ESTATE PLANNING AND STEWARDSHIP FOR ORTHODOX CHRISTIANS

Anastasia Jones Esq.
Christian Stewardship is…

...learning how to be a responsible and concerned caretaker of Christ’s Church; it is learning how to enjoy Church life and be happy in Church work., for in Her dwells the fullness of the Spirit of God.

...our active commitment to use all our time, talent and treasure for the benefit of humankind in grateful acknowledgment of Christ’s redeeming love.

...caring for the needs of others.

...offering one’s self to God as He offered Himself to us.

...what a person does after saying “I believe…”, as proof of that belief.

...devotion and service to God and His Church as persons, as families, as diocese/metropolis, as national Church and as Church universal.

*Williams & McKibbon in Oriented Leadership*
DISCLAIMERS

Because what kind of lawyer would I be if I didn’t mention them?

The information provided in this presentation does not, and is not intended to, constitute legal advice. You should contact your own attorney to obtain advice with respect to any particular legal matter.

Anything mentioned in this presentation can be provided to you by any estate planning attorney; nothing is specific to me or my firm.
OUTLINE

• The Essential Documents
• A Brief Interlude About Taxes
• Charitable Bequests
• Orthodox Christian Provisions for Your Will or Trust
• Example Estate Plan: How Does it All Work Together?
<table>
<thead>
<tr>
<th>During Life</th>
<th>After Death</th>
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</thead>
<tbody>
<tr>
<td><strong>Durable General Power of Attorney</strong></td>
<td><strong>Revocable Living Trust</strong></td>
</tr>
<tr>
<td>• If you become incapacitated, this designates a person to make financial decisions on your behalf</td>
<td>• During your lifetime, it is fully revocable and amendable; assets in trust avoid probate at death</td>
</tr>
<tr>
<td><strong>Designation of Health Care Surrogate</strong></td>
<td><strong>Last Will and Testament</strong></td>
</tr>
<tr>
<td>• If you become incapacitated, this designates a personal to make medical decisions on your behalf</td>
<td>• How you wish for your property to be distributed after your death; can also include funeral and burial instructions</td>
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<tr>
<td><strong>Declaration of Preneed Guardian</strong></td>
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<tr>
<td>• If the court ever has to appoint a guardian for you, this tells the court who you would like to be appointed</td>
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<tr>
<td><strong>Living Will</strong></td>
<td></td>
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<tr>
<td>• If you are in a terminal or end stage condition or vegetative state for which there is no reasonable probability of recovery, this outlines your wishes regarding life support and artificial nutrition and hydration</td>
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A BRIEF INTERLUDE ABOUT FEDERAL TAXES

- Income Tax
- Gift and Generation-Skipping Transfer Tax (GST)
- Estate Tax
What really is a marginal rate?

Taxpayer (TP) made $45,000* in 2022.

- $10,275 \text{ taxed at } 10\% \quad \Rightarrow \quad $10,275 \times (0.10) = $1,027.5
- $31,499 \text{ taxed at } 12\% \quad \Rightarrow \quad $31,499 \times (0.12) = $3,779.88
- $3,224 \text{ taxed at } 22\% \quad \Rightarrow \quad $3,224 \times (0.22) = $709.28

\[ $1,027.5 + 3,779.88 + 709.28 = $5,516.66 \text{ tax due} \]
• Charitable income tax deductions for giving to the church = 60% of your adjusted gross income (AGI)
• Charitable estate tax deduction = unlimited
• BUT! Most of us will not have to pay estate, GST, or gift tax
• Estate tax exemption for 2023: $12.92 million, set to decrease to $5 million adjusted for inflation in 2026
• Could increase or decrease in the future
• For most, charitable giving via last will and testament (a “bequest”) is a good choice
DIFFERENT KINDS OF BEQUESTS

• Specific bequest: a certain amount of money
  • $500 to Holy Trinity Greek Orthodox Church of Greater Orlando...

• Residual/remainder bequest
  • One-fourth (1/4) of the remainder of my estate to Holy Trinity Greek Orthodox Church of Greater Orlando...

• Default provisions
  • If all other transfers in your will fail, you can designate the church or any ministry as the default beneficiary

It is by offering our blessings back to God that He will be able to continue His forgiving, healing, liberating, empowering, transfiguring, loving ministry through the Church. For God, Infinite though He is, has chosen to work through us, through our gifts, to continue His saving work in the world today.

Fr. Anthony M. Coniaris
LOTS OF OPTIONS FOR BEQUESTS

• It all depends on how and where you feel called to give
• Can leave to certain ministries or societies
  • Philoptochos, Bible Study, Catechism, Hellenic Academy, etc.
• For certain parish committees
  • Church Beautification Committee, Building and Maintenance Committee, etc.
• For certain funds or projects
  • The Roof Project, any future projects
• To other Orthodox organizations
  • Orthodox Christian Mission Center (OCMC), Greek Orthodox Archdiocese of America Orthodox Ministries Fund, etc.
BEQUESTS FOR A SPECIFIC PURPOSE

- Probably best to keep the purpose open because it allows for flexibility – the church can use the funds for what they need
- However, you can leave a bequest with a specific purpose
  - $250 to Holy Trinity Greek Orthodox Church to sponsor a Lenten Meal...
  - $350 to Holy Trinity Greek Orthodox Church to sponsor a child to attend St. Stephen’s Summer Camp...
  - $400 to Holy Trinity Greek Orthodox Church for floral arrangements for Holy Week...
- Have a backup, or use permissive language
  - $500 to Holy Trinity Greek Orthodox Church to be used to purchase new robes for the Youth Choir, or for any other purpose the Parish Council may choose
WHAT DOES YOUR BEQUEST NEED TO HAVE

AKA the boring legal stuff

501(c)(3) organization

Full name, current address

FEIN/EIN if possible

Your will must be executed with the formalities required by the State of Florida (signed and notarized in the presence of two witnesses)
ORTHODOX CHRISTIAN PROVISIONS FOR YOUR WILL OR TRUST

• Last Will and Testament Provisions
  • Designate a guardian of your minor children
  • Can request to be buried according to the rites and rituals of Orthodox Christians, in a specific place or plot, or other direction
  • Can incorporate a contract you signed with a funeral home into your will
  • Can request a makaria, memorial service, etc. and put aside funds for such purpose

• Trust Provisions
  • Can direct the trustee to distribute funds for spiritual enrichment, ministry involvement, and other activities of your beneficiaries
EXAMPLE ESTATE PLAN: HOW DOES IT WORK TOGETHER

- John and Maria Pappas, married couple with two minor children: George and Eleni
- Estate plan documents:
  - Durable General Power of Attorney
  - Designation of Health Care Surrogate
  - Declaration of Preneed Guardian
  - Living Will
  - Last Will and Testament (pourover)
  - Revocable Living Trusts
TYPES OF ASSETS

- Real Property
- Bank & Retirement Accounts
- Tangible Personal Property
- Closely-Held Business Interests
- Life Insurance
REVOCABLE LIVING TRUSTS
FUNDING
TRUST
DURING
LIFE

- Real Property*
- Closely-Held Business Interests
- Life Insurance
- Bank Accounts
- Retirement Accounts*

- Deed to trust
- Assignment of interest
- Change beneficiary
- Change title
- Change contingent beneficiary

Trust
POUR OVER WILL AND TRUST: HOW THEY WORK TOGETHER

Not transferred during life

- Closely-Held Business Interests
- Tangible Personal Property
- Real Property
- Bank Accounts

Last Will and Testament

- Tangible Personal Property
  - Spouse if living, then children

Trust

- Assets transferred during life
AND THEN WHAT?
“For if we live, we live to the Lord, and if we die, we die to the Lord. So then, whether we live or whether we die, we are the Lord’s.” Romans 14:8