



Maryland Wills & Trusts

January 2017

(v.17.01)

Legal Developments

Increased Federal Tax Exemptions (effective January 1, 2017)

Applicable Exclusion Amount: \$5,490,000 (up from \$5,450,000)
GST Exemption Amount: \$5,490,000 (up from \$5,450,000)
Gift Tax Annual Exclusion Amount: \$14,000 (no change from 2016)

The adjusted amounts for 2017 will be reflected in the program when it is used in 2017.

New Maryland Exemption Amounts

The program has been updated to reflect the increase in the Maryland estate tax applicable exclusion amount from \$2,000,000 to \$3,000,000 effective for decedents dying between January 1, 2017, and December 31, 2017. The adjusted amounts for 2017 will be reflected in the program when it is used in 2017. *Question 333*

Updated Product Features

Expanded Substance Abuse Article and Renamed "Restricted Behaviors"

Formerly called Substance Abuse, this article has been expanded to address other types of dependencies or addictions, e.g., compulsive gambling. We have added an option to include withholding assets from a beneficiary who is incarcerated, including possible forfeiture of undistributed amounts. Based on comments by corporate fiduciaries, we have expanded the ability of the trustee to disclose results of tests (if compelled by law) and the procedures for notifying a beneficiary of such disclosure. *New Questions 690 and 691 and Question 675*

New Digital Assets and Accounts Options

The Maryland Fiduciary Access to Digital Assets Act ("MFADAA") was signed into law May 10, 2016, effective October 1, 2016. It deals with, and grants, powers that fiduciaries have in accessing and managing digital assets and accounts. The provision in the Fiduciary Powers article has been revised to include new, broader language. There is a new option to add even more detailed terms for fiduciaries, including the ability to name a separate "Digital Fiduciary" to deal with those assets. *New Questions 995-998*

Also, new digital assets powers have been added to the Statutory Personal Financial Power of Attorney and the Statutory Limited Power of Attorney forms.

New Arbitration Option for Dispute Resolution Provision

The dispute resolution provision has been enhanced by adding a new “complex” option that mandates arbitration (and redesignating the former language as the “simple” choice). The more elaborate provision directs mediation first to resolve disputes, but if unsuccessful, arbitration becomes mandatory. The rules for arbitration are spelled out in the provision, including the manner, terms and costs of arbitration and awards. *New Question 1070*

New Assisted Reproductive Technology (ART) Option

The topic of Assisted Reproductive Technology (ART) is a hot one, and most state laws have not kept pace, demanding that we deal with the issue in our documents. The program provides two choices--a longer, though far from exhaustive, discussion of ART, or a rudimentary approach to provide clear guidance on the client’s intent about whether or not a postmortem child is a qualifying descendant. For a more thorough discussion, see the Law & Strategy. *New Questions 1073 and 1074. Replaces old Questions Q112 (children include genetic material?) and 1061 (Exclude issue born to unmarried parent).*

New “Trustee Signing Certification of Trust” Question

A new question has been added as well as other minor question and text revisions to further clarify the creation of a Certification of Trust. *New Question 1305*

SOFTWARE UPGRADES

Note: The Lawgic software now works with 4K monitors.

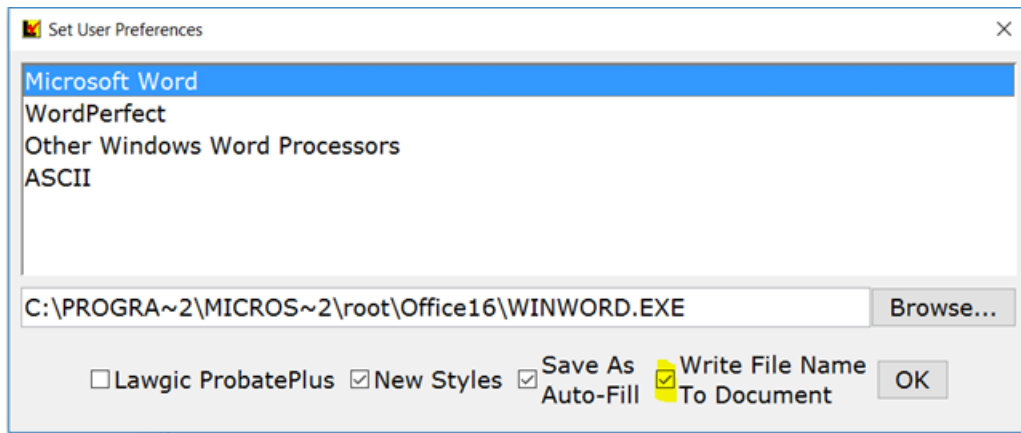
For Word customers only: The software has been revised again so that when you send a document to Word you will no longer see the 1st message: “**Lawgic will now format your document.**” You will only see the message below which will also include a “Do not show this message again” checkbox:

**FORMATTING COMPLETE.
AFTER THE DOCUMENT IS EDITED, press Ctrl+A, and then F9 (or Alt+Shift+U) TO
UPDATE REFERENCES.**

This is a reminder that when you make changes to your document, you will need to execute this command to re-format your document.

New ‘Write File Name to Document’ Feature

You can now send a single page at the end of our document containing the name of the answer file used to generate the document. It is not anticipated that this would be provided to the client, but it can help find the client’s base answer file when preparing additional documents. To activate this option for your documents, go to the Preferences dialog box, and check the new option to Write File Name to Document.



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To view those questions that are new in this update, or where **Law & Strategy**, choices, or default answers have changed, use the "Up_1701" flag file. From inside Lawgic, open any existing answer file; on the **Flags** menu, click **Open Flags**, select the appropriate Title (click **OK**), and next select the "Up_1701" flag file (and click **OK**). To view all flagged questions, click **Expand All** on the **Answers** menu and scroll the Navigator. Flagged questions will be indicated with **blue bold** text.

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