

# Byrd & Byrd, LLC

May 2012



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**Dear Jacqueline D.,**

WELCOME to the latest edition of the Byrd & Byrd email newsletter! We hope that you enjoy this newsletter and find helpful information along with the latest news from Byrd & Byrd. Happy Reading!

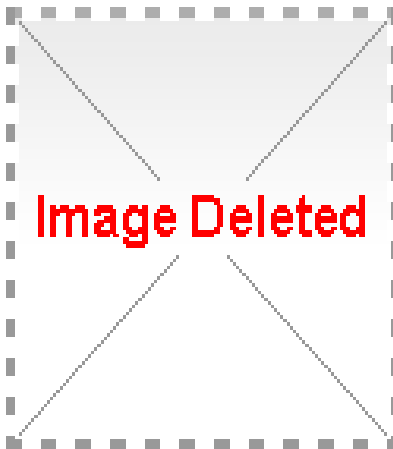


Click the logo to visit our website

## Elder Law Radio

There is a wonderful resource available to anyone who has access to the internet. And because you are receiving this email, that obviously includes YOU!

"Elder Law Answers" was the first online resource dedicated completely to the legal needs of the elderly. Their website is full of information and resources for any questions you might have. Visit their website at <http://www.elderlawanswers.com/> for more information.



One of the most interesting things about Elder Law Answers is the online weekly radio/podcast that they broadcast. It's completely free and anyone can listen to it. The founder of Elder Law Answers, Harry Margolis, interviews attorneys from around the country to discuss a different topic each week. This week, Barbara Salerno is Mr. Margolis' guest and the topic of her podcast is Nursing Home Abuse. If interested in this podcast or interested in listening to attorneys discuss other issues, please listen to the radio by clicking the "Elder Law Radio Network" logo in this article. From Estate Planning to finding the right nursing home, the Elder Law Answers Radio Network has it all.

And as always, if you have questions about something you hear on the radio or have a question that Elder Law Answers does not address, please call our office at 301.464.7448. We are happy to assist in any way we can!

## In This Issue

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**Byrd & Byrd Voted  
Best Attorney in Bowie  
2 Years in a Row!**

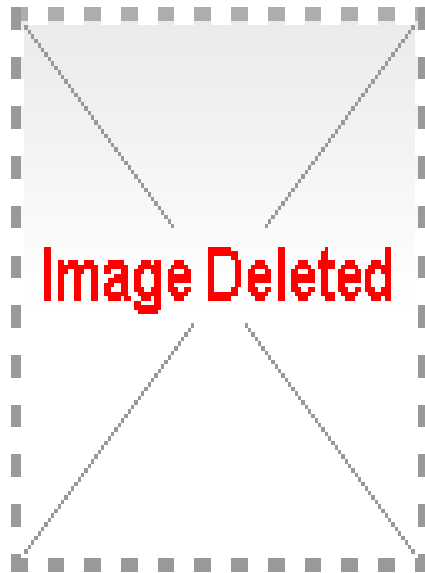


## YouTube Video of the Month

Here at Byrd & Byrd, we want to make the monthly newsletter enjoyable to read, attractive to view,

## Walking

### Recommended and Effective



If you're an older adult who hasn't been active in recent years, one of the easiest ways to ease back into activity is walking - the most basic exercise there is, yet, highly touted by the American Heart Association and other health experts. It can be done by almost everyone, almost anywhere, and it can have a major positive impact on your health and happiness.

Numerous recent studies have shown that walking as few as 10,000 steps per day leads to better health, with benefits like lower blood pressure, weight loss and better heart rates. Regular walking has also been shown to improve memory and prevent diabetes.

For more information on how to set a walking routine, suggestions for walking shoes, and the importance of a pedometer, please read the full article by clicking [here](#).

## Tips to Prevent Falling

With May designated as Older Americans Month, the National Safety Council would like to offer the following tips for the aging community in order to prevent harmful and potentially fatal falls. These tips include:

- Installing handrails on both sides of any stairways;
- Securing all throw rugs and area rugs with tacks, nonskid pads, or double-sided rug tape;
- Remove soap buildup in tubs and showers;
- Place non-slip strips in tub and shower; secure bathmats with double-sided tape;
- Install adjustable-height showerheads;
- Mount grab bars on both sides of toilet, as well as on bath and shower walls;
- Keep items used frequently within easy reach to eliminate the need for a step stool;
- Plug nightlights in hallways, bedrooms, bathrooms and stairways;
- Install light switches at the top and bottom of stairs;
- Place a lamp and telephone near your bed;
- Remove any clutter from hallways and other high-traffic areas.
- Exercise regularly, because lack of exercise leads to weakness, which in turn increases the chances of falling.
- Review with your health-care provider the medications - both over-the-counter and prescription - that you're currently taking to determine if any are causing significant drowsiness or disorientation, as these conditions increase the risk of falling.

and interactive for our readers. What better way to accomplish that than to post our favorite YouTube video each month.

Check out the video by clicking the following link.

[YouTube Video of the Month](#)

### Testimonials

"We want to thank you for all your help with us financially and with your comforting, physical presence during our time of need."

-R & L  
Bowie, MD

"Thank you so much for helping my parents. They were really relieved after having met with you."

-T. Daws  
Upper Marlboro, MD

### Senior Moments Publications

Jackie Byrd has published two books in recent years. *Senior Moments* and *Senior Moments 2*; both comprehensive and clearly written books for "Seniors and those who love them". They are based on weekly "Senior Moments" columns originally written for publication in the Bowie Blade-News of Bowie, Maryland and the Crofton News-Crier of Crofton, Maryland.

**Click Below to Purchase Your Copy Today**  
[Senior Moments 2](#)

- Have your vision checked regularly to detect conditions - such as glaucoma or cataracts - that could impair vision and possibly cause a fall.

For more information and detailed facts about the risks of falling and what you can do to prevent these from happening, please read [this article](#).

## **Jackie's Senior Moments Column**

### **The Role of the Fiduciary**

In Maryland, the executor of an estate is called a Personal Representative, not an executor. Nevertheless, a rose by any other name, he or she performs the same duties. People named to perform these duties are known as fiduciaries and are said to have a "fiduciary duty." The dictionary defines fiduciary thus: "One, such as an agent of a principal or a company director, that stands in a special relation of trust, confidence, or responsibility in certain obligations to others."

When someone dies, his or her assets need to be gathered, business affairs settled, debts paid, necessary tax returns filed, and ultimately assets distributed as the deceased individual (referred to as the decedent) directed. The person who is responsible for conducting these activities is the fiduciary. A fiduciary can be a "trustee" if the document distributing assets is a trust, or a "personal representative" if the distribution document is a Last Will and Testament.

Among the first things the fiduciary must do is to read and understand the will or trust so that he or she knows: who the beneficiaries are; what the beneficiaries are to receive and when; how many years the trust will be ongoing; and who, if any, are co-fiduciaries with him or her. The document imparts important information and directions to the fiduciary, such as which assets should be used to pay taxes and expenses. The document will usually list the fiduciary's powers in some detail.

If you are working with a Last Will and Testament as the primary document, you must decide whether a probate proceeding is required. Probate is the formal legal process that gives recognition to a will and appoints the personal representative who will administer the estate and distribute assets to the intended beneficiaries. It may be a good idea to consult an attorney to determine whether a probate proceeding is necessary, and whether the fiduciary must be bonded, a requirement often waived by the Will. Contrary to popular opinion, most probate proceedings in Maryland are neither expensive nor prolonged.

It is the fiduciary's responsibility to take control of all assets comprising an estate or trust. It is crucial to secure and value all assets as soon as possible. It is the fiduciary's duty to determine when bills unpaid at death should be paid, and then pay them or notify creditors of temporary delay. In some cases, such as property or casualty insurance bills or real estate taxes, the estate may be harmed if the bills are not paid promptly. Most states, including Maryland, require written, published notice to any known or reasonably ascertainable creditors. Actually, a fiduciary can be held personally liable for improperly spending estate or trust assets, and not having enough money remaining to pay bills.

The fiduciary is also responsible for a number of tax returns. First are the personal tax returns of the decedent, a federal estate tax return, if needed, and a state estate tax return, if needed. Since the estate or trust is also a taxpayer in its own right, a new tax identification number must be obtained and a fiduciary income tax return must be filed for the estate or

trust as well. The fiduciary must be mindful of the fact that the estate or trust and the beneficiaries may not be in the same tax brackets. Thus, the good timing of certain distributions can save money for all concerned. Some tax preparers and accountants specialize in preparing these types of fiduciary income tax returns and can be very helpful.

Most expenses that a fiduciary incurs in the administration of an estate or trust are properly payable from the decedent's assets. These include funeral expenses, appraisal fees, attorney's and accountant's fees, insurance premiums, etc. Careful records should be kept and receipts should always be obtained, as the fiduciary is accountable to the court and to the beneficiaries. As you can see, agreeing to serve as fiduciary is not a responsibility to be taken lightly.

## **YouTube Video of the Month**

Here at Byrd & Byrd, we want to make the monthly newsletter enjoyable to read, attractive to view, and interactive for our readers. What better way to accomplish that than to post our favorite YouTube video each month.

Spring is finally in season. And with spring comes baseball - the great American past-time. So what better way to end the newsletter than with some highlights from some of the greatest baseball games ever played. Well, actually, these aren't highlights at all - more like low-lights. But these baseball bloopers will sure give you a nice laugh. Enjoy!)

### [YouTube Video of the Month](#)



## **UPCOMING EVENTS**



**Bowie Fest**  
**June 2, 2012**  
**11am-6pm**

## Allen Pond and Bowie Ice Arena

Come on out to the Largest Annual event in the city of Bowie! Byrd & Byrd will be represented by attorney, Timothy Leahy, who will be available to answer any brief legal questions you may have or to offer a friendly "Hello"! We will be located at Booth #55 inside the Bowie Ice Arena. And as always, there will be plenty of free B&B merchandise and candy to add to your Bowie Fest bag-o-goodies! We look forward to meeting you!

**If you are interested in having an Attorney from Byrd & Byrd speak to your organization, or at a special event, please contact us at 301-464-7448.**

### About Our Firm

The Law Firm of Byrd & Byrd, LLC provides services in Elder Law and Construction Law, a rare combination that reflects the passion and life experience of its partners. The firm is also a general practice firm that manages issues of family law, personal injury, wrongful death and medical malpractice.

Known for building strong long-term relationships with our clients, the firm's attorneys excel at making complicated legal issues easier to understand. Whether assisting a contractor, subcontractor, builder or property owner with contract or construction litigation, or helping an elderly client find appropriate housing, apply for Medicaid eligibility, or execute powers of attorney, the firm offers wise and experienced counsel and guidance.

### Our Mission Statement

Byrd & Byrd, LLC is dedicated to protecting and serving senior citizens and those who love them. Our key objective is to give our clients the gift of information, so that with their knowledge, they can achieve all the benefits that the law guarantees. We will always perform our mission in strict accordance to the law and the highest possible moral and ethical standards

### Contact Information

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