



LIVING TRUST SECRETS

BY ROCHESTER LAW CENTER

**THE MICHIGAN ESTATE
PLANNING ATTORNEYS**

LIVING TRUST SECRETS

The Complete Guide To The Benefits Of A Living Trust In Michigan That Online Do-It-Yourself "Will" Factories Don't Want You To Know...



How To Avoid A Long And Stressful Probate Court Process So You Can Quickly, Easily, And Privately Give Your Money, Legacy, And Property To Your Family After You Pass Away

A NOTE FROM THE AUTHOR

Thank you for making the choice to download your copy of Living Trust Secrets. Feel confident knowing that you've made the right decision! Every year, 1,000s of people just like you reach out to ask me these questions:

What happens to my family and property if I pass away unexpectedly?

And, more importantly, what can I do to protect them?

If you've ever asked these questions - you're in the right place - and you're not alone! You might be surprised to learn how many other Michigan families have gone through the exact same stressful and time-consuming process of scouring the internet, attending seminars, and calling various offices just to find the answers contained in this guide.

The good news is that there are answers, and that there is a path for you.

By getting this guide, you've taken the first of several steps you need to make sure that your family is protected if anything happens to you.

You could have ignored this information and kept on sifting through all the random, confusing, and oftentimes contradictory information available for you online.

Instead, you now have a comprehensive resource about how to protect your family when you pass.

This comprehensive guide is based on Michigan law, so you know the information you are getting is accurate in the State of Michigan. Inside, you will find useful insights into Estate Planning and the benefits of a Living Trust in Michigan - all in one place, in a quick to read - easy to understand guide, written in plain English instead of confusing legal jargon - so you won't need a law degree to understand how to protect your family's future.

I hope that you will be able to use this guide to secure the peace of mind that comes with knowing your family is protected.

Once you're done, please feel free to call me anytime at (248) 613-0007 to discuss your Estate Planning goals, and what I can do to help you achieve them.

My hope is that you will look to me for help when you need it. I'm excited to serve you.

Sincerely,

Chris Atallah

**Founder and Managing Partner
Rochester Law Center,
PLLC**

ABOUT THE AUTHOR



Chris Atallah is a licensed Michigan Attorney focusing his practice on Wills, Trusts, and comprehensive Estate Planning for Michigan families. He is the Founder and Managing Partner of the Rochester Law Center, PLLC.

Over the past decade, Chris has helped 1,000s of Michigan families and businesses secure their futures in all matters of Wills, Trusts, and Estate Plans. He has taught dozens of seminars across the State on such topics as avoiding the death tax, protecting minor children after the parents' death, and preserving family wealth from the courts and accidental disinheritance.

If you have any questions after you read our guide, please feel free to give us a call to schedule a complimentary initial consultation.

Call us today at (248) 613-0007

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DO YOU NEED A LIVING TRUST?

If You Already Have A Will?

Even though a Last Will and Testament, also known as a Will, is a very common and useful Estate Planning tool, it may not be enough to protect your family and your assets. That's because a Will does not avoid Probate Court after you die. **A Will is actually your ticket to Probate Court.** That's because the Probate Court must validate your Will before your assets can be distributed to your heirs in the form of an inheritance. This process can take months, and even years in some cases.



Additionally, a Will only goes into effect after you die. As a result, a Will does not provide any protection from situations where you may become physically or mentally incapacitated and unable to communicate before you die.

If you don't have the proper Estate Planning documents in place, your family may need to petition the court just to manage your financial and medical affairs.

This is a major concern for many families when planning their estate.

Luckily, a Living Trust is an easy, popular, and proven alternative to a Will that can help you avoid Probate Court, keep control of your assets - even after you die, and protect you and your family in case you become incapacitated.

What Is Probate Court?

Probate is the legal process in which the court ensures that all of your debts are paid off and your assets are distributed to your loved ones named in your Will after you die. If you don't have a Will in place when you pass away, your estate will be considered intestate and your assets will be distributed according to state law.

What Makes Probate So Difficult For Your Loved Ones?

- > **Probate can be expensive.** Legal fees, executor fees, inventory fees (county taxes), and other costs have to be paid before your assets can be fully distributed to your heirs. If you own property in other states, your family could face multiple Probates, each one according to the laws in that state. These costs can vary widely, but we've had clients who had to pay tens of thousands of dollars throughout the Probate process. In general, Probate is much, much more expensive than doing some simple Estate Planning in advance.
- > **Probate can take a long time.** In Michigan, the standard Probate process takes a minimum of 5 months to complete. However, over the past decade we've experienced that it generally takes 9 months to 1 year to resolve simple cases - and several years for contested cases. We once represented a client whose Probate lasted for 8 years.
- > **Probate is public. Your family has little privacy in Probate Court.** Probate is a public process, so anyone can see the size of your estate, who you owed debts to, who will receive your assets, and when they will receive them. The process invites upset heirs to contest your Will and can expose your family to lawsuits from greedy creditors and potential fraudsters.

How To Prevent Court Interference If You Become Incapacitated

It's a common misconception that Estate Planning only plans for death. Comprehensive Estate Planning also plans for situations where you may become incapacitated and unable to manage your own financial and medical affairs. Becoming incapacitated prior to passing away is very common, which makes it a concern for many people when planning their estate.

Unfortunately, if you can't manage your financial and medical decisions due to incapacity, your family will need to petition the court to sign for and make decisions on your behalf.

This can be a really difficult and time-consuming situation for your loved ones to deal with during a crisis, especially if they need access to your assets and finances to survive. Additionally, your family will still need to go through Probate Court after your death. This means they could be dealing with the courtsystem for a very long time.

**Find Out If Your Family, Money, And Property
Are At Risk Of Probate**

Take The Probate Risk Assessment

Just visit...

<https://rochesterlawcenter.com/probate-risk-assessment/>

How To Avoid A Long, Stressful & Expensive **PROBATE COURT PROCESS**



What Is A Living Trust And What Are Its Benefits?

A Living Trust, also known as a Revocable Living Trust, is one of the best methods for passing your money, property, and assets to your loved ones after you pass away.

That's because unlike a Will, a Living Trust avoids the long, stressful, and expensive Probate Court process. A Living Trust is one of the most popular Estate Planning documents because of the combination of flexibility and protection it provides.

Think of your Living Trust as the backbone of your Estate Plan.

This is why it's called a "Trust-Based Estate Plan".

7 Benefits Of A Trust-Based Estate Plan Include:

- > Efficiently pass your money and property to the next generation
- > Avoid the long, stressful, and expensive Probate Court process
- > Keep your finances and the transfer of your assets private
- > Maintain control of your finances after you pass away
- > Protect your family and assets in case you become incapacitated
- > Name someone you trust to distribute your assets after you pass away
- > Change or revoke the document at any point during your lifetime.

Usually a Trust-Based Estate Plan is drafted as a substitute to a Last Will and Testament. That's because it provides more robust protection and benefits for the drafter and their family such as Probate avoidance, added privacy, and incapacity planning. A little later in this guide, we will talk about the 5 major Estate Planning goals and how a Living Trust can help you achieve them. But first, let's talk about who should have a Living Trust...

Who Should Have A Trust-Based Estate Plan?

If you own titled assets, such as a house, and you want your family to avoid inference from the court system after your death or incapacity, you should consider a Trust-Based Estate Plan.

Typical financial and family situations that significantly benefit from a Trust include:

- > Owning a house or real estate
- > Owning a business
- > Having assets in investments, bank accounts, or retirement plans
- > Having children or grandchildren
- > Being married, but haven't Estate Planned since your wedding
- > Being divorced, but haven't Estate Planned since the divorce
- > Having precious family heirlooms

Will vs Trust - The Advantages Of A Trust-Based Estate Plan

If you are debating between a Living Trust vs Will, don't worry, you are not the only person. These are two of the most common documents people use as the cornerstone of their Estate Plan. While these documents have similarities, they also have a wide variety of differences that could potentially impact how your family receives your assets and whether or not you will have protection in place if you were to become incapacitated. In this section, we will discuss the advantages of a Trust-Based Estate Plan vs a Will.

- > **Avoid Probate Court.** One of the major advantages of a Living Trust over a Last Will and Testament is that a Living Trust avoids Probate Court, but a Will does not. In fact, a Will is actually your ticket to Probate. That is because a Will must go through Probate before your money and property can be distributed to your family members.

Because Probate is public, the contents of your Will are made public. This can increase the likelihood that someone can contest your Will. In general, Probate is a long, stressful, and expensive process, especially if your Will is contested. This can delay your family from receiving your assets for months, even years. In general, Probate can be difficult to endure during a time of mourning.

A Living Trust, on the other hand, allows your family to avoid the Probate Court process. The transfer of your assets takes place privately and can occur within days or weeks after your death instead of months or years. Additionally, only the individuals named in the Trust have a right to know what the Trust contains. This makes it much less likely that a greedy family member will contest the Trust. Overall, a Living Trust is a faster and more effective way to make sure your family receives your assets.

- > **Planning for Incapacity.** Unlike a Last Will and Testament, a Living Trust allows you to plan for incapacity. That's because a Living Trust comes into effect the moment it is signed and funded. A Will on the other hand only takes effect after you die. It is very common for people to become incapacitated before they die. When most people think about Estate Planning, they only think about planning for death. But comprehensive Estate Planning also plans for situations where you may not be able to make your own financial and medical decisions. A Living Trust helps you with this because you will name a Successor Trustee. If you die or become incapacitated, your Successor Trustee will step in to make sure that your assets are being managed properly. As a result, you want to pick someone you trust who can handle this large responsibility. Additionally, we often combine a Living Trust with a Medical and Financial Power of Attorney as part of a Trust-Based Estate Plan.

- > **Maintain Control of Your Finances.** Some people wish to maintain control over their finances after they pass away. An advantage of a Living Trust is that it allows you to do so. In some circumstances, people are planning for a family member with special needs, so they need to control what happens to their finances after they die to avoid disqualifying their loved one from benefits. In other circumstances, they may have young children and want them to achieve a milestone such as graduating college or reaching a certain age before they receive a large inheritance. There are a variety of reasons people wish to control their finances after they die. A Trust-Based Estate Plan can help you with this.
- > **Maintain Your Privacy.** As we stated earlier, a Living Trust avoids Probate Court. Probate Court is a public process. As a result, when your Will goes through Probate, its contents become public. For a lot of people, this is less than ideal for a variety of reasons. An advantage of a Living Trust is that the transfer of your assets happens in private and only the people named in the Trust have a right to see its contents. If you want to maintain your privacy, a Trust-Based Estate Plan may be a good option for you.
- > **Avoid Estate Taxes.** Depending on the size of your estate, estate taxes may be a concern. A Living Trust can help you minimize these taxes so that you can preserve the value of your estate when passing it on to your loved ones. Also, it avoids having to pay the hefty "inventory fees" that the Probate Court assesses on your post-death assets.

In general, a Trust-Based Estate Plan is much more robust and provides you, your family, and your assets more protection than a Last Will and Testament.

Do you need a Will or Trust-Based Estate Plan?

Take The Will vs Trust Quiz

To Find Out In *Less Than 5 Minutes*

Just visit...

<https://rochesterlawcenter.com/will-vs-trust-quiz/>

5 MAJOR ESTATE PLANNING GOALS

& How A Living Trust Can Help You Achieve Them



Before creating a Trust-Based Estate Plan, you should clearly define your personal Estate Planning goals. Having clearly defined goals will help in your discussions with an experienced Estate Planning Attorney about what Estate Planning documents will be best for your unique situation. But what if you have never Estate Planned before? Where do you start and what goals should you have? In this section, we will cover 5 Estate Planning goals and the benefits a Trust-Based Estate Plan can help you achieve.

Goal #1

Financial Planning

Keep Control Of Your Investments So They Can Continue To Grow And Provide For Your Family

Benefits Of A Trust-Based Estate Plan

- Maintain control of your finances after you pass away so you can have peace of mind that your family is financially stable and protected.
- Appoint someone responsible that you trust to manage your money, property, and assets, and distribute them to your loved ones according to your wishes.
- Ensure that your family receives your money as fast as possible so that they have the ability to survive and pay for critical expenses like mortgage payments, medical expenses, funeral expenses, and outstanding debts.

Goal #2

Probate Avoidance and Inheritance Planning

Save Money And Time By Protecting Your Loved Ones From Probate Court

Benefits Of A Trust-Based Estate Plan

- Privately pass your assets to your family and avoid long, expensive, and stressful battles in Probate Court.
- Specifically document who you want to receive your assets to prevent your family from fighting over your money and tearing itself apart after you pass away.
- Have your assets distributed to your loved ones quickly and privately to prevent dishonest family members and creditors from coming after your money.

Goal #3

Wealth and Legacy Planning

Save Your Wealth From Death Taxes And Fees So You Can Keep Your Legacy Intact

Benefits Of A Trust-Based Estate Plan

- Preserve your family's wealth and legacy for future generations by avoiding estate taxes.
- Protect your life's work and keep your family's legacy intact by making sure your wealth and precious heirlooms remain in your family.

Goal #4

Child Protection Planning

Protect And Provide For Your Children Even After You're Gone

Benefits Of A Trust-Based Estate Plan

- Help your kids achieve their dreams like going to college or buying a home by providing for them financially, even if you aren't alive to lend a guiding hand yourself.
- Make sure that your kids reach a mature enough age or achieve a significant milestone like graduating college before receiving the responsibility of managing your lifetime accumulation of assets in the form of an inheritance.
- Protect your children and your money in case they have future problems with abusive spouses, creditors, drugs, alcohol, gambling, handling money or if they have special needs and require benefits.

Goal #5

Incapacity Planning

Get Peace Of Mind Knowing That Your Wishes Will Be Followed In A Medical Emergency

Benefits Of A Trust-Based Estate Plan

- Appoint a Successor Trustee who can step in to manage your money, property, and assets on your behalf in the event you become incapacitated and can't manage them yourself.
- Ensure that all of your financial and medical decisions will be taken care of in case you are no longer able to communicate by pairing your Living Trust with a Financial Power of Attorney, Medical Power of Attorney, and Living Will. This will ensure all of your financial and medical decisions will be taken care of in case you are no longer able to communicate.

Now that you have a better understanding of how a Trust-Based Estate Plan can help you achieve major Estate Planning goals, let's talk about how a Living Trust works.

To learn more about the Estate Planning process...

Watch This Free Online Seminar...

"Estate Planning For Michigan Families"

Just visit...

<https://rochesterlawcenter.com/estate-planning-seminar/>

How Does A Living Trust Work?

When you make a Living Trust, you are known as the Settlor/Grantor and you assign yourself as the Trustee. When setting up the Trust, you transfer your assets from your name into the name of the Trust. This is commonly known as Funding the Trust. This is an essential step because it is what allows your assets to transfer seamlessly to your family members so that they can avoid Probate Court after you pass away.

Because you are both the Settlor and Trustee, you will manage the Trust and all of the assets just like you do now. This means that if you want to add or remove an asset or Beneficiary, you can do so at any time.

Some of the most important people you will name in the Trust are your Beneficiaries. Your Beneficiaries are the people you choose to inherit your money and property after you pass away. Typically, this is a spouse, children, grand-children etc. You can also designate how much each Beneficiary will get and stipulate when they should receive their inheritance.

Lastly, you will name your Successor Trustee. This person will take over management of your Trust if you become incapacitated or die. They will also be responsible for settling your estate and distributing your assets to your Beneficiaries according to your wishes after you pass away.

This distribution of assets will take place privately instead of having to go through the public Probate Court process. This can allow your family to receive your assets in a matter of days or weeks after your passing instead of months, or potentially years, if they were to have to go through Probate.

What Happens When You Die With A Living Trust?

If you pass away with a Living Trust, it will be up to your Successor Trustee to settle your estate and distribute your assets to your loved ones according to your wishes. Here is a brief list of what your Successor Trustee will need to do in order to settle your estate:

- > Contact the Settlor/Grantor's family to notify them of his/her role as Successor Trustee
- > Identify and help execute any funeral instructions
- > Review the Trust and inventory the assets
- > Notify institutions of the Settlor/Grantor's death
- > Assemble a team of professionals to help settle the estate
- > Pay any outstanding bills and taxes
- > Distribute assets to the Beneficiaries of the Trust

As you can see, your Successor Trustee has a lot of responsibilities to take care of when you pass away. But they also have important responsibilities if you become incapacitated...

Who Steps In To Manage Your Assets In An Emergency Situation Like Becoming Incapacitated And Unresponsive?

If you and your spouse are Co-Trustees and you die or become incapacitated, your spouse can step-in to take control immediately. However, if something happens to both you and your spouse, your Successor Trustee will step in to manage your Trust and its assets. If you pass away, your Successor Trustee will manage the distribution of your assets to your Beneficiaries and settle your estate. If you recover from incapacity, you will regain control of the Trust.

What Assets Should Be Included In A Living Trust?

Usually it's best to include real estate, stocks, CDs, bank accounts, investments, insurance and other assets with titles. You will also want to include jewelry, clothes, art, furniture, or other assets in a one-page assignment.

What Assets SHOULD NOT Be Included In A Living Trust?

There are certain circumstances when assets shouldn't be put into your Trust due to potential tax ramifications. For example, retirement accounts like 401k, 403(b), IRAs, and qualified annuities often should be left out because of certain tax ramifications that may arise. You should consult with an attorney before making the decision to fund.

Irrevocable vs Revocable Living Trusts

The biggest difference between an Irrevocable and a Revocable Living Trust is flexibility. A Living Trust is revocable, which means it can be changed, dissolved, or "revoked" at any time in the future. People find this useful because they can make a change if their circumstances change in the future. For example, if you would like to add or remove assets or Beneficiaries from your Living Trust after it has been created, you can do so without a problem.

An Irrevocable Trust, on the other hand, is more permanent than a Revocable Trust because it can't be changed after it is created. Typically, you give up control of your assets by placing them in the name of the Trust and assigning a Third-Party Trustee to manage the assets. These types of Trusts are very complex, and they are only used in very specific situations, usually to avoid creditors or taxes.

When May An Irrevocable Trust Be Needed?

Special Needs Trust - A Special Needs Trust is a type of Irrevocable Trust that is created to protect the government benefits of a special needs family member like SSI, Medicaid, subsidized housing, and vocational rehab. Oftentimes, parents wish to leave behind an inheritance to supplement these government benefits to make sure their child has a comfortable life after the parents pass away. However, if an inheritance is given directly to the child, it could count as income and jeopardize the child's ability to get much needed government assistance. In order to avoid this, a special type of Irrevocable Trust is structured to keep the child's eligibility for government assistance intact.

Asset Protection Trust - Another type of popular Irrevocable Trust is an Asset Protection Trust. These types of Trusts are usually created by individuals with a substantial amount of wealth who are potential targets of lawsuits. For example, doctors who may be subject to malpractice claims, business owners, executives, high profile individuals like entertainers or celebrities, officers and directors of banks, and general partners in real estate deals. The way these Irrevocable Trusts are structured allows these individuals to protect their assets from creditors and lawsuits.

While these aren't the only two types of Irrevocable Trusts, they are some of the most common. In most cases, a Revocable Living Trust will be the right Estate Planning tool for you and your family. However, if you believe you need an Irrevocable Trust, it is best to consult with an experienced Estate Planning Attorney. Irrevocable Trusts are very complex, and they can't be changed after they are created. As a result, you need to make sure the Trust is structured properly in order for it to work according to plan without losing access to your assets.

Do You Still Need A Will If You Have A Living Trust?

A Living Trust is often combined with a "Pour Over Will" to make sure that all of your bases are covered. It acts like a "safety net". If you acquire new assets after your Living Trust was written - but you forget to place them into the name of your Trust, the "Pour Over Will" picks up those assets and gives them to the Trust to be managed according to its terms. This prevents these new assets from going to relatives that you did not intend to be Beneficiaries. If you don't have a "Pour Over Will" in place, the assets will be apportioned according to the laws of your state which may distribute the funds inconveniently or create issues for the family.

HOW TO SET UP A TRUST-BASED ESTATE PLAN IN

10 Simple Steps

Tomorrow is never guaranteed. So, to help you get you organized and started on creating your Trust-Based Estate Plan, we have included a really useful resource for you...

Estate Planning Info Kit and Checklist Included

With the Estate Planning Info Kit and Checklist, you can quickly and easily get organized and take the first step to a complete Estate Plan that will help you avoid Probate Court, save money on taxes and legal costs, and pass your legacy on to your loved ones.

What's inside?

A useful step-by-step guide designed to help you:

- Set your Estate Planning goals
- Inventory your estate so you know what you have to pass on to your loved ones
- Decide who you want to leave your assets to
- Determine who will manage your affairs if you die or become incapacitated
- Consider your medical and end-of-life care preferences
- Gather and organize the essential paperwork to Estate Plan
- Document your burial wishes



Just visit...

<https://rochesterlawcenter.com/estate-planning-info-kit/>

INTERESTED IN DRAFTING A TRUST-BASED ESTATE PLAN?

Save Money and Time By Protecting Your Family From Death Taxes and The Stress Of Probate

Trust-Based Estate Plans are complicated, so it's best to work with an experienced Estate Planning Attorney to make sure it is done properly. For over a decade, we've helped 1,000s of families Estate Plan.

If you are interested in drafting a Trust-Based Estate Plan - or, you think it might be for you but you have some additional questions about how a Trust would work in your unique situation - we'd like to offer a complimentary initial consultation with one of our experienced Estate Planning Attorneys as a thank you for downloading this guide.

This consultation is free of charge and there is no obligation to retain our services.

However, appointments are limited and they book up fast-*so, please book your consultation today.*

Book A Free Phone Call With An Experienced Estate Planning Attorney To Get Your Questions Answered

Free No-Obligation Quote Included

Just visit...

<https://rochesterlawcenter.com/estate-planning-consult/>

or call...

[\(248\) 613-0007](tel:(248)613-0007)

Tell our friendly receptionist that you are calling to book an Estate Planning consultation and she will get you scheduled and taken care of!

See What Others Are Saying About Working With Us!

"I had a great experience setting up my trust with Chris. He explained everything clearly and never made me feel rushed. I felt more like I was dealing with my family than with my lawyer. He has been very easy to work with and I couldn't be more happier that I selected him. Thank you for being so patient and understanding. You made this experience very easy for me and I respect that you are so passionate about what you do and who you help. I feel secure knowing your handling my Estate Planning and can't thank you enough." - **Jennifer M.**

"Had no idea how to do a will or trust, but Chris made the experience very easy. He was very helpful. He was very understanding and extremely easy to work with. He understood what we needed and walked us through step by step. I would definitely recommend him. Thanks Chris!" - **Kim L.**

"Chris has been great to work with! We are doing Estate Planning with him and he's been very accommodating to us. He has a great way of explaining the process and all that is entailed. I highly recommend Chris and the Rochester Law Center!" - **Jaime D.**

"I can not say how thankful I am for Chris. He was so very helpful and informative. He took his time with me, answered every question I had, and was just so kind. I would highly recommend him. Thank you again." - **Bryanna L.**

"Excellent working with Chris Atallah and The Rochester Law Center. Was prompt at answering questions, conveniently located in downtown Rochester, and he and his staff were courteous in every way. Highly recommended." - **Christopher B.**

"Great people to work with and they made the process very easy and understandable. Highly recommended!" - **Jackie A.**

"Chris did a good job updating some of our Estate Planning documents. He is friendly and easy to work with. Thanks!" - **Sue C.**

"Chris and his partners were excellent to work with. Despite being busy, he was always available when we had questions. He is very professional, personable, and made sure we fully understood all of our options. I would highly recommend the Rochester Law Center." - **Coni P.**

"Great law firm great attorneys" - **Jeffrey H.**

"Chris is professional, courteous, and knowledgeable. He explains everything in a way that is easy to understand." - **Kimberly S.**

"I have engaged Chris's services on a couple of issues that have come up in personal and business matters. He has resolved them in a timely manner at a reasonable cost. I have recommend him a couple of times to friends and he did exactly the same for them." - **Mike B.**

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