



**SPECIALIZING IN THE FIELDS OF PROBATE, GUARDIANSHIP, ELDER LAW,
ESTATE PLANNING, TRUST PREPARATION AND MANAGEMENT,
AND RELATED LITIGATION**

LET OUR FAMILY BRING YOUR FAMILY PEACE OF MIND

At Irama Valdes, P.A., we strive to provide effective and efficient service for all of our clients. You are more than just an Estate or a Guardianship. You are a family within our family. Your problems become our problems, and we work around the clock to help you find a solution. We strongly believe in keeping our clients updated frequently about their case, no matter how small the achievement. When you call our office, you will speak to a staff member or attorney that know, even the most minute details about your case. It is also our firm's policy to return emails and phone calls promptly so that you never feel left in the dark or spend days waiting for a response. As a licensed attorney in the State of Florida who exclusively practices probate, guardianship, and estate planning, Attorney Valdes can assist you in your case, no matter your location.

• FREQUENTLY • DISCUSSED • TOPICS •

WHAT IS A LIVING WILL?

It is a written declaration by an individual specifying directions as to the use of life-prolonging procedures. It directs the Healthcare Surrogate what to do in the event of a life-or-death situation. It can also reference your preferences regarding autopsy, organ donation, disposition of remains, and other end-of-life decisions.

WHAT IS A HEALTHCARE SURROGATE?

It is a written declaration by an individual designating a person to make healthcare decisions for you when you may not be able to do so (i.e., due to an incapacity). Included in this important appointment is the power to decide when to withdraw medical procedures. The declaration is only valid during your lifetime, thus it is no longer used after your death.

WHAT IS A POWER OF ATTORNEY?

A Power of Attorney names an Agent to make decisions over your assets (for example, your house, your business, your bank accounts). This document can assist in handling your property if you become incapacitated without having to open a Guardianship proceeding in Court. This is especially valuable for paying your bills and protecting your assets. A Power of Attorney is valid upon execution (so be extra sure you choose an Agent you trust) and is no longer valid or enforceable after your death.

WHAT IS A WILL?

A Will is a written direction controlling the disposition of property at death. The laws of each state set the formal requirements for a legal Will. No Will becomes final until the death of a Testator. A Will can be replaced and can also be amended by either drawing up a new Will or by a "Codicil," which is simply a separately written addition or amendment executed with the same formalities as a Will. A Will's terms cannot be changed by writing something in or crossing something out after the Will is executed. In fact, writing on the Will after its execution may invalidate part or all of the Will.

WHAT HAPPENS WHEN THERE IS NO WILL?

If you die without a Will (this is called dying "intestate"), your property will be distributed to your heirs according to a formula fixed by the law. Your property does not go to the State of Florida unless there are absolutely no heirs at law, which is very unlikely, but can and has happened. In other words, if you fail to make a Will, the inheritance statute (also referred to as the "intestacy statute")

determines who gets your property/assets. The inheritance statute contains a rigid formula and makes no exception for those in unusual need or those who assisted the decedent during his or her lifetime.

WHAT IS A GUARDIANSHIP?

This is a legal proceeding in the Circuit Court in which the Court first makes a determination as to your capacity (whether you are incapacitated, and if so, to what extent) and then appoints an individual, professional company, or public guardian to exercise your legal rights as an incapacitated person. An incapacitated person is an adult (18+) who has been judicially determined to lack the capacity to manage at least some of his or her property or to meet at least some essential health and safety requirements. The existence of advanced directives (Healthcare Surrogate and Power of Attorney) may obviate the need for a Guardianship. If the powers designated to the Surrogate or Agent are abused, then Guardianship litigation may result. Another form of incapacity is age, specifically, when a minor receives funds as a result of a settlement or upon the passing of a parent. The proper estate plan can help avoid the opening of a guardianship for a minor in the latter scenario.

WHAT IS PROBATE?

Probate is a Court-supervised process for identifying and gathering the assets of a deceased person (the "decedent"), paying the decedent's debts, and distributing the decedent's assets to his or her beneficiaries (Testate beneficiaries: those named in a Will; Intestate beneficiaries: Statute-determined lineal heirs). Probate administration applies only to probate assets, which are those assets that the decedent owned in his or her name at death, or that were owned by the decedent

and one or more co-owners and lacked a provision for automatic succession of ownership at death. Probate can take anywhere from 6 months to a year (or more!) and can easily be avoided or minimized by having (and properly funding) a Trust.

WHAT IS A TRUST?

A Trust is a fiduciary agreement that allows a third party, (referred to as a "Trustee"), to

hold assets on behalf of a beneficiary or beneficiaries. Trusts can be arranged in many ways and can specify exactly how and when the assets pass to the beneficiaries (unlike a Will). Assets in a Trust may also be able to pass outside of probate, saving time, court fees, and potentially reducing estate taxes as well, depending on the structure of the Trust. If it is an Irrevocable Trust, it may not be considered part of the taxable estate, so fewer taxes may be due upon your death.

• FREQUENTLY • ASKED • QUESTIONS •

WHAT SHOULD I BRING TO MY ESTATE PLANNING CONSULTATION?

This is a great question and one clients often ask. You should bring with you a list of assets and liabilities to start. The list of assets should include a fair market value for real property or account value for accounts. It should also state exactly how title to the property or accounts are held, and in the case of bank accounts, life insurance, annuities, etc., should state who the payable-on-death beneficiaries are.

You should also bring a list of all of the individuals you wish to leave as beneficiaries. This list should include full legal names, addresses, phone numbers, and email addresses, if appropriate. If any of your beneficiaries are under 18 years of age, their birthdates are helpful as well.

CAN SOMEONE COME WITH ME?

Absolutely. You can bring whomever you wish, however, for your protection and for the protection of your wishes, when it comes time to sit with the Attorney and discuss your wishes, the meeting will be just you and the Attorney so that there is a clear record that you are not being unduly influenced to make certain decisions simply because the individual who brought you is sitting in the same room.

IS THE CONSULTATION FREE?

Estate planning consultations are \$150.00/hour. During this consultation you will be not only receiving valuable information regarding the law and how it impacts your family, but will be receiving a detailed plan of action regarding your estate and how to adequately prepare for the future, not only using the documents we will prepare for you but also with tips and tricks you can use without the involvement of an attorney.

WHAT QUESTIONS ARE YOU GOING TO ASK? IS IT ALL CONFIDENTIAL?

Anything we discuss is 100% confidential. The Attorney will ask questions about your family dynamic, your assets, your plan for your assets during your lifetime and after you pass, who you want making medical decisions in the event you are incapacitated, who you want making financial decisions on your behalf, whether you want to be buried or cremated, among many other questions. The Attorney will walk you through all questions, which is why we always ask you reserve at least an hour and a half for the initial consultation.

HOW MUCH DOES AN ESTATE PLAN COST?

As each family and their assets are different, so is their estate plan. The plan we create for you is not a cookie-cutter plan, but one tailored to your family and its specific needs. Until we get a full and clear picture of what this means, it is difficult to price. It is, however, always a **FLAT FEE**. What does this mean for you? This means there are no surprise invoices! All fees are agreed to in advance and cover the preparation of documents, our estate planning signing ceremony, and assistance with funding of trusts, titling of property, and help with dealing with banks and other institutions using your estate planning documents after the signing ceremony.

HOW LONG DOES THE CONSULTATION TAKE?

Because we have to gather so much information and dive deep into family dynamics, assets and liabilities, as well as provide a wealth of knowledge about estate planning, the initial consultation can last anywhere between one to one-and-a-half hours, though there are times where it can take more or less time depending on the client's existing knowledge or the complexity of the particular plan needed to accomplish certain wishes.

HOW LONG BEFORE I HAVE MY DOCUMENTS?

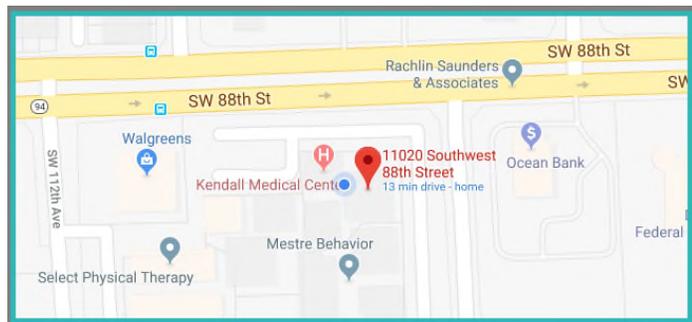
It usually takes anywhere from one to two weeks to prepare your estate planning documents. Of course, this depends on both the client's availability and the attorney's availability as well.

WHERE ARE YOU LOCATED?

We have recently moved to the beautiful Kendall Oaks Professional Center between the Ocean Bank Building and the Walgreens specifically located at:

11020 N. Kendall Drive, Suite 100
Miami, FL 33176

Parking is free.



• ATTORNEY • INFORMATION •

Navigating the complexities of estate planning, probate and guardianship administration and litigation cases requires compassion and a keen eye for the details. As the founder of Irama Valdes, P.A., Ms. Valdes is dedicated to aiding people with their incapacitation and end-of-life planning. She serves clients in Miami and Fort Lauderdale, Florida, as well as throughout



Miami-Dade, Broward and Monroe counties. Ms. Valdes also accepts some family law cases and those involving mental health proceedings. She is fluent in both English and Spanish.

Ms. Valdes was born and raised in Miami, Florida and is a native Spanish speaker. She received an Associate in Arts Degree with Honors from Miami Dade College in 2004 and a Bachelor of Science in Communication, Cum Laude, from Florida International University in 2007. Ms. Valdes attended St. Thomas University's School of Law where she attained her Juris Doctor in 2010. Irama spearheaded the Volunteer Income Tax Assistance (V.I.T.A.) Program helping low-income individuals and families receive free assistance with preparing and filing their income tax returns. Dedicating over 200 hours to the V.I.T.A. program, she received the Outstanding Public Service Award for her leadership and dedication in Pro Bono services to the community and continues to give back to the community by taking pro-bono cases from several associations below.

Ms. Valdes is actively involved in the legal community. She currently serves as Vice-Chair for the Probate and Guardianship Committee of the Dade County Bar association. She previously served as the treasurer for the Miami Lakes Bar Association, and is a member of the Cuban American Bar Association, the Dade County Bar Association, the Florida Association for Women Lawyers, Inc., the National Association of Professional Women and the South Miami Kendall Bar Association.

Considering each of her clients as members of her own family, Ms. Valdes strives to help them develop plans that are tailored to meet their needs and their wishes. She helps people create wills and trusts, establish powers of attorney, put living wills in place and designate guardians for themselves and their children. Beginning her career as an intern and then as an employee for the Miami-Dade County Probate Court's chief judge, Ms. Valdes gained valuable knowledge of the processes and procedures related to probate administration, guardianship, and litigation matters related to both areas. She draws on this experience to help her expeditiously and efficiently achieve resolutions to her clients' legal issues.

Irama has a passion for helping her clients through difficult times.