



FLEMING & CURTI PLC

Aging, Philanthropy and Estate Planning

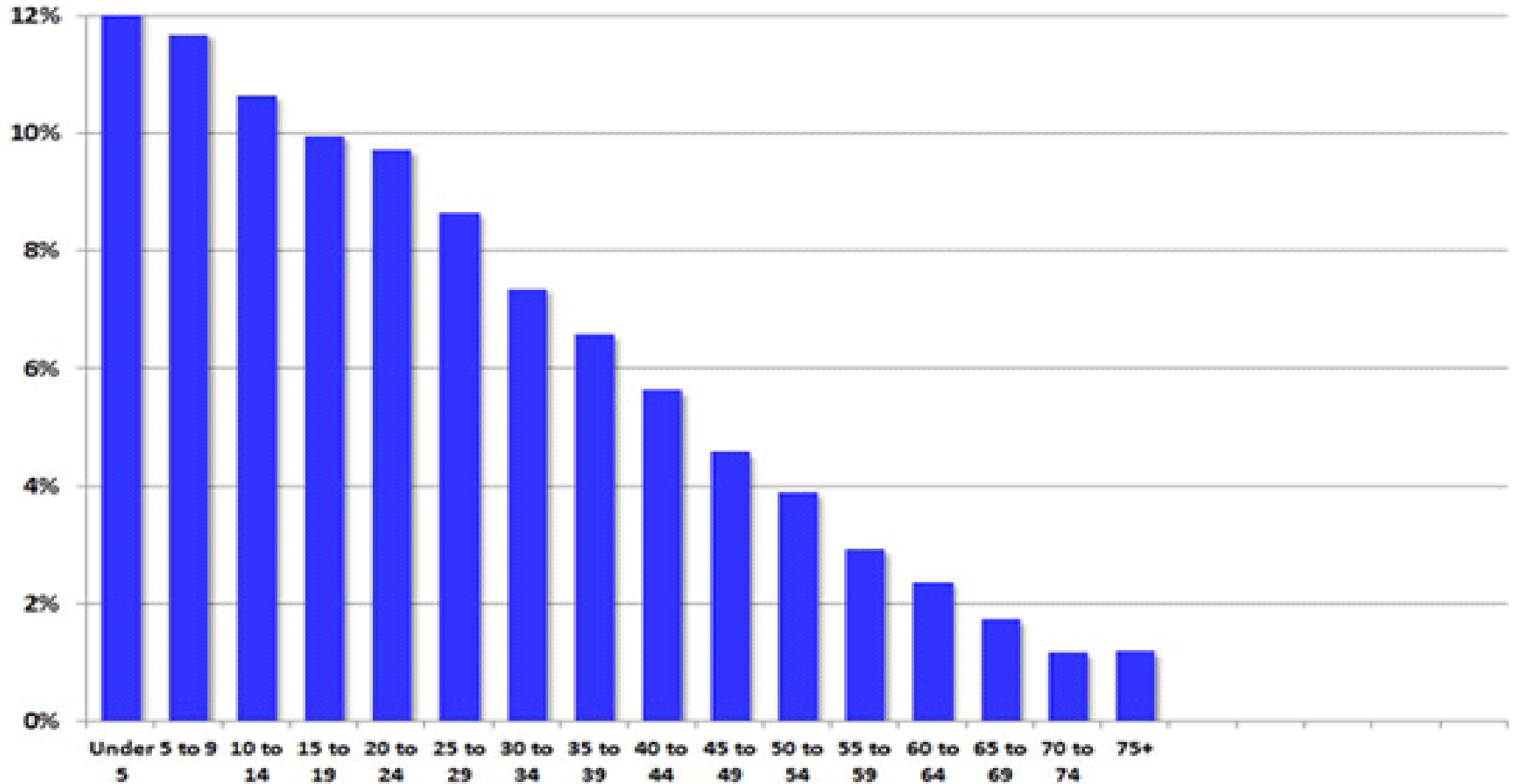
Robert B. Fleming
Fleming & Curti, PLC
www.Elder-Law.com

News Flash!

- America is aging....

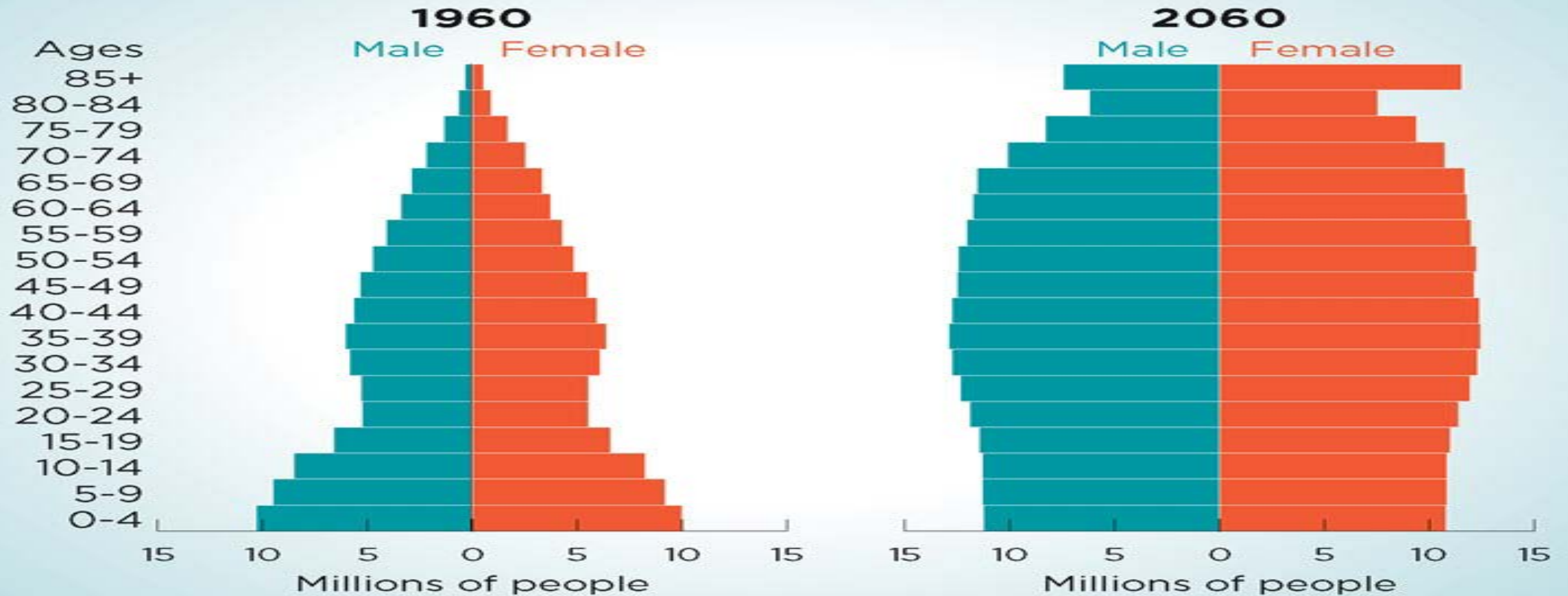
Population Distribution by Age

■ 1900



From Pyramid to Pillar: A Century of Change

Population of the United States



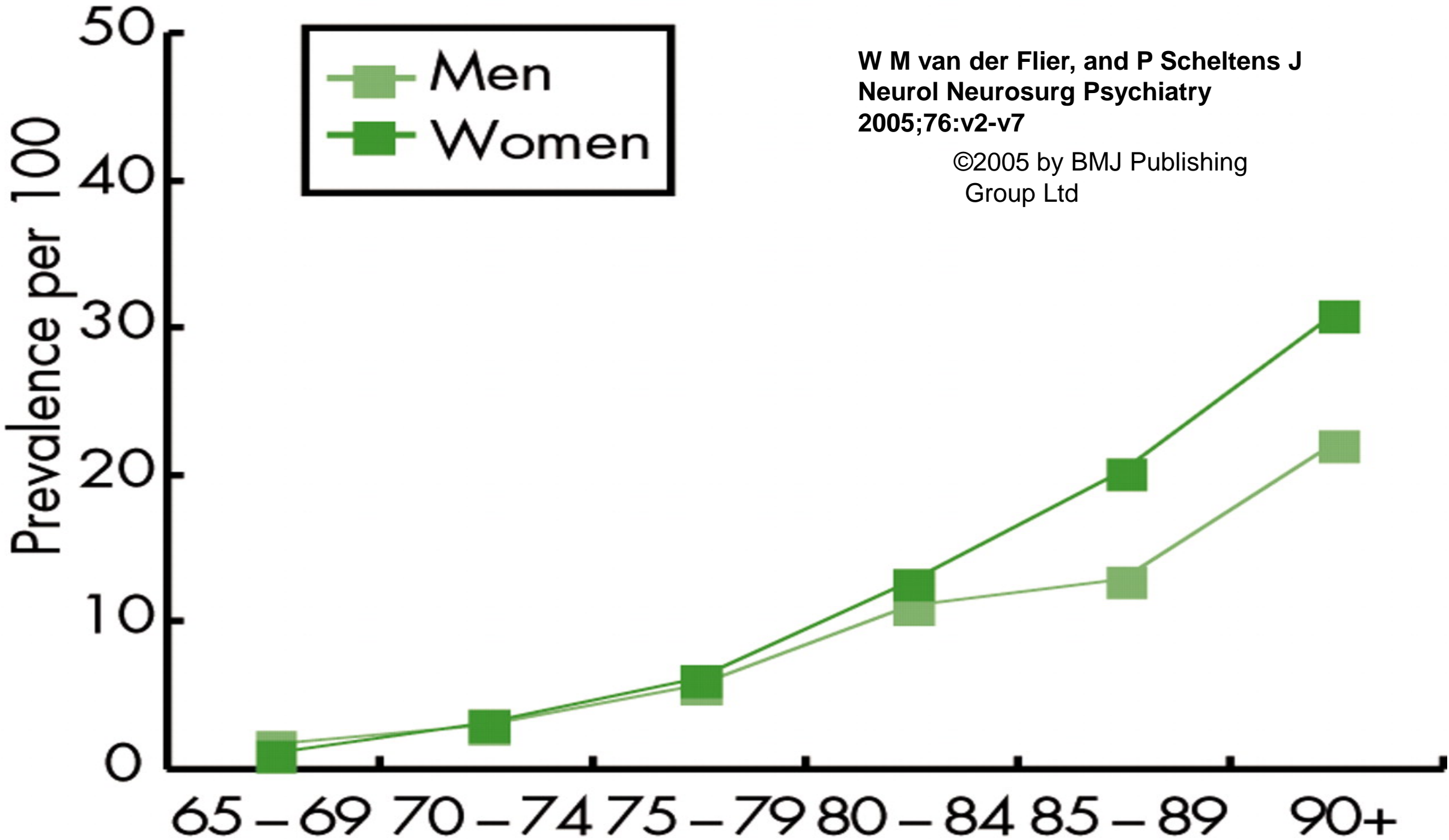
Aging and Dementia

- Age-associated memory impairment (AKA “senior moments”)
- Alzheimer’s-type (60-80% of patients with dementia)
- Vascular dementia (<20%)
- Lewy body disease (<15%)
- Frontotemporal dementia (<5%)
- Parkinson’s, AIDS and other conditions
- Frequency of dementia among the “elderly” (say, 75-year-olds)?



W M van der Flier, and P Scheltens J
Neurol Neurosurg Psychiatry
2005;76:v2-v7

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Some More Good News

- Frequency of dementia at each age is shrinking
 - Better health (esp. cardiovascular)
 - Better living
- Taudorf, et al, *Declining incidence of dementia: A national registry-based study over 20 years*, 19 Alzheimer's & Dementia 1383 (2019)
- Knopman, *The Enigma of Decreasing Dementia Incidence*, JAMA Commentary, July 27, 2020
- Possible treatments?

Competence, Capacity, and Undue Influence

- Diagnosis and “competence”
- Legal capacity
 - Testamentary capacity
 - Contractual capacity
 - Capacity to execute a trust
- Distinguish:
 - Undue influence
 - Vulnerable adults

“I’ll Be the First to Know”

- Driving
- Gradual intellectual decline
 - “Springing” vs. “Surviving” powers of attorney
 - Co-trustees?
- Dealing with financial records, mail and email, record-keeping
- Susceptibility to exploitation by strangers

Leaving a Legacy

- What's the smartest thing to give to charity?
- Charitable giving alternatives:
 - Charitable remainder trusts and how they work
 - Donor Advised Funds
- Leaving charitable bequests:
 - Dollar amounts vs. fractional shares
 - Beneficiary designations and your estate plan

Planning Checkup

- Do you have a:
 - Will
 - Durable financial power of attorney
 - Health care power of attorney / living will
 - Trust (and do you need one?)
- Do you know where your documents are?
- When were your documents last updated?
- Will your successor know where to find papers, assets, original documents?

Some Other Things to Think About

- Other original documents, like deeds, insurance contracts, vehicle titles (do you need a safe deposit box?)
- Driving alternatives
- Long-term care costs
- Organ donation preferences
- Funeral arrangements