November/December 2013

Estate & Fiancial Planning Council of Southern New Jersey



Member of the National Association of Estate Planners and Council

MEETING ANNOUNCEMENT AN OVERVIEW OF BUY/SELL AGREEMENTS

Thursday, March 20, 2014
The Mansion
3000, Main Street
Voorhees, NJ

Speakers:

Gary DeVicci, CFP, MSFS Michael A. Kulzer, J.D., LL.M.

This Meeting is generously being sponsored by:







For additional Information Please see Page 11

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REMINDER...

COUNCIL WEB SITE:

Visit www.EFPCSNJ.org for the latest Council information, register for events and view the membership directory.

- NEW MEMBER-GET-A-MEMBER PROGRAM:
 Member-Get-A-Member Program—details on page 15
- Community Foundation of South Jersey:
 2nd Annual Professional Advisor Seminar: Charitable Planning in 2014—details on page 10
- EFPCSNJ 2014 Installation and Awards Dinner SAVE-THE DATE:

Thursday, June 5, 2014 details on page 10

Dear Counsel Members:



I hope that many of you had the opportunity to attend our first Elder Care Legal Forum held on January 16, 2014 at Tavistock. Tim, Abby, Jamie, and Yasmeen did an excellent job of planning and organizing the event as well as coordinating the sponsors and

The event was one of the best attended vendors. programs in the past number of years and, hopethe vendor showcase allowed fully, guests and networking members a valuable opportunity. The speakers, Maryann Boccolini and Daniel Olszak, Jr., Esq., gave an informative presentation on some of the issues impacting the elder care community. The Elder Care Resource Guide which was distributed to the attendees is a one-stop directory to the leading professionals serving the elder care community. Some of the vendors and sponsors have already inquired about reserving tables for next year's forum.

Our next educational event will be a breakfast meeting at the Mansion on Main Street on Thursday, March 20, 2014. The presentation will be "An Overview of Buy/Sell Agreements" and the speakers will be Michael A. Kulzer, J.D., Ll.M. and Gary DeVicci, MSFS, CFP. The Counsel's Member-get-acontest is still running now through Member April 30, 2014. Any current EFPCSNJ member that recruits a new member will receive complimentary attendance at a future educational event in the 2013-2014 program year. The EFPCSNJ member who recruits the most new members will receive two complementary tickets to the Installation and Awards Dinner where they will receive an award. Our membership continues to grow and by increasing membership, we will increase the opportunity for networking that will help everyone increase their professional circle.

Hopefully, it will stop snowing by our next meeting on Thursday, March 20, 2014, and I look forward to seeing all of our members for this interesting presentation.

Raymond M. Giunta, CPA, PFS Counsel President



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For more information contact Tim at EFPCSNJ@mail.com or 856-795-0551.

The AEP candidate form can be downloaded from the Council's web site at www.EFPCSNJ.org.

2013-2014 MEETING SCHEDULE

Educational Meetings are usually approved for 1.0 CFP & CPE credits.

Meeting registration and more information can be found at www.EFPCSNJ.org

Thursday, September 19, 2013

Topic: Your Online Marketing Toolbox-How to Put it to Work Speakers: Bob DeStefano from SVM E-marketing Solutions Location: The Mansion on Main Street, Voorhees, NJ Schedule: Cocktails 5:30 p.m.; Dinner 6:15 p.m.; Program 7:00 – 8:30 p.m. Sponsors: SeniorWise Care Management

Thursday, November 21, 2013

Topic: Social Security Planning
Location: The Mansion on Main Street, Voorhees, NJ
Schedule: Breakfast 8:00 a.m.; Program 8:30-9:30a.m.
Sponsors: Ohio National Financial Services and SeniorWise Care Management

Thursday, January 16, 2014

Topic: Elder Care Fair
Location: Tavistock Country Club, Haddonfield, NJ
Schedule: Cocktails 5:00 p.m.; Dinner 6:00 p.m.; Opening Remarks 6:45 p.m.; Educational Program 7:00-8:30 p.m.

Sponsors: Edward Jones, IKOR of Bucks & Mercer Counties, Rothkoff Law Group
Vendor Tables: Byron Home, Inc., Cadbury at Home, ComForcare Senior Services, Edward Jones, Five Star Senior Living, IKOR of Bucks and Mercer Counties, Home to Stay LLC, Homewatch Caregivers, Lichtman Associates Real Estate, LLC, LifeSpan Care Management, Lincoln Investment Planning, Rothkoff Law Group, Samaritan Healthcare & Hospice, SeniorAssist LLC and SeniorWise Care Management

Thursday, March 20, 2014

Topic: Overview of a Buy/Sell Agreement Location: The Mansion, Voorhees, NJ Schedule: Breakfast 8:00 a.m.; Program 8:30-9:30a.m. Sponsors: Glenmede, Hempstead & Co., LLC and SeniorWise Care Management

Thursday, May 22, 2014

Topic: Divorce Planning
Location: The Mansion on Main Street, Voorhees, NJ
Schedule: Breakfast 8:00 a.m.; Program 8:30-9:30a.m.
Exclusive Sponsor: Fulton Financial Advisors at Fulton Bank of New Jersey

Thursday, June 5, 2014 Installation of Officers and Member Awards Dinner

Sponsors: Capehart Scatchard, Friedman LLP and Jonathan G. Furlow, CPA
Sponsors: Sponsorship Opportunities are Still available - Do not miss this opportunity to sponsor an EFPCSNJ Event - Call 856-795-0551 Today!

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If you are interested in sponsoring the 2014 Installation of Officers and Member Awards Dinner, please contact Tim Bower ASAP at 215-858-8023.

There are only three sponsorships remaining for this premier event

Estate Planning Opportunities for Same-Sex Couples After DOMA

by:

Stephanie Sanderson-Braem, J.D.

On June 26, the Supreme Court of the United States issued a groundbreaking decision involving same-sex marriage when it ruled that Section 3 of the Defense of Marriage Act, also known as DOMA, is unconstitutional. The ruling impacts financial and estate planning for same-sex couples living in jurisdictions that recognize same-sex marriage. It also creates an opportune time for same-sex couples to review their estate plans and ensure that they are appropriately structured to take full advantage of the estate planning options that now exist.

Defense of Marriage Act

DOMA was enacted in 1996 and applied to more than 1,000 federal statutes and regulations. Section 3 of DOMA defined the word "marriage" in any federal law or regulation (including those that address employer benefits) to mean only "a legal union between one man and one woman as husband and wife." It further defines the word "spouse" to mean only a "person of the opposite sex who is a husband and wife." In other words, Section 3 disallowed federal recognition of a same-sex marriage that is valid under state law.

United States v. Windsor

In *United States v. Windsor*, Edie Windsor and Thea Spyer, a same-sex couple who resided in New York, married in Canada in 2007. At that time, New York did not allow same-sex marriages to be performed within the state but did recognize those performed legally in other jurisdictions. In 2009, Ms. Spyer died and left her estate to Ms. Windsor. At the time of Ms. Spyer's death, DOMA prevented the Internal Revenue Service (IRS) from recognizing their marriage. As a result, the IRS did not allow the use of the unlimited marital deduction for federal estate tax purposes and denied Ms. Windsor's refund request for the federal estate taxes paid on her inheritance of Ms. Spyer's estate. Without DOMA, Ms. Windsor's inheritance would have qualified for the unlimited marital deduction and Ms. Spyer's estate would have paid no federal estate taxes. However, Ms. Spyer's estate paid \$363,053 in federal estate taxes because of DOMA. Ms. Windsor filed a lawsuit for a refund of the federal estate taxes paid, claiming that the definitions of "marriage" and "spouse" in Section 3 of DOMA violate the Equal Protection Clause of the United States Constitution.

In *United States v. Windsor*, the Court held in a 5-4 vote that Section 3 of DOMA is unconstitutional as a deprivation of the equal protection of persons that is guaranteed by the Fifth Amendment of the Constitution. As a result of the Court's decision, the federal government is prohibited from placing any classification on the recognition of marriages. The Supreme Court held that marriage is a state issue and classifications of such must be left to the states. This means that same-sex couples currently residing in a jurisdiction¹ that permits and recognizes marriage between same-sex couples will now be eligible for and subject to more than 1,000 spousal rights and responsibilities afforded under federal law.

Federal Estate and Gift Tax Planning - After Windsor

For federal purposes, same-sex couples who are legally married are now treated the same as opposite-sex married couples as a result of the *Windsor* decision. This means that many federal tax-related benefits that were previously afforded only to opposite-sex married couples are now legally available to same-sex married couples. In estate planning, such benefits include, but are not limited to:

- **Unlimited Marital Deduction** allowing spouses to transfer an unlimited amount of assets to each other, either during life or at death, without having to pay any federal estate or gift tax, provided that the recipient is a U.S. citizen. The use of the unlimited marital deduction allows a deferral of federal estate taxes at the death of the first spouse.
- **Gift Splitting** splitting of gifts to third parties for annual exclusion purposes. Each individual is entitled to gift an amount equal to the "annual exclusion amount" (currently \$14,000) to donees. A married individual may transfer two times the annual exclusion amount (i.e., \$28,000) to a donee if his or her spouse agrees to "split" the gift.

Retirement Plans - naming the spouse as the beneficiary under a qualified retirement account.

- Rollover Rights allowing the spouse to "roll over" a qualified retirement account. By rolling over the account, the surviving spouse may (1) consolidate the account with his or her own retirement accounts; and (2) use his or her own age to calculate required minimum distributions, which would result in delaying required minimum distributions if the deceased spouse were older than the survivor (i.e., extending the ultimate payout of the account).
- Portability electing portability of the deceased spouse's unused applicable exclusion amount. Each individual is entitled to an "applicable exclusion amount," which currently is set at \$5.25 million and is adjusted for inflation. This amount can pass to individuals at death without causing a federal estate tax liability. Portability allows a surviving spouse to use the deceased spouse's unused applicable exclusion amount, thereby permitting the survivor to transfer \$10.5 million (in 2013) at his or her death without incurring any federal estate tax.

Joint Income Tax Return – filing joint income tax returns, which can produce a lower combined tax than the total tax paid by the same-sex spouses filing as single persons.

- Simplifying the basis and contribution rules with respect to jointly owned property.
- Eliminating adverse tax consequences for the transfer of property pursuant to a marriage settlement agreement.
- Granting certain Social Security, Medicare and Medicaid benefits.
- Accessing veteran's spousal benefits.
- Obtaining employer health coverage for the same-sex spouse.

The above-mentioned benefits can result in greater tax savings for same-sex couples. In addition, these benefits allow an extension of government programs to same-sex couples. These benefits also can apply retroactively. A statute that is unconstitutional is deemed to be *void ab initio*, that is, void from the outset. This means that DOMA should be treated as never having existed and that same-sex married couples always should have been treated the same as opposite-sex married couples for federal law purposes. In years before 2013, some same-sex married couples would have paid less in federal taxes had they been permitted to file joint federal income tax returns or claim the marital deduction upon the death of a spouse or upon a lifetime gift to the spouse. These taxpayers should file amended tax returns as soon as possible. There may be some, however, for whom the ability to file amended tax returns may be closed due to the passage of the applicable statute of limitations. The statute of limitations is usually three years from the date a return is filed. Therefore, time is of the essence and it is important for same-sex married couples to seek immediate guidance as to whether there is an opportunity to file an amended federal tax return and seek a refund of taxes paid.

The Windsor decision did leave questions unanswered. The Court's decision did not deal with the provision of DOMA that lets states refuse to recognize same-sex marriages performed in other states. The Court's holding did not address the impact of its decision on civil unions, domestic partnerships or similar state law concepts. In addition, the Court did not decide whether federal marital rights are available to same-sex spouses who reside in a state that does not recognize same-sex marriage. These matters remain unresolved. However, there may be further estate planning opportunities for same-sex married couples in the future, depending on how the law in this area evolves. We will continue to keep you updated on the law in this area.

A Word to the Wise

We encourage our clients in same-sex marriages who have engaged in estate planning, or those who have waited to see an opportunity in the law, to contact any of the attorneys in our Trusts, Estates & Personal Planning Practice Group to discuss the potential impact of the *Windsor* decision on their financial and estate planning. It is important to ensure that your estate plan is structured to take advantage of benefits allowed by the *Windsor* decision. As a threshold matter, same-sex couples will need to determine whether they can take the position that they have a "lawful marriage" for federal law purposes.

For same-sex couples who wish to marry, we encourage you to contact us to discuss the financial implications of marriage and enter into the appropriate premarital agreement if necessary.

In addition, there are retrospective opportunities. In certain circumstances, same-sex married couples may be entitled to a refund of income, estate or gift taxes paid during the last three years. However, these opportunities are time-sensitive as there is a three-year limit on amending federal income, gift and estate tax returns. Therefore, it is important to discuss sooner rather than later the effect of *Windsor* on your planning.

¹Currently, there are 13 states that permit and recognize marriage between same-sex spouses: California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont and Washington. The District of Columbia also permits and recognizes same-sex marriage.

This Article was written by Stephanie Sanderson-Braem, J.D.

Stephanie is Counsel at Stradley Ronon. Stephanie concentrates her practice in the areas of estate and tax planning, as well as estate administration and Orphans' Court litigation.

Stephanie can be reached vie email at: ssanderson-braem@stradley.com or by phone: 856-414-6356

This article reflects the opinions of the author and not necessarily those of EFPC of SNJ.

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EFPC of SNJ Members in the News

Will Reger Rizzo & Darnall Welcome New Attorney



Kevin J. DiMedio joined the team of experienced and talented attorneys at Reger Rizzo & Darnall. Kevin joined RRD as Partner and is a member of the firm's Corporate and Business Services Group as well as the Estates and Trusts, Real Estate, and Zoning & Land Use Groups. Kevin's practice focuses on counseling both business owners and individuals with commercial and corporate matters to include tax, real estate and land use issues as well as transactional, compliance and litigation matters.

Stradley Ronon Promotes Stephanie Sanderson-Braem to Counsel



Stradley Ronon announced today that Stephanie Sanderson-Braem has been promoted to counsel. Sanderson-Braem, resident in the firm's Cherry Hill, N.J., office, concentrates her practice in the areas of estate and tax planning, as well as estate administration and Orphans' Court litigation. She represents high net-worth individuals and their families, owners of closely held businesses, and numerous financial and charitable institutions. She was recently appointed to the boards of the Philharmonic of Southern New Jersey and Covenant House Pennsylvania, adding to her already extensive list of community memberships. Sanderson-Braem received her B.S. from Pennsylvania State University and her J.D. from Rutgers University School

of Law - Camden.

If you have received a professional designation, been promoted or received a civic or business award and would like to be included in this section please send the information to Abby Murray at efpcsnjmbrsvcs@bowermanagementservices.com

EFPC First Annual Elder Care Legal Forum Vendor Showcase











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EFPC First Annual Elder Care Legal Forum Dinner and Speaker Presentations











thank everyone who made the First Annual Elder Care Legal Forum a Success. We look forward to seeing you all again at the second annual event in 2015!



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ESTATE & FINANCIAL PLANNING COUNCIL OF SOUTERN NEW JERSEY SAVE THE DATE FOR THE

2014 INSTALLATION OF OFFICERS AND MEMBER AWARDS DINNER



DATE:

THURSDAY, JUNE 5, 2014 LOCATION:

ALOFT

558 FELLOWSHIP ROAD MOUNT LAUREL, NJ 08054

TIME:

6:00 PM—9:00 PM

Come and celebrate the past year while we install the new officers of the EFPC of SNJ.

You do not want to miss this opportunity to reconnect with old friends and make new friends over cocktails and dinner.

Cocktails will be at 6:00 pm followed by the Installation and Awards Dinner at 7:00 pm.

Additional Information will be provided via email and on the EFPCSNJ website in the near future.

EFPCSNJ MEMBERS ARE INVITED TO ATTEND THE COMMUNITY FOUNDATION OF SOUTH JERSEY 2ND ANNUAL PROFESSIONAL ADVISOR SEMINAR: CHARITABLE PLANNING IN 2014

An educational event for professional advisors presented in partnership with the Estate and Financial Planners Council of Southern New Jersey.

When:

Where: Automotive Resources International (ARI)
4001 Leadenhall Road
Mount Laurel, NJ 08054

Meeting Overview:

What are the greatest opportunities and obstacles facing professional advisors in serving clients with substantial charitable intent? A slate of experts in charitable giving strategies, techniques, and taxes will present on:

- Obstacles to assuring that your client's intent is followed when making a major gift to their favorite charity;
- How to work with a philanthropic advisor for a team approach to your client's charitable planning needs.

This seminar has been submitted for CPE, CFP, CLE credit.

The Community Foundation of South Jersey is affiliated with the Community Foundation of New Jersey. For Additional Information please visit www.communityfoundationsj.org

MEETING REGISTRATION FORM AN OVERVIEW OF BUY/SELL AGREEMENTS

Date: Thursday, March 20, 2014
Location: The Mansion, 3000 Main Street, Voorhees, NJ
Speakers: Gary DeVicci, CFP, MSFS & Michael A. Kulzer, J.D., LL.M.

This presentation will cover establishing values for federal estate tax purposes, New Jersey inheritance tax purposes and NJ estate tax purposes. The income tax consequences to the estate and estate beneficiaries resulting from the acquisition of stock from an estate, the use of buy/sell agreements as funding a mechanism to pay estate taxes and the use of buy/sell agreements to transfer ownership to the next generation.

The use of life insurance to fund a buy/sell agreement will also be covered.

Other items to be covered:

Primary Business Documents of a Buy/Sell Agreement
Estate Planning Benefits and the Basic elements of Buy/Sell Agreements
The Buy/Sell Format
Business Issues
Funding Mechanism
Income Taxation of C-Corporation Reductions
Income Taxation of C-Corporation Cross-Purchase Agreements
S-Corporation Buy/Sell Agreements
Income Taxation of Sales Under Partnership and LLC Buy/Sell Agreements
Estate and Gift Tax Consequences of Buy/Sell Agreements

This Meeting is generously being sponsored by:







We have applied for this meeting to qualify for the following CE credits: 1.0 CPE credit (for CPAs), 1.0 CFP credits,
PA CLE credits, NJ CLE credits

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January Elder Care Legal Forum Registration Form

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 - ~ You will be the only sponsor at the event.
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 - ~ Attendance for 2 at the event.
- ~ Display of materials promoting your firm.
 - ~ Verbal recognition at the event.
 - ~ Multiple sponsors for the event
- Honorary membership in the Council for current membership year.

For more information contact Tim Bower at EFPCSNJ@mail.com

Print.

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Tim Bower, CAE

Executive Director

PO Box 460

Collingswood, NJ 08108

Phone: 856-795-0551 Fax: 856-210-1619

Estate & Fiancial Planning Council of Southern New Jersey

Membership Application

Apply online at www.EFPCSNJ.org

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Company:		
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Signature of Member:		
Membership cost: \$150 per year. You can also www.efpcsnj.org. Corporate membership is av		application online at

ESTATE & FINANCIAL PLANNING COUNCIL OF SOUTERN NEW JERSEY

Member Get - A - Member Contest

EFPCSNJ is announcing a great opportunity to get involved in the organization and help all of the members and meeting attendees become more successful. As you know, one of the most important benefits of EFPCSNJ is networking with other professionals that work in the same industry as you do. By increasing membership we will increase the opportunity for networking and that will help everyone increase their professional circle. Increased membership and meeting attendance will help in the sharing of industry best practices as well as increase the potential for business referrals.

Please Help EFPCSNJ Grow!!!

HERE'S HOW

EFPCSNJ will be running a contest now through April 30, 2014. Any current EFPCSNJ member that recruits a new member will receive complimentary attendance at a future educational event in the 2013-2014 program year. The EFPCSNJ member who recruits the most new members will receive 2 complimentary tickets to the Installation and Awards Dinner where they will receive an award.

The process is simple:

- 1. Discuss EFPCSNJ and the great benefits you receive from being a member with your professional colleagues that meet the membership criteria (Trust Officers, Chartered Life Underwriters, Attorneys, CPAs, CFPs, CFCs and other qualified professionals who are primarily involved in the financial planning process).
- 2. Once they are ready to join they simply need to go to www.efpcsnj.org and select "Application Form" on the left hand menu.
- 3. They will need to complete the form and make sure to put that they are recommended by you for membership at the bottom of the online form.
- 4. Once the application is received it will be reviewed and the EFPCSNJ Office will get back to them regarding the status of their application.

Please help EFPCSNJ grow so we can continue to help all of our members prosper.

Some information about EFPCSNJ:

The Estate and Financial Planning Council of Southern New Jersey (EFPCSNJ) was established in 1975 and serves our members by providing educational and networking opportunities throughout the year. Our members are Trust Officers, Chartered Life Underwriters, Estate Attorneys, CPAs, CFPs, Chartered Financial Consultants and other qualified professionals who are involved in the estate and financial planning process. We have approximately 125 members that service clients in the NJ counties of Camden, Burlington, Atlantic, Cumberland, Ocean, Salem and Cape May. Being a part of this group provides you educational opportunities, networking events and the ability to get continuing education credits of you are a CFP, CPA or lawyer registered in NJ or PA.

EFPCSNJ holds 5 educational events per year and has an annual Installation and Awards Dinner. The educational events are held in September, November, January, March and May and the dinner is usually held in early June. For a complete listing of events please visit www.efpcsnj.org.

-For more information on the Member-Get-a-Member Contest please call Abby Murray at 856-795-0551 or contact her by email at efpcsnjmbrsvcs@bowermanagementservices.com.

Tim Bower, CAE

Executive Director

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Estate & Fiancial Planning Council of Southern New Jersey

www.EFPCSNJ,org

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Call for Articles

Please consider submitting an article for inclusion in future newsletter issues. We are now seeking articles for the EFPCSNJ newsletters.

Articles should be between 1,200 and 2,000 words

which is usually three to six typed pages.

Submissions should be sent as a word document to Abby Murray at efpcsnjmbrsvcs@bowermanagementservices.com.

This is a great way to get involved with EFPCSNJ and to share knowledge and information with the rest of the members.

To view recent newsletters please visit the EFPCSNJ website (www.efpcsnj.org) and go to Documents.