

Pro Tip TUESDAY

Pro Tip on ESTATE PLANNING

Can an attorney help me avoid probate litigation?

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Many family circumstances can increase the risk of probate litigation. High-risk factors that often bring about probate litigation can include sibling rivalry, second marriages in the absence of a prenuptial agreement, a dysfunctional family, and a non-standard estate plan. A non-standard estate plan often treats children differently, omits a child, or appoints an arguably substandard fiduciary.

Taking these risks into account and having open dialogues with your family, implementing a comprehensive estate plan with protective measures in the event of your incapacitation, and documentary evidence of supposed gifts will reduce the risk of probate litigation. In essence, early document drafting with your estate planning attorney and an honest evaluation of the likelihood of interpersonal family issues will mitigate the risk of costly probate litigation that can lead to terrible family consequences.

Probate litigation often involves estates with self-prepared estate documents. Handwritten and forms from online resources lead to many mistakes that a layperson cannot foresee. Money that winds up litigating over defectively drafted documents most often far exceeds the cost of hiring an estate planning attorney to prepare your documents correctly. Ensure you hire a highly skilled trust and estate attorney through trusted recommendations and looking for meaningful professional peer recognition groups.

When you begin your planning process, it is best not to include your beneficiaries.

Undue influence over a benefactor can become a legal issue if family members sense someone intended to influence the estate decision-making process improperly. Undue influence can include behaviors as seemingly innocuous as driving the decedent to the attorney's office and attending estate planning meetings. Questions about whether the plan truly reflects the decedent's wishes and who authored the estate plan can lead to probate litigation. Do not make verbal promises about inheritance you will not keep. Verbal promises are legally unenforceable and can contribute to someone challenging your estate plan. The best strategy is to manage the expectations of your inheritors honestly and directly by only making promises you are willing to document legally. If you keep your relevant legal documents safely stored, knowing they are accurate and routinely undergo review, you will reduce the likelihood of probate litigation. Some probate disputes arise because estate planning documents reflect outdated or inaccurate information. Life changes that include births, marriages, divorces, deaths, and changes of your intentions may all affect your estate plan. Your estate planning attorney can help you mitigate the risks of probate litigation within your family. Call 570-784-4654 to schedule your estate planning consultation.

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Pro Tip on FINANCIAL SERVICES

How can I detect a romance or sweetheart scam when meeting people online?

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Every year more and more people are finding love online. And just like many other great technologies in our lives thanks to technology, scammers have to move in and try to ruin it for everyone. In 2020 alone, the First Keystone Community Bank Fraud Department prevented over \$170,000.00 in stolen and fraudulent funds being sent to romance or sweetheart scammers by their victims.

So, let's talk about some of the major and consistent red flags we are seeing with these scams, and I will break them down in the general order in which they tend to occur.

Typically contact is initiated via a social media or online dating site. We have had victims claim that they met this online love interest in person, so we believe the scammers are either hiring people to find more targets, or the scammer convinces the victim they have met before in those cases. Most, if not all, of the communication will take place via online messenger services, texts, or emails. A lot of victims report that they tried several times throughout the relationship to either meet in person or video chat with their love interest, but there is always an excuse as to why that cannot happen at that moment.

Once the initial spark or connection has been made, things get very serious very quickly. The scammer will explain that they have never felt this way before, and how special it is. The beginning of the courtship will involve the exchange of photos and even gifts (typically purchased with stolen credit cards), to gain the trust of their intended victim. Once some trust has been established, that is when the scammer will insist that all communication take place off of the original platform where they met, and that the victim no longer speaks with anyone else moving forward. In other words, they begin to isolate the victim.

Most of the time, the explanation provided by the scammer for why an in-person meeting cannot take place is that they are stationed or working out of state, or more typically overseas. The description of their occupation or purpose for being so far is either purposefully vague or "top secret and classified". These scammers are well groomed by their trainers, and have answers for everything. When in doubt they will guilt or intimidate the target if they even consider questioning the validity of something they have told them.

Next comes the beginning of the explanation as to why they cannot receive their own funds, or payment for the work they are away performing. The scammer will say and do whatever necessary to gain the victims sympathy. Now on to the main event, asking the victim for money. This can happen one of two ways, they may explain that their money is tied up in some way, and they need the victim to loan them money, promising to repay them shortly, or they will ask the victim to receive a check on their behalf, negotiate it and send them the funds.

A lot of victims we have spoken to have a hard time believing that a scammer would take over 6-12 months to ask for the money, thinking they must be real if they are talking to them for that long. They also justify their belief in this being a real romance when gifts are sent assuming a scammer would not spend money. In reality scammers will absolutely buy a \$60.00 bouquet of flowers if they believe they will receive \$5,000.00 from their intended prey. Sadly, we have encountered victims who just don't want to believe that they have been the victim of a scam, and have lost important family connections, in addition to their life savings.

If you are involved in a relationship that resembles what has been described above, please reach out to a third party like a friend, coworker or even your bank to explain the situation and get a fresh perspective on it. Almost every victim at one point or another utters something along the lines of "I have heard about those romance scams, but that is not what this is". So please get another opinion before ever sending any money to someone you have not met in person or have not seen in sometime. Once that money is sent there is very little that your bank and/or law enforcement can typically do to get it back for you despite their best efforts.

Remember, when something sounds too good to be true, it usually is.

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