

# Common Estate Planning Mistakes to Avoid in South Florida

## The Levy Firm PLLC can help prevent costly mistakes in your legal plans

In South Florida, estate planning is a high-stakes affair, where the smallest oversight can have significant consequences. From drafting wills to ensuring healthcare directives, the process demands precision. Yet, despite its importance, common mistakes often occur due to lack of knowledge, failure to update plans, or reliance on DIY solutions.

Consulting with an experienced Florida estate planning attorney can help avoid these mistakes by ensuring the proper execution of legal documents tailored to individual needs and goals. But it takes the right lawyer with an understanding of estate planning pitfalls to establish an estate plan that clearly and authoritatively communicates an individual's wishes.

### Watch out for these estate planning pitfalls in Florida

Estate planning in Florida involves arranging the distribution of assets and management of affairs after death or incapacity, with careful attention to tax implications. Components of an estate plan in South Florida typically include a last will and testament, trust, advanced health care directives, power of attorney, as well as beneficiary and guardianship designations. These legal documents require careful attention to avoid costly mistakes. Here are some common errors to avoid:

- **Not having a will or estate plan.** Failing to create a will or comprehensive estate plan can lead to distribution of assets according to state laws, potentially not aligning with your wishes.
- **Ignoring Florida-specific laws.** Florida has unique rules regarding homestead property and inheritance rights for spouses and children. Not considering these laws can lead to unintended consequences.
- **Failure to update plans.** Life changes like marriage, divorce, or financial shifts require updates to your estate plan. Neglecting this can render your plan outdated.
- **Overlooking beneficiary designations.** Assets like retirement accounts pass directly to beneficiaries. Not updating these designations can cause disputes among heirs.
- **Not planning for incapacity.** Establishing powers of attorney for healthcare and finances is crucial for managing incapacity. Florida allows you to appoint a healthcare surrogate and durable power of attorney.
- **DIY estate planning.** Online templates may seem convenient, but DIY planning can be risky. It's best to consult with an experienced estate planning attorney to ensure legality and effectiveness.

- **Neglecting tax implications.** Federal estate tax laws still apply in Florida. Failing to implement tax planning strategies could result in unnecessary tax liabilities for your estate.

An experienced Florida estate planning and probate lawyer can help individuals avoid legal problems by drafting tailored official documents.

## **What happens when estate plans include errors, omissions, and ambiguities**

When errors occur in Florida estate plans, the consequences can vary depending on the nature and severity of the mistake. Minor errors may require amendments or revisions to the estate plan to rectify the issue. Some small mistakes can be corrected.

Large, significant errors, however, could result in legal disputes, delays in the distribution of assets, and increased costs associated with probate or litigation. In some cases, errors may render portions of the estate plan invalid or unenforceable, leading to unintended outcomes for beneficiaries.

Disputes related to estate plans in Florida are handled in probate court. Probate court oversees the administration of a deceased person's estate, including the distribution of assets, resolution of creditor claims, and addressing any disputes that arise among beneficiaries or other interested parties. Common disputes that may be litigated in probate court include:

- Challenges to the validity of a will
- Disputes over asset distribution
- Claims of undue influence or incapacity
- Disagreements regarding the interpretation of estate planning documents

To address errors and mitigate potential consequences before they happen, it is highly recommended that individuals seek legal guidance from an experienced estate planning attorney.

## **Not just any lawyer can draft a solid estate plan**

Consulting with an estate planning attorney ensures legal documents are properly executed and tailored to individual needs and goals. However, not every lawyer is up to the task.

A lawyer who is not familiar with estate planning could make mistakes, including inadequate drafting of legal documents, failure to consider individual circumstances, lack of updates for changes, and poor communication. These errors can lead to ineffective planning and potential legal complications down the line for the individual as well as their loved ones.

## **Finding the right estate planning lawyer in South Florida**

Individuals seeking to draft estate plans must find the right lawyer for their circumstances. Many estate planning attorneys offer free consultations. This is an opportunity for the lawyer to assess a potential client's needs and for an individual to see if the lawyer is a good fit for them. Ideally, an estate planning lawyer should be personable, knowledgeable, easy to talk to, and meticulous in their attention to legal detail and keeping documents up to date.

Here are some questions to ask a lawyer to determine if they are the right fit for your estate planning needs:

- How long have you been practicing estate planning law?
- What percentage of your practice is dedicated to estate planning?
- Have you worked with estates like mine before?
- Can you provide references from previous estate planning clients?
- What is your approach to estate planning, and how do you tailor plans to individual client needs?
- How do you stay updated on changes in estate planning laws and regulations?
- What is your communication style, and how accessible are you to clients?
- Can you walk me through the estate planning process, from initial consultation to implementation?
- Are you able to provide ongoing support and guidance for my estate planning needs?

These questions can help an individual assess a lawyer's experience, expertise, communication style, and approach to estate planning, ensuring they are the right fit for their specific needs and goals.

### **Compassionate, thorough estate planning legal services in Fort Lauderdale**

By finding the right lawyer and avoiding common estate planning pitfalls, you can create an effective estate plan that protects your loved ones and ensures your wishes are carried out. At The Levy Firm PLLC in Fort Lauderdale, FL, we have more than 10 years of experience serving clients throughout the Tri-County Area and South Florida. Our holistic approach to comprehensive estate planning aims to protect your rights and ensure your end-of-life decisions are carried out smoothly, effectively, and just the way you want them to be.

If you are interested in establishing, updating, or amending your estate plan, contact us for a confidential, free consultation.