacy.



Summer Travel and Estate Planning

Summer is a wonderful time to explore new areas, visit family, and relax while enjoying the tropical weather. Extra down time makes it the perfect opportunity to review important legal and healthcare documents before leaving home. It may be time to shift your focus away from travel arrangements, and instead start thinking about your legacy and your family's long-term future.

It's crucial to stay prepared in case of unexpected events. When traveling, consider carrying copies of essential information, including emergency contacts, health insurance cards, a list of current medications, and contact information for your healthcare providers. If you have advance directives, a healthcare surrogate designation, or a durable Power of Attorney, make sure trusted family members know where these documents can be located if needed.

Traveling outside of Florida can also raise healthcare concerns. Medical providers in another state may need access to important health information during an emergency. Having medical details readily available can help ensure that care is provided quickly and according to your wishes.

Before an extended trip, it is also wise to review beneficiary designations on retirement accounts, life insurance policies, and other financial assets. These designations often take precedence over a Will, making it important to ensure they accurately reflect your current intentions. If you plan on traveling for several weeks or longer, this is particularly important.

Proper preparation before traveling can provide peace of mind and help protect both you and your loved ones. By taking time to organize important information and review key documents, you can put your mind at ease knowing that your affairs are in order. Don't forget to schedule a consultation today to discuss your estate planning needs with qualified professionals. We're here to help you and your family every step of the way. Safe travels, and have a great summer!

New Changes to ABLE Accounts

Significant changes to Achieving a Better Life Experience (ABLE) accounts took effect at the start of the calendar year, resulting in expanded eligibility and increased savings opportunities for individuals with disabilities. These updates allow more people to take advantage of the tax-advantaged accounts while preserving eligibility for important public benefits such as Supplemental Security Income (SSI) and Medicaid.

One of the most important changes is the expansion of the eligibility age. Previously, individuals only qualified for an ABLE account if their disability began before age 26. Beginning in 2026, individuals whose disability onset occurred before age 46 are now eligible, opening the door for millions of additional Americans to benefit from these accounts. In order to receive these benefits, individuals must have a written diagnosis from a licensed physician, or already receive funding from SSI or Social Security Disability Insurance (SSDI).

ABLE accounts also offer increased opportunities to save. In 2026, the annual contribution limit increased to \$20,000, allowing individuals, family members, and friends to contribute more toward future disability-related expenses without the risk of jeopardizing eligibility for other programs such as SSI and Medicaid. Funds in an ABLE account can be utilized for a broad range of qualified disability expenses, including housing, education, transportation, healthcare, assistive technology, employment support, and other costs that improve health, independence, and quality of life. If the beneficiary of the account is employed, additional funds drawn from their earnings may also be contributed through the ABLE to Work program.

One of the greatest advantages of an ABLE account is its interaction with public benefits. For individuals receiving SSI, up to \$100,000 held in an ABLE account is excluded when determining SSI resource eligibility. If the account balance exceeds \$100,000, SSI cash benefits may be suspended until the balance falls below that threshold through spending.

ABLE accounts also help protect Medicaid eligibility. Unlike SSI, Medicaid eligibility is generally not affected simply because an ABLE account exceeds the SSI resource exclusion amount. In many states, ABLE accounts may continue growing up to Florida's maximum account balance, approximately \$500,000 or more, while preserving Medicaid eligibility.

These recent changes make ABLE accounts an even more valuable planning tool for individuals with disabilities and their families. If you or a loved one may qualify under the expanded eligibility rules, now is an excellent time to review your estate planning strategies to determine how an ABLE account may fit into your long term plan.

Schedule a consultation today,
and
take charge of your legacy.

Law Firm of Cheryl A. Ward,
PL

(321)-372-8177

<https://cawlawoffice.com>



Will This Asset Go Through Probate?

One of the most common questions families ask is whether a particular asset will need to go through probate after someone passes away. The answer depends on how the asset is owned and whether beneficiary designations or other planning tools are in place.

Bank Accounts

Bank accounts with a designated payable-on-death beneficiary typically pass directly to the named beneficiary and avoid probate. Accounts without a beneficiary designation may be subject to probate.

IRAs and 401ks

Retirement accounts generally pass directly to the beneficiaries named on the account paperwork. As long as a beneficiary is designated and living, these assets usually avoid probate.

Life Insurance

Life insurance proceeds are typically paid directly to the named beneficiary and do not go through probate. However, if no beneficiary is named, or the estate is listed as the beneficiary, probate may be required.

Lady Bird Deeds

A Lady Bird Deed allows Florida property to transfer automatically to a designated beneficiary upon the owner's death while allowing the owner to retain control during life. Property transferred through a Lady Bird Deed generally avoids probate.

Trust Assets

Assets that have been properly transferred into a revocable living Trust are generally not subject to probate. Instead, they are managed and distributed according to the terms of the trust.

Jointly Owned Property

Property owned jointly with rights of survivorship usually passes automatically to the surviving owner and avoids going through the process of probate. This most commonly applies to real estate, bank accounts, and certain other assets.

Understanding how your assets are titled can make a significant difference in whether your loved ones face probate. Regularly reviewing beneficiary designations and ownership arrangements can help ensure your estate plan works as intended.