



# ATLANTA BAR ASSOCIATION

LAWYERS WHO SERVE  
Estate Planning & Probate Section

## The Mortmain

Early Summer 2017

*Official Publication of the Atlanta Bar Association Estate Planning & Probate Section*

### SAVE THE DATES

Upcoming breakfasts:  
Georgia's New Power of Attorney Act & a Panel of Probate Judges

During our August breakfast, Richard Morgan, of Morgan & DiSalvo, P.C., will speak with our section regarding the new Uniform Power of Attorney Act (the UPOAA) which applies to most written, general, financial Powers of Attorneys created by individuals in Georgia. Mr. Morgan is one of two people appointed to the Georgia Bar Fiduciary Law Section's Legislative subcommittee responsible for drafting a proposed UPOAA Technical Corrections Bill.

During our October breakfast, Judge Clarence Cuthpert, Jr. of Rockdale County, Judge Bedelia Hargrove of DeKalb County, and Judge Christopher A. Ballar will participate in a panel discussion focused on judicial preferences for petitions filed in their court. If you have any specific questions you would like the panel to answer, please email your questions to the Vice Chair of our Section, Jacquelyn Saylor at [jsaylor@saylorlaw.com](mailto:jsaylor@saylorlaw.com).



### Charlie Jordan presents "A Practitioner's Guide to Donor Advised Funds and Providers"

by Allison L. Byrd, *Allison Byrd Law, LLC*



The Estate Planning and Probate Section of the Atlanta Bar Association welcomed Charlie Jordan, CPA, CFP®, as the featured speaker at its January 11, 2017 breakfast meeting, where he discussed the features of Donor Advised Funds and how they may be utilized in clients' estate plans. Mr. Jordan is a Partner and Wealth Advisor at Brightworth ([www.brightworth.com](http://www.brightworth.com)), a

sponsor of the section.

A Donor Advised Fund (DAF) is a vehicle for charitable giving, sponsored by a public charity, as defined by the

### In This Issue

[A Practitioner's Guide to Donor Advised Funds and Providers](#)

[How Family Lawyers Mess Up the Best Laid Estate Plans](#)

[Reliable Insights about Testamentary Special Needs Trusts](#)

[Trust Code Provisions Update](#)

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## **Gwenn Dorb Holland Tells Section How Family Lawyers Mess Up the Best Laid Estate Plans**

by Loraine M. DiSalvo, *Morgan & DiSalvo, P.C.*



At the Section's March 8, 2017 breakfast meeting, we were treated to an entertaining and informative presentation by Gwenn Dorb Holland of Holland Roddenbery, LLC, who is also a former Section board member and former Mortmain contributing editor. Ms. Holland's presentation, entitled "The Best Laid Estate Plans—How Family Lawyers Mess Them Up," discussed what can happen

when divorce laws and estate planning laws collide. She warned us that the law is constantly changing in this area, and that due to time constraints the presentation could give us only a sampling of the cases. Unfortunately for readers of The Mortmain who may not have been able to attend the March breakfast, Ms. Holland and her firm are currently engaged in some litigation related to these issues, including a case that is before the Georgia Court of Appeals, and therefore she requested that we not include a lot of detail in this article.

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## **William H. Overman Provides Reliable Insights about Testamentary Special Needs Trusts**

by Jacquelyn H. Saylor, *The Saylor Law Firm LLP*



If you have the phrases "health care" or "standard medical care" in any Special Needs Trust (SNT), remove them now. Furthermore, if you want the beneficiary of a testamentary SNT to be eligible for needs-tested government benefits, it is recommended that you include the following language: "The Trustee has full discretion and authority to deal with any changes in the

beneficiary's circumstances."

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Loraine M. DiSalvo

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## **Mr. Djuric Introduces Proposed Trust Code Provisions, HB 121 and HB 122**

by Jordan Alford, *Alford & Burkhart, LLC*



On February 8, 2017, our Section breakfast featured Mr. Nick Djuric, a member of Eversheds Sutherland (US)'s Tax Practice Group, American College of Trust & Estate Counsel Fellow and current Chair of the Legislation Committee of the State Bar of

Georgia Fiduciary Law Section. Mr. Djuric's presentation focused mainly on two proposed bills that would make changes to the state of Georgia's current Trust Code, HB 121 and HB 122. Unfortunately, neither bill was passed by the Georgia General Assembly this year. Nevertheless, both HB 121 and 122 remain relevant because the State Bar of Georgia is optimistic that they will be passed in the near future.

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**Robly**