

**GOFF LEGAL<sub>PC</sub>**



# ESTATE PLANNING FOR YOUR GOLDEN YEARS: A COMPLETE GUIDE

How to Protect Your Legacy and  
Gain Peace of Mind in Your Retirement Years

[GOFFLEGAL.COM](https://gofflegal.com)



# ALEXANDRIA “ALI” GOFF

## OWNER AND FOUNDER OF GOFF LEGAL

Alexandria “Ali” Goff is the owner and founder of Goff Legal, PC, a fast-growing California boutique law firm dedicated to estate planning and administration.

Ali regularly collaborates with nonprofits and professional organizations across the state, sharing insights on practice growth and leadership. In addition to leading her firm, she’s a certified performance coach and mother of two young sons.

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## ABOUT GOFF LEGAL

Goff Legal is a woman-owned boutique law firm, focused on estate planning and trust administration.

Founded by Ali Goff in 2013, Goff Legal has served thousands of clients in Rocklin, Roseville, and throughout California for over a decade.

Our team is deeply committed to providing purposeful and professional estate planning services for each stage of your life.

Contact our firm today to schedule a free Discovery Call to discuss how we can create a comprehensive, customized estate plan that addresses all of your needs.

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## O U R   S T O R Y



When I graduated from law school, I knew two things for sure: I wanted to practice estate planning, and I wanted to do it right here in Placer County. This is home. It's where I grew up, where I'm raising my family, and where I've always felt called to serve.

I interviewed at plenty of local firms. None felt right. They were too rigid, too traditional, too... not me. So I did what I've always done when I can't find what I need: I built it myself.

Goff Legal started as a solo practice. Just me, a laptop, and a whole lot of determination. But as word spread and my client list grew, so did my vision. I realized I didn't just want to build a law firm; I wanted to build a better kind of law firm.

## O U R S T O R Y ( C O N T . )

One where clients and employees alike feel heard, respected, and genuinely cared for.

Today, Goff Legal reflects that vision. We're a little different (on purpose). We talk like real people. We make complex legal matters understandable. We believe estate planning should be a thoughtful, empowering process, not a confusing mess of documents and jargon.

Our team is made up of smart, kind, deeply capable professionals who love what they do. We've got a certified professional coach on staff to support personal and professional growth (because burnout helps no one). We value Candor, Innovation, Growth, Excellence, and Genuine Care for Clients. And we're building a workplace where people thrive, not just survive.

These days, I serve as the CEO of Goff Legal, focused on growing a firm that's built to last—and built to care. I've hired an incredible team of attorneys and staff who provide white-glove service with heart.

Our mission? Clear communication. Compassionate support. Peace of mind. We help people navigate some of life's hardest transitions- and we do it with integrity, warmth, and the kind of human touch AI will never replicate.

-Ali Goff  
Founder, Goff Legal



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# INTRODUCTION: WELCOME TO YOUR GOLDEN YEARS



You've spent decades building a life you're proud of: raising children, buying a home, growing your retirement savings, and giving back to your community. Now that you're in your golden years, you want to ensure your legacy is protected and that the people you love are taken care of when you're no longer around.

But estate planning isn't just about death and documents. It's about life. Your life. It's about making sure your wishes are honored while you're alive and after you're gone. It's about ensuring that your spouse, children, grandchildren, or whomever you choose, don't face unnecessary legal burdens during an already emotional time.

At Goff Legal, we've helped hundreds of California couples create customized estate plans that bring clarity, comfort, and



# INTRODUCTION: WELCOME TO YOUR GOLDEN YEARS

control. We know the challenges people face when putting off this process—and how transformative it is when they finally complete it.

In this guide, you'll learn:

- The critical mistakes that derail most estate plans—and how to avoid them
- Whether you need a trust or just a will
- What happens if you pass away without an estate plan in California
- How to avoid probate and keep your affairs private
- The estate planning tools that ensure your health care and financial wishes are honored

You'll also get an easy-to-follow checklist to help you get started right away.

This guide isn't legalese—it's real talk from a local, woman-owned law firm that genuinely cares about families like yours.

Let's begin.

# CHAPTER 1: WHY MOST ESTATE PLANS FAIL (AND HOW TO AVOID IT!)

## **The Problem: Paper Isn't Protection**

Most people believe that once they sign a will or trust, their estate plan is done. Unfortunately, this mindset leads to one of the most heartbreaking problems we see: a “complete” estate plan that still fails when it's needed most.

Here's why:

- The trust was never funded (assets weren't moved into it)
- Beneficiary designations contradict the estate plan
- Key documents are outdated or missing
- The plan doesn't account for California-specific laws
- No one knows where the documents are or how to use them

These oversights leave families in confusion, conflict, or probate court- exactly what you were trying to avoid.

## **Real Story: The Unfunded Trust in Roseville**

A couple in Roseville created a trust in 2007 but never retitled their house into the trust. When the husband passed away in 2023, the family assumed everything was handled. It wasn't.

# CHAPTER 1: WHY MOST ESTATE PLANS FAIL (AND HOW TO AVOID IT!)

The home had to go through probate, delaying inheritance and costing thousands in court fees, despite having a trust on paper.

## **The Solution: A Living, Breathing Plan**

A successful estate plan isn't a stack of documents—it's a process. It must be:

- Customized to your life, family, and values
- Updated as your circumstances change (i.e., after you sell your home, when grandkids are born, or when you retire)
- Integrated with your financial and healthcare decisions
- Funded, meaning your assets are titled properly

At Goff Legal, we guide you through every step, including:

- Instruction on how to retitle assets into your trust
- White glove trust funding by our staff at your request
- Reviewing beneficiary designations on life insurance, retirement accounts, and other assets
- Updating your plan as life evolves
- Making sure your documents are accessible and understood

# CHAPTER 1: WHY MOST ESTATE PLANS FAIL (AND HOW TO AVOID IT!)

## California-Specific Mistakes to Watch For:

- **Proposition 19 Misunderstandings:** Many parents unintentionally trigger higher property taxes when passing on their home
- **Community Property Confusion:** Married couples may not realize how California's community property laws impact their estate
- **Out-of-state Documents:** Legal forms from another state, especially healthcare directives, may not be valid in California

## Key Takeaways from Chapter 1:

- An outdated or unfunded estate plan is as risky as no plan at all.
- California's laws require special attention, especially around property and probate.
- Working with a local expert ensures your plan actually works when it matters most.

# CHAPTER 2: WILLS VS. TRUSTS: WHAT YOU REALLY NEED

## What Most Couples Ask Us:

*"Do I really need a trust, or is a will enough?"*

It's a smart question—and the answer depends on what you want to protect, avoid, and accomplish.

Let's break it down in plain English.

## What Is a Will?

A will is a legal document that states:

- Who inherits your property
- Who becomes the guardian of your minor children (if applicable)
- Who will manage your estate (your "executor")

But here's the catch: **A will does not avoid probate in California.** In fact, it *guarantees* your estate goes through probate if your assets exceed \$208,850 (as of 2025). That includes additional real estate, which likely puts you over the limit.

## Pros of a Will:

- Simple and cheap to create
- Lets you name guardians for minor children and an executor

# CHAPTER 2: WILLS VS. TRUSTS: WHAT YOU REALLY NEED

## **Cons of a Will:**

- Must go through the California probate court (public, time-consuming, expensive)
- Offers no protection if you become incapacitated
- Becomes a public record

## **What Is a Trust?**

A revocable living trust is a legal entity you create to hold and manage your assets. You're typically the trustee while you're alive, and you name a successor to take over when you pass or become incapacitated.

## **Pros of a Trust:**

- Avoids probate in California
- Keeps your affairs private
- Takes effect immediately if you become incapacitated
- Allows detailed control over inheritance (e.g., staggered distributions for kids)
- Helps with blended family or special needs planning

## **Cons of a Trust:**

- Requires a bit more upfront effort
- Needs to be maintained and funded correctly



# CHAPTER 2: WILLS VS. TRUSTS: WHAT YOU REALLY NEED

## **Which One Is Right for You?**

If you:

- Own a home in California
- Have retirement accounts, savings, or investments
- Want to avoid probate for your family
- Want to keep your affairs private
- Are concerned about incapacity

Then you almost certainly need a revocable living trust. While wills may be appropriate for very small estates, we rarely recommend only a will for California residents, especially those who own real estate.

A trust is a practical, powerful way to make sure your family avoids the stress of court and your wishes are honored—without delay or drama.

## **Real Example: The Probate Nightmare in Rocklin**

A retired couple passed away without a trust. Their will left everything to their kids, but their home had to go through Sacramento County probate. It took 15 months and cost nearly \$30,000 in attorney fees, court costs, and delays- money that should have gone to their children.

# CHAPTER 2: WILLS VS. TRUSTS: WHAT YOU REALLY NEED

## What We Recommend at Goff Legal

Our estate planning packages for couples almost always include:

- A revocable living trust
- A pour-over will (to catch anything accidentally left out of the trust)
- Durable power of attorney
- Advance healthcare directive
- Deed(s) transferring real property into your trust
- And full trust funding instruction

We don't believe in cookie-cutter solutions. Your plan will be tailored to your life, your assets, and your legacy.

## Key Takeaways from Chapter 2:

- A will alone is usually *not* enough for most Californians.
- A living trust keeps your family out of probate and in control.
- Goff Legal ensures your plan is set up properly—now and for the future.

# CHAPTER 3: PROBATE IN CALIFORNIA: WHAT IT IS AND HOW TO AVOID IT

## What Is Probate?

Probate is the legal process the court uses to transfer a deceased person's property to their heirs. It's often slow, costly, and frustrating for the family left behind.

In California, if you pass away with only a will (or no estate plan at all), your estate will likely go through probate, even if your wishes are clearly spelled out.

And here's the kicker: It's completely avoidable with proper planning.

## How Long Does Probate Take in California?

- Average time: 9–18 months
- More complex cases: 2 years or longer
- Your loved ones can't sell your home, access your bank accounts, or manage your estate until the court gives them the authority to do so

## How Much Does Probate Cost?

California is one of the most expensive probate states in the U.S. That's because attorney and executor fees are set by law based on the **gross value** of the estate (*not* the net value after debts.)

# CHAPTER 3: PROBATE IN CALIFORNIA: WHAT IT IS AND HOW TO AVOID IT

## Example:

Let's say you own a home in Roseville worth \$800,000, with a \$500,000 mortgage. In probate, your estate is still valued at \$800,000.

The statutory probate fees would be:

- 4% of the first \$100,000 = \$4,000
- 3% of the next \$100,000 = \$3,000
- 2% of the next \$550,000 = \$16,000
- Total: \$23,000 to your attorney, and \$23,000 to your executor
- **That's \$46,000, gone!**

This doesn't include court costs, appraisal fees, publication fees, and potential delays in selling real estate.

## Additional Hidden Costs of Probate

- **Family stress:** Siblings and spouses may disagree on who should be in charge.
- **Privacy loss:** Probate is a public process; anyone can see your will, assets, and beneficiaries.
- **Frozen assets:** Accounts may be locked until the court appoints a representative.
- **Property taxes:** Delays may trigger reassessments or lost exemptions under Prop 19.

# CHAPTER 3: PROBATE IN CALIFORNIA: WHAT IT IS AND HOW TO AVOID IT

## **Who Needs to Worry About Probate?**

If you own:

- A home/real estate in California
- Over \$205,850 in total assets (including investment accounts, personal property, vehicles, etc.)
- And you don't have a fully funded living trust

Then your estate is almost guaranteed to go through probate.

## **Real Story: Probate in Loomis**

A widow in Loomis passed away, leaving behind a home, two bank accounts, and a will. Her adult children thought everything would be simple, but the estate still had to go through Placer County probate. It took 16 months, cost over \$20,000, and forced the family to delay selling the home in a declining market.

## **How to Avoid Probate**

The only sure way to avoid probate in California is to transfer your assets outside the court system.

This can be done with tools like:

# CHAPTER 3: PROBATE IN CALIFORNIA: WHAT IT IS AND HOW TO AVOID IT

- **A revocable living trust:** Holds your home and other assets
- **Beneficiary designations:** For retirement accounts, life insurance, and some bank accounts
- **Transfer-on-death (TOD) deeds:** For real estate, though not always ideal
- **Joint ownership:** Not always recommended due to tax and risk implications

But here's the truth: The safest, most comprehensive way to avoid probate is with a properly drafted and funded trust.

## How Goff Legal Helps

We go beyond creating the trust—we help you:

- Fund the trust by providing detailed instructions and reminders for retitling assets
- Review all beneficiary designations for consistency
- Educate your successor trustees so they're prepared when the time comes

## Key Takeaways from Chapter 3:

- Probate is slow, public, and expensive, even with a will.
- Your home and assets may be frozen for months.
- You can avoid probate entirely with the right tools, especially a living trust.
- Goff Legal ensures every step is handled, so your family stays out of court.



# CHAPTER 4: INCAPACITY PLANNING: WHO WILL MAKE DECISIONS IF YOU CAN'T?

## **It's Not Just About Death—It's About Life**

When people hear “estate planning,” they often think of what happens after they die. But for older folks, one of the biggest threats to their family's peace of mind is something that happens *while they're still alive*:

### **Mental or physical incapacity.**

Whether caused by a stroke, dementia, Alzheimer's, or a sudden accident, **you or your spouse may someday be unable to make decisions for yourselves.**

The question is:

*Who will make those decisions, and will they have the legal authority to act?*

Without proper documents in place, your loved ones could be forced to go through conservatorship court, an expensive, stressful, and invasive legal process.

### **What Decisions Need to Be Made?**

If you lose capacity, someone may need to:

# CHAPTER 4: INCAPACITY PLANNING: WHO WILL MAKE DECISIONS IF YOU CAN'T?

- Make healthcare decisions on your behalf
- Access bank accounts and manage bills
- Speak with Medicare, insurance companies, or hospitals
- Sell or manage real estate
- File taxes or manage retirement distributions
- Determine long-term care arrangements

## **What Happens Without an Incapacity Plan?**

Without the right documents, your family must petition the court for a conservatorship, a legal process to appoint someone to manage your affairs.

In California, this involves:

- Filing court documents
- Attending hearings
- Submitting financial inventories
- Ongoing court supervision and fees

It can cost thousands and take months, even if your spouse or child is the obvious choice to manage your affairs.

## **The 3 Essential Documents for Incapacity Planning**

At Goff Legal, we prepare a comprehensive incapacity plan for every client. Here's what you need:

# CHAPTER 4: INCAPACITY PLANNING: WHO WILL MAKE DECISIONS IF YOU CAN'T?

## 1. Durable Power of Attorney (DPOA)

This gives someone you trust (often your spouse or adult child) the legal power to manage your finances and property while you are alive but unable to act. Use it to:

- Pay bills
- Access bank and investment accounts
- Handle real estate
- Talk to Social Security or tax authorities

## 2. Advance Healthcare Directive

This allows you to name a trusted person to make medical decisions for you and spell out your healthcare preferences. Covers:

- Life support and end-of-life care
- Organ donation
- Pain management
- Choosing doctors or facilities

## 3. HIPAA Authorization

Without this, doctors may legally refuse to share your medical information with your family, even your spouse or adult children. Ensures your loved ones can:

# CHAPTER 4: INCAPACITY PLANNING: WHO WILL MAKE DECISIONS IF YOU CAN'T?

- Get updates from doctors
- Access medical records
- Make informed decisions

## **California-Specific Tip:**

In California, Power of Attorney documents must be notarized to be effective, and many banks require recent or institution-specific forms. Working with a law firm like Goff Legal ensures your power of attorney is up to date and properly executed.

## **Real Story: The Crisis in El Dorado Hills**

When a husband suffered a major stroke, his wife of 40 years tried to access their joint bank account to pay bills. The bank refused because the account was in his name only.

With no power of attorney, she was forced to petition for a conservatorship, which cost over \$15,000 and took nearly four months, during which she couldn't access critical funds.

## **How We Help at Goff Legal**

Our estate plans always include:

# CHAPTER 4: INCAPACITY PLANNING: WHO WILL MAKE DECISIONS IF YOU CAN'T?

- Durable Power of Attorney
- Advance Health Care Directive
- HIPAA Authorization
- Trustee provisions to manage assets in your trust during incapacity
- Guidance for your loved ones on how to use the documents if a crisis occurs
- We recommend our clients review these documents every few years to ensure they're still legally valid and practically useful, especially when banks and hospitals update their policies.

## **Key Takeaways from Chapter 4:**

- Incapacity is more common than people think—and can happen suddenly.
- Without the right documents, your family may need to go to court.
- Durable Power of Attorney and Healthcare Directives are essential.
- Goff Legal helps you stay protected and in control—no matter what the future holds.

# CHAPTER 5: TAXES, TRANSFERS & TITLING

When most people think about estate planning, they focus on what to pass on and who gets what. But there's another critical piece of the puzzle that often gets overlooked:

**HOW your assets are titled and transferred can make or break your plan.**

The way your home, bank accounts, and retirement assets are titled, along with how you designate beneficiaries, can determine whether:

- Your loved ones avoid probate
- Your estate is subject to unnecessary taxes
- Your true wishes are actually honored

In this chapter, we'll walk you through how titling, taxes, and transfers interact and how to make sure your plan works in real life, not just on paper.

## **What Is Asset Titling?**

Asset titling refers to how property is legally owned. It might sound dry, but it has massive consequences.

Here are the most common forms of ownership for couples:



# CHAPTER 5: TAXES, TRANSFERS & TITLING

Title Type	Who Owns It	What Happens at Death
<b>Joint Tenancy with Right of Survivorship (JTWROS)</b>	Both spouses equally	The surviving spouse automatically gets full ownership
<b>Community Property with Right of Survivorship (California)</b>	Both spouses, as community property	Similar to joint tenancy but with tax advantages
<b>Tenants in Common</b>	Each party owns a specific share	Each share passes according to that person's will or trust
<b>Trust Ownership</b>	Owned by a revocable living trust	Avoids probate, follows your instructions in the trust

**Why it matters:** If your estate plan says one thing, but your assets are titled another way, *the title usually wins- even if it's not what you want.*

## The Role of Beneficiary Designations

Assets like retirement accounts, life insurance, and bank accounts often pass by beneficiary designation, not by your will or trust.

# CHAPTER 5: TAXES, TRANSFERS & TITLING

Examples include:

- IRA or 401(k)
- Life insurance policies
- Payable-on-death (POD) bank accounts
- Transfer-on-death (TOD) brokerage accounts

Make sure:

- Beneficiaries are up-to-date
- Your designations align with your trust or estate plan
- You name primary and contingent beneficiaries

**Common mistake:** Naming an adult child directly on a bank account, thinking it will “help them access it later.” This can unintentionally disinherit other heirs or expose the account to their creditors.

## **Estate Taxes: Do They Apply to You?**

The good news: **Most people won't owe federal estate tax.**

As of 2025, the federal estate tax exemption is projected to be approximately \$14 million per person (\$28 million for married couples). However, that number could change dramatically if Congress lets the current law sunset in 2026.

# CHAPTER 5: TAXES, TRANSFERS & TITLING

**Important for high-net-worth couples:** If your combined estate (real estate, retirement accounts, life insurance, investments) exceeds \$14-28 million, now's the time to talk to an attorney about advanced tax planning.

## **California estate tax?**

California does not currently have a state estate or inheritance tax.

## **Capital Gains and Step-Up in Basis**

This often-overlooked tax issue can have a big financial impact. When someone passes away, many assets receive a “step-up” in cost basis to their fair market value at death. This reduces capital gains taxes for heirs.

### **Example:**

You bought your home in Roseville in 1985 for \$150,000. Today it's worth \$850,000. If your heirs sell it after your death, the gain is based on the stepped-up value, not the original purchase price, *potentially saving them tens of thousands in taxes.*

### **Pro tip:**

Owning property as community property with right of survivorship instead of joint tenancy can provide a full step-up in basis for both halves of the property at the first spouse's death.

# CHAPTER 5: TAXES, TRANSFERS & TITLING

## Trust Funding: The Step Most People Miss

Creating a living trust is a powerful move, but *it only works if you actually transfer your assets into it*. This process is called trust funding.

### What should be titled in your trust?

- Your primary residence
- Vacation or rental properties
- Non-retirement investment accounts
- Bank accounts (or make them payable to the trust)

### What usually should not go in the trust:

- IRAs and 401(k)s (but they should name your trust as contingent beneficiary if minors or special needs beneficiaries are involved)

If you've already created a trust, it's smart to review the titling of your assets every 3–5 years, or after any major life change.

### What Happens If You Get This Wrong?

- **Probate:** Assets not properly titled or without a beneficiary may be forced through probate, delaying distribution and adding thousands in legal fees.

# CHAPTER 5: TAXES, TRANSFERS & TITLING

- **Disinheritance:** Beneficiary designations override your will or trust. If you forget to update them, your assets could go to an ex-spouse or skip a child.
- **Tax Surprises:** Without proper planning, your heirs could face avoidable capital gains or miss out on tax-saving opportunities.

## Key Takeaways from Chapter 5:

- How assets are titled can override your estate plan.
- Beneficiary designations must be reviewed and coordinated.
- Most Californians don't pay estate tax, but capital gains can still be costly.
- Funding your trust is critical—don't stop at signing documents.

# CHAPTER 6: UPDATING YOUR ESTATE PLAN

Many people think once they've created an estate plan, they can check it off their to-do list forever.

The truth is: **an outdated estate plan can be just as risky as having no plan at all.**

Your life, your assets, your family dynamics, and the law all change over time. If your estate plan doesn't change with them, your wishes might not be honored, and your loved ones could be left to clean up a legal mess.

In this chapter, we'll explain when and why you need to update your estate plan, and how to do it the smart way.

## **When Should You Update Your Estate Plan?**

Here are the most common life events that should trigger a review:

### **1. Death of a Spouse or Loved One**

Losing a spouse changes everything, emotionally and financially. You may need to update:

- Your successor trustee, agent, or executor
- Your beneficiary designations
- Ownership of jointly held assets



# CHAPTER 6: UPDATING YOUR ESTATE PLAN

## **2. Marriage or Divorce**

Whether it's your own or a child's, marriage and divorce can affect inheritance, trust structures, and property rights.

## **3. Birth or Adoption of a Grandchild**

You may want to add new grandchildren as beneficiaries or update guardianship provisions.

## **4. Major Changes in Finances**

Have you bought a home, sold a business, or significantly grown your retirement assets? Your plan needs to reflect your current wealth.

## **5. Changes in Health**

If you or your spouse experience a decline in health or capacity, it's essential to revisit powers of attorney and advance healthcare directives.

## **6. Law or Tax Changes**

Estate tax exemptions and trust laws change over time. Even if your situation hasn't changed, the law might have.

# CHAPTER 6: UPDATING YOUR ESTATE PLAN

## 7. Time Has Simply Passed

Even if nothing dramatic has happened, we recommend reviewing your plan every 3–5 years.

### Risks of an Outdated Plan

- Beneficiaries might no longer reflect your current wishes.
- You could unintentionally disinherit someone or leave assets to an ex-spouse.
- Powers of attorney may name someone who is no longer appropriate or available.
- New assets (like a home or investment account) may fall outside the plan, triggering probate.
- Trusts may not reflect current tax advantages or legal best practices.

### What Should You Review in an Update?

Here's what to look at during your estate plan check-up:

# CHAPTER 6: UPDATING YOUR ESTATE PLAN

Component	What to Check
<b>Revocable Living Trust</b>	Are beneficiaries still correct? Does the distribution plan reflect your wishes?
<b>Pour-Over Will</b>	Still valid and names the correct executor?
<b>Financial Power of Attorney</b>	Is your agent someone you trust today? Are backups still available and reliable?
<b>Advance Healthcare Directive</b>	Still reflects your wishes? Medical agent(s) still appropriate?
<b>Trust Funding</b>	Are all new accounts and property titled in the trust or otherwise accounted for?
<b>Beneficiary Designations</b>	Are they consistent with your estate plan? Do they avoid unintended tax consequences?

## How to Update Your Estate Plan

Updating your plan can be straightforward—especially when you work with a firm like Goff Legal that understands the full picture.

# CHAPTER 6: UPDATING YOUR ESTATE PLAN

There are generally two ways to make updates:

## 1. Amendments

If the changes are minor (like switching a trustee or updating one beneficiary) your attorney can prepare an amendment to your existing trust.

## 2. Restatements

For more significant changes or if your original trust is older (10+ years), it may make sense to do a restatement, essentially replacing the entire trust document without changing the trust's name or legal structure.

This avoids needing to re-title assets already in the trust while modernizing your plan.

### **Common Question: “Do I Need a Whole New Trust?”**

Not always. But if your current trust:

- Is more than 10–15 years old
- Was created in a different state
- Doesn't reflect your current values, goals, or beneficiaries
- Uses outdated tax strategies (like AB trusts for modest estates)

Then it may be time for a full update or restatement.

# CHAPTER 6: UPDATING YOUR ESTATE PLAN

## **Pro Tip: Keep a Master Estate Planning Binder**

Your binder should include:

- Your trust and will
- Copies of powers of attorney and healthcare directives
- Trust funding instructions and property schedules
- Contact info for your attorney, CPA, and financial advisor

Review this binder annually and update it as life changes.

## **Key Takeaways from Chapter 6:**

- Estate plans should be reviewed every 3–5 years, or after any major life event.
- Outdated documents can lead to unintended consequences.
- Updating your plan is usually easier and faster than starting from scratch.
- A clear, up-to-date plan gives your family peace of mind and avoids conflict.

# CHAPTER 7: COMMON MISTAKES THAT CAN UNDERMINE YOUR ESTATE PLAN

Even with the best of intentions, many well-meaning couples unintentionally leave their families with a legal mess. The problem? They believe their estate plan is “done” when they sign it. In reality...

An outdated, incomplete, or DIY estate plan can be just as bad as having no plan at all.

Let's look at the most common estate planning mistakes we see, especially among senior California couples.

## **Mistake #1: Thinking a Will Avoids Probate**

Many people think having a will means their loved ones will avoid court. **That's a myth.**

A will *guarantees* probate in California.

Only a fully funded living trust avoids probate and ensures a smooth, private transfer of assets.

## **Mistake #2: Not Funding the Trust**

You finally created a living trust; great! But if you forget to transfer your assets into it, your trust is just an empty shell.

# CHAPTER 7: COMMON MISTAKES THAT CAN UNDERMINE YOUR ESTATE PLAN

That means:

- Your home is still titled in your name individually
- Your bank accounts don't list the trust
- Your estate could still go through probate

At Goff Legal, we walk you through trust funding step by step, so nothing is left out.

## **Mistake #3: Not Updating Beneficiaries**

Do your life insurance policies, retirement accounts, or annuities still name:

- A deceased spouse?
- An ex-spouse?
- Minor children?

We see it all the time. These designations override your will or trust and could unintentionally disinherit your intended beneficiaries. That's why we help you align your beneficiary forms with your overall plan.

## **Mistake #4: Choosing the Wrong Trustee or Agent**

Many people choose the most convenient person as trustee or power of attorney, like a child who lives nearby. But this role isn't just about location. It's about:

# CHAPTER 7: COMMON MISTAKES THAT CAN UNDERMINE YOUR ESTATE PLAN

- Trustworthiness
- Good judgment under pressure
- Ability to manage finances and relationships

We help you select the right person, and we can even assist them when the time comes to act.

## **Mistake #5: Not Planning for Incapacity**

As covered in Chapter 4, incapacity planning is just as important as planning for death. Without a power of attorney or health care directive, your family could be stuck in court, fighting for the right to help you.

Every Goff Legal plan includes incapacity documents by default.

## **Mistake #6: Doing It Yourself (DIY)**

Estate planning is not one-size-fits-all. DIY documents may:

- Use incorrect legal language
- Fail to meet California requirements
- Create inconsistencies between documents

You might not discover the mistake, but your family will. We tailor every plan to your life, your goals, and California law.



# CHAPTER 7: COMMON MISTAKES THAT CAN UNDERMINE YOUR ESTATE PLAN

## **Mistake #7: Letting Your Plan Sit for 10+ Years**

Laws change. Families change. Finances change. But many people sign their trust and stick it in a drawer for decades.

By the time someone dies, the plan is hopelessly outdated and full of landmines.

Goff Legal encourages and reminds our clients to review their estate plan with an attorney at least every 5 years to make sure your plan keeps working as your life evolves.

## **Real Story: A Costly Oversight in Granite Bay**

A Granite Bay couple created a trust in 2005. Their home was later refinanced, which unknowingly removed it from the trust. When the husband passed, the family thought everything was in order, but the home had to go through probate.

**Lesson:** Review your trust after any major financial transaction. Or better yet, let us do it for you!

## **How Goff Legal Keeps You on Track**

When you work with us, we don't just give you a binder and say goodbye. We:

# CHAPTER 7: COMMON MISTAKES THAT CAN UNDERMINE YOUR ESTATE PLAN

- Guide you through proper trust funding and titling
- Review and update your plan over time
- Coordinate all documents and beneficiaries
- Offer ongoing support for your successor trustee or agent

We're here for you now and for your family later.

## **Key Takeaways from Chapter 7:**

- Wills don't avoid probate—only trusts do.
- A trust must be properly funded to work.
- Outdated documents and DIY plans can lead to court and conflict.
- Goff Legal keeps your plan current, correct, and customized.

# CHAPTER 8: ESTATE PLANNING FAQs & COMMON MISCONCEPTIONS

Even financially savvy, wealthy couples often hold beliefs about estate planning that aren't entirely accurate, or are based on outdated information. In this chapter, we'll clear up confusion, debunk myths, and answer the questions we hear most often from Californians.

## **“We’re not wealthy. Do we really need an estate plan?”**

Yes. Estate planning isn't just for millionaires. If you own a home, have retirement accounts, or want to stay out of court, you need a plan.

A proper estate plan ensures your assets:

- Stay out of probate
- Go to the people you choose
- Are managed privately and efficiently

Even modest estates can lose tens of thousands to probate without a trust in place.

## **“Can’t I just use a will?”**

You can—but you probably shouldn't. A will:

# CHAPTER 8: ESTATE PLANNING FAQs & COMMON MISCONCEPTIONS

- Must go through probate in California
- Does not control what happens if you become incapacitated
- Offers no privacy or court avoidance

A revocable living trust is the preferred tool for most California homeowners.

## **“Won’t everything just go to my spouse automatically?”**

Not necessarily. Assets held in your name alone (like investment accounts or separate property) could:

- Be delayed in probate
- Pass in unexpected ways
- Create issues for blended families or adult children from prior marriages

A living trust ensures everything is directed clearly and privately, even if you're married.

## **“What if we already did a trust years ago?”**

Great! But is it:

- Up-to-date with current California law?

# CHAPTER 8: ESTATE PLANNING FAQs & COMMON MISCONCEPTIONS

- Properly funded with your home, accounts, and retirement?
- Reflective of your current wishes and family situation?

Many trusts created more than 10 years ago are now outdated or incomplete. We review and update existing trusts all the time.

## **“Can’t we just put our kids on the house title?”**

We don’t recommend it. Adding children to title can:

- Trigger property tax reassessment
- Create exposure to their creditors or lawsuits
- Eliminate key estate planning protections

A living trust can pass your home without court, risk, or tax complications.

## **“Is estate planning complicated?”**

Not with the right help. At Goff Legal:

- We guide you every step of the way
- We explain everything in plain English
- We focus on clarity, comfort, and confidence

You don’t need to know any legal terms—we’ll make it easy.

# CHAPTER 8: ESTATE PLANNING FAQs & COMMON MISCONCEPTIONS

## **“Can’t I just do this online?”**

You can—but we don’t recommend it. DIY legal documents:

- Often don’t meet California legal standards
- Aren’t tailored to your life or goals
- Can leave gaps that cause major problems later

“Online legal kits” seem convenient—until your family discovers the errors too late. Estate planning is too important to leave to templates.

## **Other Questions We Often Hear:**

# CHAPTER 8: ESTATE PLANNING FAQs & COMMON MISCONCEPTIONS

Question	Short Answer
Do we need to include adult children in our trust?	Not unless you want to—they can be included or excluded.
Can I disinherit someone?	Yes, but it must be done properly.
What if we move out of California?	Your plan may need to be updated. We'll help.
What if one of us passes away?	The plan still works. We'll review and update as needed.
Can we name co-trustees?	Yes, but we'll help you weigh pros and cons.

## Key Takeaways from Chapter 8:

- Wills alone do not avoid probate.
- Trusts are essential for homeowners in California.
- DIY or outdated plans often fail when you need them most.
- Goff Legal makes estate planning approachable, accurate, and tailored to you.

# CHAPTER 9: WHAT HAPPENS IF YOU DO NOTHING?

## **The Cost of Inaction**

We know estate planning can feel overwhelming. It's easy to put it off—especially when things seem to be going fine. But doing nothing is a decision in itself. And unfortunately...

**If you don't make a plan, the State of California will make one for you.**

- It won't be private.
- It won't be easy.
- And it likely won't reflect your wishes.

Here's what you and your loved ones can expect if you do nothing.

### **1. Your Estate Will Go Through Probate**

Without a living trust, your estate must go through California probate court when you pass away.

That means:

- A public court process
- Mandatory waiting period of 9–18 months
- Expensive legal fees (up to 4% of your estate or more)
- Loss of control over who gets what and when



# CHAPTER 9: WHAT HAPPENS IF YOU DO NOTHING?

Even if you have a will, probate is still required for estates over \$205,850 (as of 2025).

## **Example: Probate Costs on a \$1 Million Estate:**

<b>Expense</b>	<b>Approximate Cost</b>
Attorney fees	\$23,000
Executor fees	\$23,000
Court filing and appraisal	\$1,000+
<b>Total</b>	<b>\$47,000+</b>

And that's assuming no delays, disputes, or complications.

## **2. Your Home Could Be Delayed, Taxed, or Lost**

Without a trust, your home:

- Must go through probate before it can be sold or passed on
- Could be subject to Medi-Cal estate recovery if care costs were paid
- May create conflict between heirs or surviving family members

# CHAPTER 9: WHAT HAPPENS IF YOU DO NOTHING?

In short: *the home you worked a lifetime to build could become a burden instead of a blessing.*

## **3. Your Family Will Face Stress, Conflict, and Legal Hurdles**

When there's no clear plan, your loved ones are left to:

- Guess what you “would have wanted”
- Make high-pressure decisions during grief
- Navigate court filings, paperwork, and attorney fees
- Potentially argue over money and control

We've seen families break apart over inheritances, health care decisions, and property disputes, all because there was no guidance.

## **4. If You Become Incapacitated, the Court Takes Over**

If you become unable to make decisions due to illness or injury and you don't have a Power of Attorney or Healthcare Directive, your family must petition the court for conservatorship.

That means:

- A public legal process
- Ongoing court oversight of your finances and care
- Loss of personal and family privacy
- Delays in accessing needed funds or making medical decisions

# CHAPTER 9: WHAT HAPPENS IF YOU DO NOTHING?

## **Real Story: “We Thought We Had More Time”**

A couple in Roseville had always planned to get their estate plan done “next year.” When the husband had a sudden stroke at 67, he was hospitalized and unconscious.

The wife couldn’t access his accounts or make decisions. Their adult children fought over what care he should receive. Court intervention was required.

The stress, delays, and costs could have been avoided with simple planning.

## **How Goff Legal Helps You Avoid All This**

When you work with us, we’ll help you:

- Avoid probate with a fully funded living trust
- Protect your home and savings from court or Medi-Cal recovery
- Empower your family to act without delay or red tape
- Keep everything private, organized, and up to date

We specialize in helping individuals and couples throughout California get peace of mind—fast.

# CHAPTER 9: WHAT HAPPENS IF YOU DO NOTHING?

## **Key Takeaways from Chapter 8:**

- Doing nothing leads to probate, public court, and unnecessary costs.
- Your home, retirement, and health decisions are at risk without a plan.
- Your family could face conflict, delays, and financial loss.
- The time to act is before something happens.

# CHAPTER 10: GETTING STARTED: WHAT TO EXPECT WHEN YOU WORK WITH GOFF LEGAL

You've made it this far in the guide, which tells us something important:

**You care deeply about protecting your loved ones, your legacy, and the life you've built.**

At Goff Legal, we make the estate planning process clear, calm, and comfortable- especially for couples in their golden years who want to plan smart without legal overwhelm.

This chapter walks you through what it's actually like to work with us, from the very first call to the moment your personalized estate plan is signed, sealed, and ready to protect what matters most.

## **Step 1: Schedule Your Free Discovery Call**

We start with a friendly, no-obligation phone call to get to know you. During this call, we'll:

- Listen to your concerns and goals
- Identify key risks or gaps in your current plan (or lack thereof)
- Recommend whether an estate plan or trust update makes sense for you
- Call duration: 15-30 minutes
- Cost: FREE

# CHAPTER 10: GETTING STARTED: WHAT TO EXPECT WHEN YOU WORK WITH GOFF LEGAL

## **Step 2: Personalized Design Meeting**

If you decide to move forward, we'll schedule your full design meeting with one of our experienced estate planning attorneys. We make the experience relaxed and low-pressure; you'll always understand what's being recommended and why. We'll:

- Discuss your wishes in detail
- Explain all legal terms in plain English
- Explore options for trusts, wills, powers of attorney, and more
- Recommend the best plan for your goals, family, and finances

You won't need to bring legal knowledge—just your life experience and what matters most to you.

## **Step 3: We Draft and Customize Your Plan**

After our meeting, we'll:

- Create a complete, customized estate plan
- Carefully draft all documents with attention to detail
- Handle your home deed transfers (if needed)
- Align your financial accounts and beneficiaries with the plan

# CHAPTER 10: GETTING STARTED: WHAT TO EXPECT WHEN YOU WORK WITH GOFF LEGAL

You'll review everything before signing. We'll make revisions as needed to ensure total confidence.

## **Step 4: Signing Appointment**

Once your plan is ready, we'll meet for a final signing. We provide:

- Witnesses and notarization (for in person appointments)
- A full explanation of what you're signing
- Your completed estate planning binder (once any deeds have been recorded)
- Digital copies for secure, easy access

Many of our clients tell us this is the moment they feel relief and peace of mind settle in.

## **Step 5: Ongoing Support and Peace of Mind**

Your life will change, and so should your plan. That's why Goff Legal offers:

- Flat-rate pricing so you know the cost upfront—no surprise bills
- Guidance for your successor trustees and loved ones when the time comes

You won't be on your own. Our relationship doesn't end with a signed trust—it starts there.

# CHAPTER 10: GETTING STARTED: WHAT TO EXPECT WHEN YOU WORK WITH GOFF LEGAL

## **Why Choose Goff Legal?**

We're not a big-box law firm. We're a boutique, woman-owned firm that believes in personalized service, deep relationships, and treating every client like family.

- We specialize in working with older individuals and couples
- We understand the unique laws of California estate planning
- We make complex legal work feel calm and approachable

Whether you have \$500,000 or \$5 million in assets, your plan will be handled with care, compassion, and expertise.

## **What You Get With Your Goff Legal Estate Plan**

- Revocable living trust (if appropriate)
- Pour-over will
- Durable power of attorney
- Advance health care directive
- HIPAA authorization
- Guardianship provisions (if needed)
- Property deed transfers
- Trust funding guidance
- Ongoing support

...and peace of mind knowing everything is done right.



# CHAPTER 10: GETTING STARTED: WHAT TO EXPECT WHEN YOU WORK WITH GOFF LEGAL

## **Key Takeaways from Chapter 10:**

- Goff Legal offers a simple, step-by-step process.
- We focus on education, not pressure.
- Everything is explained in plain English.
- We provide ongoing support and updates, not just a one-time transaction.

# CONCLUSION: YOUR NEXT STEPS + RESOURCES

You've now gained a clear, comprehensive understanding of estate planning in your golden years, and more importantly, how to take control of your future, protect your family, and preserve your legacy.

Now, the question is: **What will you do next?**

This chapter will walk you through simple, clear next steps, plus additional resources available to support you.

## **Step 1: Schedule Your Free Discovery Call**

You don't need to have all the answers. You don't need a perfect list of questions. You just need to take the first step.

Let's talk. There's no pressure, no legal jargon—just clarity and guidance.

Your free Discovery Call includes:

- A review of your current situation and goals
- Initial recommendations for your estate planning needs
- A chance to schedule a more in-depth consultation with one of our experienced attorneys
- Clear next steps if you decide to move forward

To schedule your discovery call, visit [gofflegal.com](https://gofflegal.com) or call (916) 625-6556.

# BONUS RESOURCE: ESTATE PLANNING CHECKLIST

Use this checklist to begin organizing your thoughts, documents, and priorities. You don't need everything on this list to get started, but it's a helpful tool to feel more prepared.

## **Legal Essentials**

- ✓ Do we have a will or living trust in place?
- ✓ Is it updated and legally valid in California?
- ✓ Do we have powers of attorney for finances and healthcare?
- ✓ Have we chosen the right people to carry out our wishes?

## **Property & Assets**

- ✓ Is our home titled in a trust?
- ✓ Are vacation homes, rentals, or out-of-state properties included?
- ✓ Do we know who will inherit what and how?

## **Financial Accounts**

- ✓ Are bank and investment accounts titled properly?
- ✓ Have we updated beneficiaries on IRAs, 401(k)s, and life insurance?
- ✓ Do we have a clear plan to avoid probate for these accounts?

# BONUS RESOURCE: ESTATE PLANNING CHECKLIST

## **Family Considerations**

- ✓ Have we considered special provisions for adult children or grandchildren?
- ✓ Do we have a blended family or past marriage to account for?
- ✓ Have we communicated our wishes with our loved ones?

## **Long-Term Care & Incapacity**

- ✓ Do we have a plan if one of us becomes ill or disabled?
- ✓ Are our wishes for healthcare and end-of-life care clearly documented?

## **Peace of Mind**

- ✓ Do we know where all of our documents are stored?
- ✓ Have we made it easy for our spouse or children to access them?
- ✓ Do we have a trusted attorney or advisor to help when the time comes?



# WE'RE HERE WHEN YOU'RE READY

Thank you for reading *Estate Planning for Your Golden Years: A Complete Guide*.

We hope it brought clarity, confidence, and inspiration to take action.

Warmly,  
The Goff Legal Team

LEARN MORE AT

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