

Chambliss Estate Planning Newsletter – July 2024

Section 1.01 The Truth About Probate: Turning Fear Into Confidence

By: [Rebecca Miller](#)

Avoiding probate is a goal frequently stated by our estate planning clients. When “probate” is mentioned, it conjures images of conflict, time-consuming legal battles, exorbitant fees, and endless headaches. Clients may also be concerned about the lack of privacy in the probate process because probate proceedings are a matter of public record.

However, a comprehensive estate plan should be crafted and tailored to accomplish a wide range of objectives based on each client’s situation. Keep in mind, the probate process may be necessary as part of an estate plan, due to a lack of planning or other reasons.

Is probate really all that scary? Contrary to popular belief, probate doesn’t have to be a dreaded experience. In fact, understanding the probate process can demystify it and empower individuals to navigate it more smoothly, putting them in control.

Understanding Probate

Probate is the legal process through which a deceased person’s assets are distributed to their beneficiaries and heirs. The procedures can vary based on state law and the complexity of the estate. Still, it typically involves validating the deceased person’s will (if they had one), identifying and inventorying the assets, paying off debts and taxes, and distributing the remaining assets according to the will or state law. The process can take as little as several months or as long as a year or more to complete.

Advantages of Probate

Despite the potential drawbacks, probate offers several advantages:

- **Legal Oversight:** Probate provides a structured legal process for the orderly distribution of assets. Probate can help prevent disputes and ensure the deceased person’s wishes are carried out according to the law.
- **Asset Protection:** Probate is a shield that can protect a deceased person’s property from being taken or used by unauthorized people, providing a sense of security and protection.
- **Creditor Protection:** Probate provides a mechanism for identifying and paying off the deceased person’s debts and taxes before distributing assets to beneficiaries. This provides finality for the deceased person’s affairs.
- **Clear Transfer of Title:** Probate provides a clear legal mechanism for transferring title to real estate and other assets to beneficiaries, which can prevent future ownership disputes.
- **Resolving Disagreements:** Probate can allow potential heirs or beneficiaries a chance to ask the court to resolve disagreements.
- **Finality:** When the probate process is complete, the distribution of assets is final, providing closure for beneficiaries and allowing them to move forward with their lives.

At first glance, the probate process may seem intimidating, but with proper planning and guidance, it can be manageable and even beneficial. Probate ensures the orderly transfer of assets to loved ones. Individuals can alleviate the stress and uncertainty associated with probate by understanding it and seeking professional advice. The Chambliss team has the experience and knowledge to guide clients in probate matters and turn what may seem like

a daunting task into a more straightforward one. If you have any questions or would like additional assistance navigating the probate process, please contact [Rebecca Miller](#) or another member of our [estate planning team](#).

Estate Planning Resources

[Impairment-Related Work Expenses and Disability Benefits](#)

Social Security Disability Insurance and Supplemental Security Income are two federal disability benefits programs that provide monetary assistance for people with disabilities. Both programs allow recipients who work to deduct certain work-related expenses from their countable income. This can make it easier to qualify for benefits or, in the case of SSI, to receive a larger payment...

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[The Costs of the Rising Cost of Long-Term Care](#)

Do you have a family member who is receiving some form of long-term care? If you don't, the chances are good that someday you will — and that day may not be too far away. As the U.S. population ages and life expectancies increase, the need for long-term care is becoming an important consideration for many individuals and families...

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[Understanding Medicaid: What Does Medicaid Cover?](#)

In the complex and frequently changing landscape of health care in the United States, Medicaid stands out as a vital program. Since 1965, it has provided essential coverage to millions of low-income individuals and families. Alongside Medicare, Medicaid serves as a lifeline for those who may otherwise struggle to afford health care services...

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Upcoming Events

[Catalyst Sports Adaptive Mountain Biking](#)

Where: Lula Lake Core Preserve and Durham Mine Trails | **When:** July 13 and 14, 2024

The Catalyst Sports Adaptive Mountain Biking program in Chattanooga will eliminate the physical and financial barriers to provide the necessary equipment, training, and support for people with physical disabilities to access the mountains and trails in their backyards. This program will allow individuals to leave their wheelchairs, walkers, crutches, or any other mobility limitation behind to experience the thrill of mountain biking for the first time or to continue developing their skills. To register, visit the [Catalyst Sports](#) website.

[DSCGC Annual Pool Party](#)

Where: Warner Park Pool | **When:** July 14, 2024

Enjoy pools, a splash pad, popsicles, and incredible friends, both old and new. This free event is open only to people

with Down syndrome and their immediate families. For more information, please email info@chattanooga Downs Syndrome.org.

Scenic City Adaptive Cycling

Where: Tennessee Riverpark | When: July 22, 2024

This is an adaptive cycling program for individuals with disabilities. Hand cycles, tandem bikes, and three-wheeled bikes are available. Outdoor Chattanooga will bring their bike fleet for additional support and traditional bikes are also available to check out. For more information or to sign up, please contact Elaine at eadams@chattanooga.gov or call 423-643-6607.

SPARC Water Ski Day

Where: First Lutheran Church Camp | When: August 3, 2024

SPARC Water Ski Day is a safe and fun-filled day for the whole family. Individuals with disabilities and their family members get a chance to experience adaptive water skiing and kayaking, as well as tubing, boat rides, and other lake activities. Participation is limited to pre-registration only; there will be no same-day registration for this event. To sign up, email SPARC at sparc@sparcctn.org.

Also Check Out

Hamilton County Health Department Announces the Implementation of “HealthMatters™,” Becoming the First Health Department in the State to Launch the Program

The Hamilton County Health Department announces the successful implementation of “HealthMatters™,” becoming the first health department in the state to launch the program. [HealthMatters™](#) is an evidence-based, 12-week healthy lifestyle course for individuals with intellectual and/or developmental disabilities.

\$450,000 in Funding Lined Up for Harvesting Inclusive Playground

Harvesting Inclusive Playground has received \$450,000 in funding commitments from the City of Chattanooga, Hamilton County, and the State of Tennessee. In total, the playground has reached \$1.1 million of committed funding, more than halfway to the \$2 million target. The inclusive playground will be at Jack Benson Heritage Park on Jenkins Road.