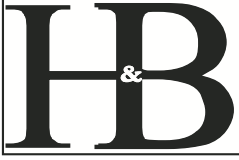




September
October
2010

PARTNERS IN PLANNING



FRIENDS FOR LIFE

THE LAW OFFICES OF
HOYT & BRYAN, LLC



Peggy R. Hoyt, J.D., M.B.A., B.C.S. † ‡
Randy C. Bryan, J.D., B.C.S. † ‡

†Board Certified in Elder Law
‡Board Certified in Wills, Trusts & Estates
*Certified Legacy Advisor™

HOYT & BRYAN, LLC
TEAM MEMBERS

Sarah S. AuMiller, J.D.
Associate Attorney

Benjamin R. Hunter, J.D.
Pending Associate Attorney

Patricia Mantanona
Settlement & Guardianship
Paralegal
Real Estate Paralegal

Halie Kasprzak
Estate and Medicaid
Planning Assistant

Kendra Lane Ferreri
Client Development
Coordinator

Tiffany Metz
Client Communications
Coordinator

Adrienne Teaster
Legal Assistant

Shruti Patel
Legal Assistant

Pam Fore
Office Assistant

Brandie Copperthite
Bookkeeper

Descent of Homestead: The New Election of the Surviving Spouse

The Florida Constitution and Florida law term certain property "homestead" property. Homestead property is provided special treatment under the law. One area of special treatment involves the descent of homestead property titled solely in the name of one spouse. A recent change in this area now provides the surviving spouse with options for dealing with the descent of homestead property.

For example: Henry and Wanda have been married for 20 years. Henry has two adult children, Billy and Kathy, from a previous marriage. Their permanent residence in Orange County, Florida, where they have lived for the past 20 years, is titled solely in Henry's name. Henry dies without a valid Last Will. What happens to the property?

Under former law, upon Henry's death, Wanda would receive a life estate in the homestead property; Billy and Kathy would receive the remainder interest in fee simple. Unfortunately, if Wanda wanted to sell the property and move away, she would first have to get the consent of Billy and Kathy. This transaction can be especially difficult when dealing with step-children or estranged children. Even if consents were given by Billy and Kelly, Wanda would only receive the proceeds from the sale representative of her life expectancy. Life tenants, however, have the responsibility to properly maintain the property, which includes paying the taxes and assessments, the mortgage interest, and possibly even the mortgage principal. On the up side, Billy and Kathy would not be able to oust Wanda from the property during her lifetime.

Recent changes in the law give Wanda new options. Now, at Henry's death, rather than a life estate in the homestead property as provided above, Wanda may elect an undivided one-half interest in the property as a tenant in common with Billy and Kathy, who will share the remaining one-half interest. Each tenant has a percentage interest in the property and share in all costs equally. Each can sell, transfer or devise their interest without consent. On the down side, Billy and Kathy, could petition the court to partition the property and institute a forced sale.

Effective October 1, 2010, Florida law will provide a surviving spouse with options for how to receive an interest in homestead property. These options arise when prior proper planning has not taken place. If you have questions about homestead property, please contact our office for more information.

UPCOMING SPECIALTY WORKSHOPS

PLANNING FOR YOUR PETS
September 8, 2010 at 6:00 p.m.

A PICTURES IS WORTH A THOUSAND WORDS
September 21, 2010 at 6:00 p.m.

SPECIAL PEOPLE, SPECIAL PLANNING
November 4, 2010 at 6:00 p.m.

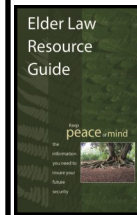
WHAT TO DO WHEN SOMEONE DIES
November 30, 2010 at 6:00 p.m.

For more information or to RSVP,
please call 407-977-8080
or info@HoytBryan.com

H&B NEWS

*Hoyt & Bryan, LLC
Elder Law
Resource Guide
is now available!*

*Stop by our office or contact us
at 407-977-8080 for a copy.*



- Planning Checklists
- Professional Listings
- Housing Options
- Health Information
- Local Services
- Government Services

AND MORE...

UPCOMING EDUCATIONAL WORKSHOPS & EVENTS

SEPTEMBER

Office Closed - Labor Day
Monday, September 6, 2010

Truth About Medicaid Planning
Wed., September 1, 2010 at 9:30 a.m.

Advisor Lunch & Learn
Legislative Update
Tuesday, September 7, 2010 at 12:00 p.m.

Planning For Your Pets
Wed., September 8, 2010 at 6:00 p.m.

Truth About Estate Planning
Tuesday, September 14, 2010 at 9:30 a.m.
Thursday, September 30, 2010 at 6:00 p.m.

A Pictures Worth A Thousand Words
Tuesday, September 21, 2010 at 6:00 p.m.

OCTOBER

Office Closed - Columbus Day
Monday, October 11, 2010

Advisor Lunch & Learn
Tuesday, October 5, 2010 at 12:00 p.m.

Truth About Medicaid Planning
Wednesday, October 6, 2010 at 9:30 a.m.

Truth About Estate Planning
Thursday, October 14, 2010 at 9:30 a.m.
Tuesday, October 26, 2010 at 6:00 p.m.

Alzheimer's Association Memory Walk
Saturday, October 30, 2010 at Lake Eola

NOVEMBER

Office Closed - Thanksgiving
November 25-26, 2010

Advisor Lunch & Learn
Tuesday, November 2, 2010 at 12:00 p.m.

Truth About Medicaid Planning
Wed., November 3, 2010 at 9:30 a.m.

Truth About Estate Planning
Tuesday, November 9, 2010 at 6:00 p.m.
Thursday, November 18, 2010 at 9:30 a.m.

Opportunities In Estate Planning
November 11-12, 2010
16hrs CE, CPE, CFP Credits

What To Do When Someone Dies
Tuesday, November 30, 2010 at 6:00 p.m.

Special People, Special Planning
Thursday, November 4, 2010 at 6:00 p.m.

All public workshops are complimentary and are held in our Learning Center.
To RSVP please call 407-977-8080 or visit www.HoytBryan.com for more information.

Peanut Butter Pumpkins



- 1 2/3 cups peanut butter chips
- 16 oz vanilla frosting
- 1/4 teaspoon orange paste icing color (not liquid food color)
- 12 small pretzel sticks, broken into 1/2-inch pieces

1. Line cookie sheet with waxed paper. In 2-quart saucepan, melt peanut butter chips over low heat, stirring constantly, until smooth. Remove from heat. Stir in frosting and icing color until well blended. Refrigerate until cool enough to handle, about 1 hour.

2. Shape mixture into 1 1/4-inch balls; flatten slightly. Use edge of rubber spatula to make grooves in each ball to resemble pumpkin. Press 1 pretzel piece into top of each for stem; place on cookie sheet. Refrigerate at least 1 hour before serving.



Saturday, October 30, 2010
Lake Eola Park
Downtown Orlando

Registration: 8:00 a.m. ~ Walk begins: 9:00 a.m.

The Alzheimer's Association Memory Walk® is the nation's largest event to raise awareness and funds for Alzheimer care, support and research – and it calls on volunteers of all ages to become champions in the fight against this fatal disease. Since 1989, Memory Walk has raised more than \$230 million for our cause. By joining Memory Walk, you'll be walking with a purpose – and MOVING us ever closer to a world without Alzheimer's.

Our team at Hoyt & Bryan has participated in the Alzheimer's Association Memory Walk® for the past 9 years. If you would like to join our team and walk with us or simply make a donation, please call 407-977-8080 or visit <http://mworlando2010.kintera.org>. We would like to thank those of you who continue to support our efforts in walking for a cure.

To Sign –Up or Donate, please visit:
www.alz.org/memorywalk