



**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 WILL?

A Will is a written direction controlling the disposition of property at death. 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. It is the Decedent's last will in time that is the Will which should be probated. ("*Decedent*" means "the deceased person")

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 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. In order for assets to pass outside of a Trust, the Trust must be properly funded. There are situations

where a Decedent has failed to fully fund the Trust and Probate is still needed to finish funding the Trust, for example, failing to transfer a specific property to the Trust. Another common situation is failing to make the Trust a beneficiary of a Life Insurance Policy.

WHAT IS A FULL OR FORMAL ADMINISTRATION?

A Full Administration (or Formal Administration) is a probate case where a Personal Representative is appointed, assets are marshalled into the estate by the Personal Representative and then after several Court requirements are met, the Court will authorize the distribution of these assets to the judicially determined beneficiaries of the estate.

WHAT IS A SUMMARY ADMINISTRATION?

A Summary Administration is a shortened probate process whereby the petitioner informs the Court of the Decedent's assets, and requests that an Order directing the institutions holding the funds (like a bank) directly distribute the funds to the Decedent's heirs at law (either through a will or determined by intestacy). No personal representative is appointed and the same order that acts to "open" the estate, is that which distributes the assets and "closes" the estate. An estate qualifies for Summary Administration if either: 1. The Decedent's death occurred more than two years ago, or 2. The value of the probate estate is not more than \$75,000.00. One should be careful not to ask for Summary Administration if there are creditors in existence and it has been less

than two years since the Decedent's passing since the beneficiaries are directly responsible for the debts using this process.

This **does not** apply to a Formal Administration.

• FREQUENTLY • ASKED • QUESTIONS •

WHAT SHOULD I BRING TO MY PROBATE CONSULTATION?

This is a great question and one clients often ask. You should bring with you a list of the Decedent's assets and liabilities to start. Be prepared to answer how the assets are held (i.e., jointly with someone, in their own name, and whether there are "payable on death" beneficiaries). If the Decedent had a Will, the original will be required. If the original cannot be found, bring a copy to discuss the options with the Attorney.

An original Death Certificate is also necessary. Both the original Death Certificate and the original Last Will and Testament are required to be deposited with the Court and you will not get them back.

Lastly, if the Decedent died intestate (i.e., without a will), you will need to provide a list of the Decedent's beneficiaries, together with their contact information: current address, telephone number, email address, if applicable, and if they are minors, dates of birth and the name of their natural or court-appointed Guardian.

DO ALL OF THE HEIRS NEED TO ATTEND THE MEETING?

No, but if all of the heirs wish to attend, we will be happy to accommodate your family but using teleconferencing, skype, or having all meet in person in our spacious conference room. We are here to make you feel

comfortable so whatever accommodations we can offer, we will be happy to do so!

IS THE CONSULTATION FREE?

Probate consultations are \$150.00/hour. During this consultation you will be receiving valuable information regarding the law and procedures specifically tailored to the facts of your case. We love educating our clients every step of the way, even during our first meeting, so the consultation may take anywhere between 45 minutes to an hour. Should you wish to retain our services, the consultation fee may be applied to the invoice for services.

WHAT IS THE TOTAL COST OF A PROBATE?

As each family, their assets, and liabilities are different, so is their probate case. There are many variables in a probate case, some of which we can plan for, but some of which are unexpected. We *can* advise that there are certain aspects of a probate that can mean more time spent on your case (and thus higher fees), for example: litigation between beneficiaries, two (or more) competing Wills, the existence of creditors, beneficiaries who are difficult to communicate with and obtain documents from, etc. At Irama Valdes, P.A., we strive to be efficient. You will not be over-billed for the work done. Our hourly rates are competitive, and we like it that way. Our goal is for you to leave content. We

understand this is a difficult time for you. Receiving an exorbitant attorney invoice should be the last thing on your plate.

HOW LONG DOES A PROBATE CASE TAKE?

A Formal Administration can last anywhere between 6 months to a year, and sometimes more if there exists litigation between beneficiaries or between the estate and the Decedent's creditors. A Summary Administration usually lasts anywhere between 2 months to 5 months, depending on

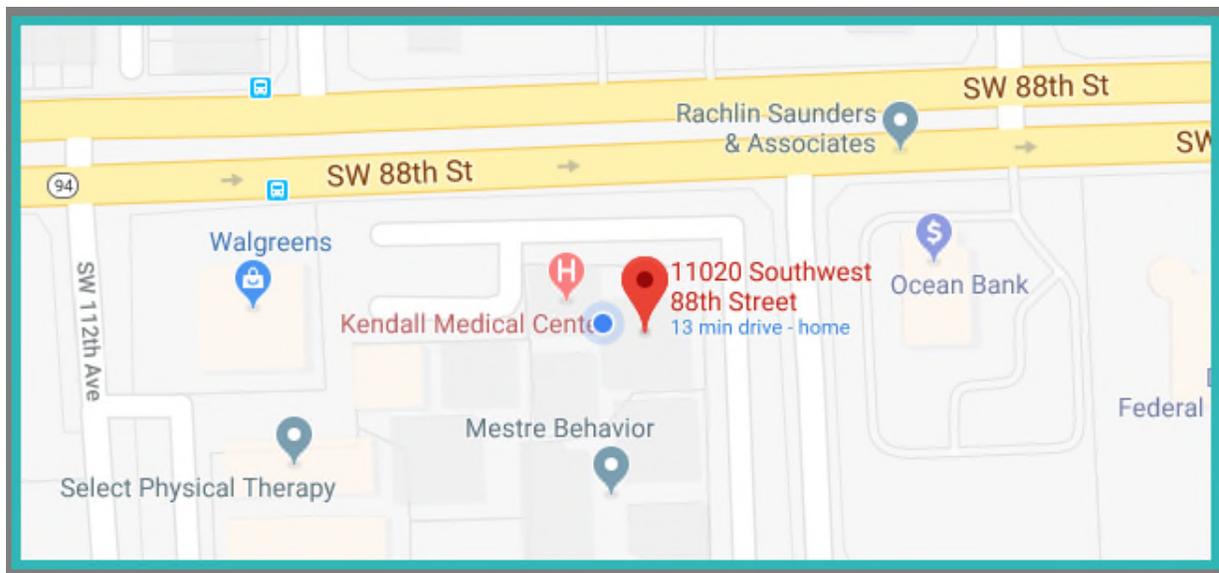
the existence of creditors and how long it has been since the passing of the Decedent.

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.