

Newsletter

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The Boppre Law Firm Family



The Boppre Law Firm's mission is to provide high quality legal services and keep pace with and to anticipate the needs of existing and potential business and individual clients. We are North Dakota attorneys, serving in a manner that adheres to the highest standards of excellence and integrity, in a timely manner, at fees that our clients are willing and able to pay and that are fair to our firm. In pursuit of this mission, we will hold to these values: Excellence - we strive to become one of the most sought-after providers of legal services in this region; Service - we endeavor to meet or exceed the expectations of our clients in all aspects of their legal representation. Community - we will pursue our belief that individuals with a sense of family and community and with interests outside the practice of law are better for it.

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Hello! I'm Brayda and I've been the Office Manager at the Firm for 5 years. My duties began simply- answering phones, taking care of files, drafting documents, etc. Though I still do those tasks, I've been able to shift more into a marketing role. When people ask what I do at the firm, I never really have a straight answer, other than, "a little bit of everything!" Coming from a retail background, I always knew that I wanted a career where I dealt with people in some capacity. One of my favorite parts of my job is taking phone calls from many of our beloved clients, especially when they just call to say hello. Seeing their familiar faces and assisting our attorneys in accomplishing their legal goals is so fulfilling to me. Its been a great 5 years, and I look forward to many more!

Estate Planning 101

You may think that Estate Planning is only for the aged and wealthy. Although it is true that the aged and wealthy may have more assets to pass on to their heirs, Estate Planning is for everyone.

That said, there are many reasons why young couples may think they don't need wills: "We're young and healthy. We have plenty of time." "We don't have children yet. We'll just have to change our wills when we do so we might as well wait." "We're still building up our assets." While all the above might seem like valid reasons, they are unfortunately very shortsighted. In some ways, estate planning is even more important for young couples—particularly those with young children. For example: You may experience a divorce and remarriage early in life. You might tell your sister and her husband that you want them to be guardians of your children if something were to happen to you—without legal documentation that might not happen. You have children and now, your ex-spouse might gain control of your children's inheritance. To ensure your assets are distributed in accordance with your wishes, you need a well-written Estate Plan. Without an Estate Plan it may be difficult, time-consuming, and expensive for your loved ones to handle your financial and personal affairs.

Our Estate Plan encompasses; Wills, Power of Attorneys, Advance Health Care Directives, Trust, or Life Estate Deeds. At the Boppre Law Firm, we strongly encourage our clients to at least establish a Will, Durable Power of Attorney (DPOA), and an Advance Health Care Directive (AHCD) for their basic Estate Planning needs.

First, a Will is important to have as it allows you to communicate your wishes clearly and precisely. It is a legal document that coordinates the distribution of your assets after death and can even appoint guardians for your minor children. If you pass away without a Will, your estate will be divided according to North Dakota intestacy laws. These laws predetermine how assets are to be divided. A Will can also allow you to specifically exclude certain individuals; leave unequal shares to children; and leave gifts to stepchildren. It is important to note that in North Dakota, guardianship of minor children must be included in a Will or it is not valid. Letters simply make your wishes known to

family, but it is not sufficient. Without a valid guardianship appointment in a Will, the Court decides.

At the Boppre Law Firm, we also draft Wills specifically for Native Americans. The American Indian Probate Reform Act of 2004 (AIPRA) created a national Indian probate code, which controls how trust, restricted land, and IIM account balances are distributed. It directs who can inherit, who are eligible heirs and defines what it means to be a Native American. This Will differs from other Wills in that it is drafted to meet the requirements of AIPRA. It allows the person making the Will to dictate who receives their interests in trust, restricted lands, and IIM funds. It also allows you to distribute assets not covered by AIPRA including: non-trust and restricted lands, fee land, and property held off the reservation.

Second, almost everyone needs a power of attorney (POA) at some point. For example, suppose you become mentally incompetent due to illness or accident, who will manage your affairs? Although there are several types of POAs the most common is the Durable Power of Attorney (DPOA). It is a document that gives another person the authority to operate on your behalf only if you become incapacitated. It allows your appointee to manage your finances and taxes; oversee distribution of gifts; manage or sell property. Without a DPOA, if you are incapacitated, your family will have to obtain a court order to manage your affairs which can be time consuming and costly. Two important facts about any POA are (1). It cannot change your Will, and 2. After someone dies, the agent/appointee can no longer use the POA on the decedent's behalf.

Third, an Advance Health Care Directive (AHCD) acts similarly to a POA. It designates health care agents that provide instructions regarding your health care such as administration of nutrition and hydration, resuscitation, and life support. Without an AHCD, your loved ones will have the burden of making your end-of-life decisions. Having an AHCD, makes it your decision that your loved ones simply enforce.

Furthermore, sometimes the basic Estate Plan alone may not fully address your unique circumstances and may be better answered with a Trust. Trusts are flexible, useful tools in estate planning. They help avoid probate. It can be drafted to give your loved ones their inheritance over a period of time—particularly useful if you have minor children. They can help you avoid estate taxes and control your assets for up to 99 years.

It can also be drafted to protect your assets if a child goes through a divorce. Two main types of Trust are the Revocable and Irrevocable Trust.

The Revocable Trust can be changed or revoked by the trustor. It gives the trustor control over trust assets; however, it does not protect trust property from creditors. It becomes irrevocable upon the trustor's death. On the other hand, an Irrevocable Trust cannot be changed or revoked by the trustor and as such, provides protection from creditors. Also, assets in an Irrevocable Trust are removed from your taxable estate.

Here are some reasons you might want a trust: (1). You want to avoid probate. What is Probate? Probate is a court process that occurs after someone has passed away and ensures assets go to the proper parties. If you use a trust properly, your heirs can avoid having to go through the probate process to settle your estate after you pass away.

(2). You can control distribution. For example, maybe you have a child who has trouble managing money, but you do not want to exclude them. With a trust, you can distribute their inheritance over time.

(3). Minors cannot inherit property outright. Due to state laws, any inheritance left to a minor will require someone to guard and manage the money until the child reaches the age of majority, which is eighteen in North Dakota. A trust can help you avoid additional court proceedings and paperwork. It holds onto the assets until the child is an adult and it can also be drafted to distribute amounts for the child's well-being before they reach adulthood.

(4). You have remarried. Often in these cases, individuals want their spouses cared for, but they also want to ensure that they leave something for their children from prior marriages if something were to happen. A trust can ensure that a spouse is cared for and has access to everything they need while still dictating what happens to those assets after the surviving spouse passes away.

At the Boppre Law Firm, we understand the need to protect your assets. In our planning process, we will review your assets and income and make recommendations for the long-term. Check us out online or give us a call at 701-852-5224 to speak with one of our attorneys and let us serve you.

Estate Planning Seminars!

The Boppre Law Firm has launched free Estate Planning seminars in our communities. All are welcome. Call our office for more information.

Wills & Wine Seminar, 10 North Main



The Boppre Law Firm Facebook Giveaways

As part of our community involvement, the Boppre Law Firm has been pleased to donate gift baskets to several charitable causes and events.

Beginning Summer Giveaway!



Teacher's Giveaway!



Congratulations to our Office Manager, Brayda Weber, on 5 Years at the Boppre Law Firm!



Our Special Extended Family Members, Saying Hello!



Congratulations Boppre Law!

The Boppre Law Firm, PLLC, Minot Daily News Readers' Choice for the best area law firm, has grown with the community's support.

The Boppre Law Firm was founded in 2014 by Attorney Brian Boppre. Fresh from law school at the University of North Dakota, in six years, Boppre grew the practice from a single attorney and one staff member to a busy firm with four attorneys and four support staff (and even one office dog!) In addition to Boppre, Attorneys Morgan Glines, Anthony Cooper, and Laura Wheeler provide dedicated legal assistance to clients, supported by Paralegal Aimee Williamson, Office Manager Brayda Weber, Accounting Manager Darla Iverson, and Administrative Assistant Paige Hulberg.



Despite the challenges this year has posed, the Boppre Law Firm has continued to offer high quality and friendly legal services to its clients. Like other businesses, the firm implemented various new procedures including meetings by telephone and Zoom and some individuals working from home, prioritizing the health and safety of its clients.

One of the areas of practice in which the firm specializes is estate planning. Prior to the pandemic, Attorney Boppre offered engaging workshops with coffee and baked goods, aimed at assisting the elderly who are most in need of protective estate planning, and hosted fun and relaxed "Wills & Wine" events, appealing to younger couples and families. Once March rolled out, plans had to change.

Attorney Boppre and his staff love interacting with the community and making estate planning accessible. With their face-to-face events no longer possible, the firm turned to other methods of engagement including question and answer presentations on Facebook live and increased social media outreach.

Estate planning may have been on many people's minds this year, but the firm's other areas of practice stayed busy as well. The Boppre Law Firm assists clients in business law, elder law, oil and gas law, probate, Indian law, real estate, immigration, and family law, and serves as the City Attorney for Burlington. Whatever legal questions one might face, the Boppre Law Firm is there to assist.

Because they prioritize community engagement, the firm is hopeful that 2021 will provide renewed opportunities for involvement. In the past, the attorneys and staff have joined Magic Day of Giving and participated in Minot Area Chamber of Commerce events.

"Our firm makes a clear promise to the community: 'Your Success, Your Legacy, and Our Commitment to You,'" explained Attorney Boppre. "We love the Minot area, and we want to see it and its people thrive—regardless of the challenges we all might face together. We are so honored that the Minot community selected us for a Readers Choice Award for the third time."



Voted #1, 2020 Minot Community Readers' Choice Award!