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ESTATE PLANNING 财产规划 101

- COMPREHENSIVE ESTATE PLAN 全面的财产规划
 - WHAT IS A COMPREHENSIVE ESTATE PLAN 什么是全面的财产规划
 - WHY A COMPREHENSIVE ESTATE PLAN WILL ACHIEVE YOUR GOALS 为什么全面财产规划能实现你的目标
- DOCUMENTS YOU NEED FOR A COMPREHENSIVE ESTATE PLAN? 一个全面的财产规划您需要哪些文件?

DOCUMENTS NEEDED IN A COMPREHENSIVE ESTATE PLAN 一个全面财产规划需要的文件

WILL or REVOCABLE LIVING TRUST [RLT]

遗嘱或可撤销生前信托

DURABLE POWER OF ATTORNEY

持久授权委托书

HEALTH CARE POWER OF ATTORNEY

医疗护理委托书

LIVING WILL

生前遗嘱

HIPAA AUTHORIZATIONS

HIPAA授权书（授权给医院，医生等医疗健康服务提供者使用和透露受保护信息给他人的文件）

YOUR GOALS 你的目标

▣ MAKE SURE THEIR INTERESTS ARE PROTECTED WHILE THEY ARE ALIVE

▣ 确保在生存期间，他们的利益是得到保护的。

▣ UPON DEATH

▣ 确保去世时，他们的利益是得到保护的。



■ ACHIEVING FAMILY HARMONY

■ 达到家庭和谐

■ QUICK EFFICIENT LOW COST ESTATE DISTRIBUTION AND ADMINISTRATION

■ 快速高效低费用的财产分配和管理

A COMPREHENSIVE ESTATE PLAN

一个全面的财产规划

I. TAKES CONTROL OF YOUR ASSETS WHILE YOU ARE ALIVE & UPON DEATH “FUNDING”

在你活着的时候和在你去世的时候控制你的财产

II. PROVIDES A ROADMAP FOR YOU AND YOUR LOVED ONES IN THE EVENT YOU BECOME INCAPACITATED

当你无行为能力时，为你和你所爱的人提供该如何做的指导



III. UPON DEATH GIVES WHAT YOU HAVE 去世时给予你的所有

- a. TO WHO YOU WANT 给到你想给的人
- b. THE WAY YOU WANT 以你希望的方式
- c. WHEN YOU WANT IT 在你希望的时间

IV. MINIMIZES COSTS, TAXES AND DELAYS UPON DEATH OR INCAPACITY 在去世或失去行为能力时，将花销，税和延迟降到最低

TAKING CONTROL OF YOUR ASSETS

控制你的财产

HOW ASSETS ARE TITLED IS THE FOUNDATION OF YOUR ESTATE PLAN

你的财产规划的基础是财产如何署名



HOW ASSETS ARE TITLED DETERMINE OWNERSHIP WHEN YOU ARE ALIVE.

财产如何署名决定了在你活着的时候谁是所有人。

HOW ASSETS ARE TITLED DETERMINE WHERE ASSETS WILL GO UPON YOUR DEATH.

财产如何署名决定了当你去世时由谁来继承。

WHAT DO WE MEAN BY TITLE

署名的含义

TITLED ASSETS 有署名的财产

PAPER PROVING OWNERSHIP
写在纸上的所有权

CARS 车

HOUSES 房子

STOCK ACCOUNTS 股票账户

BANK ACCOUNTS 银行账户

IRA'S 个人退休账户

LIFE INSURANCE 人寿保险

NON TITLED ASSETS 无署名的财产

NO PAPER PROVING OWNERSHIP
未写在纸上的所有权

JEWELRY 珠宝

FURNITURE 家具



THREE GENERAL RULES OF ASSET DISTRIBUTION UPON DEATH

去世时财产分配的三个通用规则

1. INDIVIDUALLY TITLED ASSETS - PROBATE

个人署名下的资产 - 遗嘱查验

EG. - HOUSE IN INDIVIDUALS NAME 例如 - 个人名下的房子



2. JOINT WITH RIGHT OF SURVIVORSHIP - NO PROBATE

带有遗产享有权的共有的资产 - 无遗嘱查验

EG. JOINT BANK ACCOUNT 例如 - 共有银行账户（一方去世，另一方直接继承）

3. ASSETS WITH BENEFICIARY DESIGNATION - NO PROBATE

指定受益人的资产 - 无遗嘱查验

EG INSURANCE ACCOUNT 如 - 保险账户

ASSET TITLE: WHY SO IMPORTANT

财产署名：为什么那么重要

UNITENDED DISTRIBUTION 计划之外的分配

EXAMPLE -> JOINT BANK ACCOUNT

例子 -> 共有银行账户



EXAMPLE -> INSURANCE CONTRACT

例子 -> 保险合同

WHAT IS PROBATE?

什么是遗嘱查验

PROBATE - IS A PROCEEDING OR FILING TO HAVE AN EXECUTOR APPOINTED AND PROVIDES A PROCESS FOR DISTRIBUTION OF THE ESTATE

遗嘱查验 - 是诉讼或申请一个指定的执行人，提供财产分配的过程。

EXECUTOR -

执行人-

HAS SIGNING AUTHORITY 有签字权

IN CHARGE OF ADMINISTRATION OF THE ESTATE 负责财产管理

THE EXECUTOR MUST GO TO THE SURROGATES OFFICE TO HAVE A WILL PROBATED. THE EXECUTOR SWEARS AN OATH:执行人必须去到代理办公室做遗嘱查验。执行人宣誓：

TO FOLLOW THE PROBATE RULES OF THE STATE. 会遵从州遗嘱查验规定

TO ACT AS A FIDUCIARY FOR THE BENEFICIARIES 会作为受益人的受托人

ALERT ALL NEXT OF KIN 提醒所有的近亲

Assets are frozen until the executor is appointed. Once appointed the executor can transfer assets.

在执行人被指定前资产会被冻结。一旦指定，该执行人可以转移资产。

A COMPREHENSIVE ESTATE PLAN

一个全面的财产规划

I. HELPS YOU TAKE CONTROL OF YOUR ASSETS WHILE YOU ARE ALIVE
帮助你在活着的时候控制你的资产

II. PROVIDES A ROAD MAP FOR YOU AND YOUR LOVED ONES IN THE
EVENT YOU BECOME INCAPACITATED

当你无行为能力时，为你和你所爱的人提供该如何做的指导



III. UPON DEATH GIVES WHAT YOU HAVE 去世时给予你的所有

I. TO WHO YOU WANT 给到你希望的人

II. THE WAY YOU WANT 以你希望的方式

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INCAPACITY 在去世或失去行为能力时，将花销，税和延迟降到最低

INCAPACITY PLANNING

无行为能力的计划

WHAT IS INCAPACITY? 什么是无行为能力?

WHAT HAPPENS TO A PERSONS ASSETS
WHEN THEY BECOME INCAPACITATED?

当一个人成为无行为能力时，他的资产会发生什么?

GUARDIANSHIP PROCEEDINGS

监护权诉讼

GUARDIANSHIPS 监护权

WHAT IS A GUARDIANSHIP? 什么是监护权?

COURT PROCEEDINGS 法庭诉讼

COURT APPOINTS ATTORNEY 法庭指定律师

COURT APPOINTS GUARDIAN 法庭指定监护人

TIME CONSUMING AND COSTLY 耗时又费钱

INCAPACITY PLANNING

无行为能力计划

- ▣ AVOIDING GUARDIANSHIPS 避免监护的办法
 - DURABLE POWER OF ATTORNEY - AVOIDS GUARDIANSHIP PROCEEDINGS.
持久授权委托书 - 避免监护权诉讼
 - ASSETS IN TRUST AVOID GUARDIANSHIP PROCEEDINGS.
将资产放入信托 - 避免监护权诉讼
- ▣ TRUSTS ARE BETTER FOR INCAPACITY PLANNING
两者相比较，信托对于无行为能力计划会更好

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GETTING ASSETS WHERE YOU WANT THEM TO GO 使资产去到你希望的地方

- ▣ STRESS 压力
 - FAMILY HARMONY 家庭和谐

- ▣ RELIEVING YOUR STRESS 释放你的压力
 - KNOWING THE RULES OF TITLING 了解署名规则
 - HAVING CONFIDENCE THAT YOU HAVE A COMPREHENSIVE ESTATE PLAN
从你的全面财产规划中获得自信

CONTROLLING WHEN YOUR ASSETS ARE DISTRIBUTED 控制你的资产何时被分配

SHOULD YOU CARE? 你该在意吗?

MOST PEOPLE DO NOT 多数人不在意

DISTRIBUTING ASSETS TO BENEFICIARIES IN TRUST 用信托方式分配财产给受益人

ASSET PROTECTION 财产保护

- a. SPENDTHRIFT ISSUES 挥霍的问题
- b. CREDITORS 债主
- c. DIVORCE 离婚
- d. SPECIAL NEEDS TRUST 其他需求信托

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HOW CAN YOU MINIMIZE COSTS

你怎样才能将费用降到最低

HAVING A WELL THOUGHT OUT ESTATE PLAN WILL SAVE COSTS 有一个仔细思考过的财产规划能节省花费

- ASSETS DOCUMENTED AND TITLED CORRECTLY
正确的资产文件和署名
- AVOIDING PROBATE? 避免遗嘱查验
- NOT A MAGIC WAND! 不是个魔术棒!

LOWERING COSTS ? 减少花销?

ISSUES WITH WILL = PROBATE COURT \$\$\$\$

立遗嘱 = 遗嘱查验法庭 \$\$\$\$

MINIMIZING DELAYS 减低延误

HOW CAN YOU MINIMIZE DELAYS 你怎样才能减低延误

A. HAVE A COMPREHENSIVE ESTATE PLAN 做个全面财产规划

1. ORGANIZED 有条理的

B. AVOID PROBATE 避免遗嘱查验

1. ASSETS ARE FROZEN PRIOR TO EXECUTOR BEING APPOINTED
在执行人被指定之前，资产是被冻结的

2. ONCE IN PROBATE YOU HAVE TO FOLLOW THEIR PROCEDURES
一旦进行遗嘱查验，你就不得不按照他们的程序走

2. ISSUE WITH WILL 立遗嘱

A. PROBATE COURT - LONG DELAY 遗嘱查验法庭 - 很久的时延

3. ASSETS ARE FROZEN UNTIL TAX WAIVER NJ 财产被冻结直到清税NJ

A. SOLUTION REVOCABLE LIVING TRUST 解决方案是可撤销的生前信托

MINIMIZING TAXES 減稅

FEDERAL 联邦

ESTATE TAX - 5.32M AND OVER
财产稅 - 532万和更多

- SINGLE - 5.32 M 单身 - 532万

- MARRIED - SURVIVING SPOUSE
已婚 - 活着的配偶

* PORTABILITY 可移植性

INCOME TAXES 收入稅

- CAPITAL GAINS 資本利潤

- STEP UP IN BASIS 加强基础

STATE 州

ESTATE TAX 财产稅

-SOME STATES HAVE THEIR OWN 部分州有自己的

- NJ - 675,000 新泽西 - 67万5千
- PA - NONE 宾州 - 无
- NY 1M AM 纽约 - 一百万 AM

- CAPITAL GAINS - STEPPED UP BASIS 資本利潤-加强基础

- INHERITANCE TAX 遗产稅

- PA 宾州
- NJ only lineal descendants'
新泽西仅限嫡系亲属
- NY 纽约

HOW DO WE MINIMIZE OR ELIMINATE ESTATE TAXES 我们怎样将遗产税降到最低或免除

TAX LAWS CHANGE 税法变化

DISCLAIMER TRUST - QTIP TRUST

免责信托 - QTIP信托 (Qualified Terminable Interest Property, 二次婚姻的常用信托)

A QTIP TRUST LETS YOU SHIELD ASSETS FROM ESTATE TAXES

QTIP信托保护你的财产免于遗产税

DIFFERENCE BETWEEN A WILL & RLT 遗嘱和可撤销信托的差别

- ▣ WHAT IS A WILL 什么是遗嘱
- ▣ HOW DOES IT WORK 它如何发挥作用
 - ▣ INDIVIDUALS NAME 个人姓名
 - ▣ MUST PROBATED TO TAKE EFFECT 必须经遗嘱查验才生效
 - ▣ ACCEPTANCE INTO PROBATE 接受遗嘱查验
 - IF ACCEPTED EASY SIMPLE PROCESS 如果接受，程序简单容易
 - IF NOT COULD BE A LONG AND DRAWN OUT PROCESS 如果不接受，能够成为漫长又磨人的过程
 - USUALLY ACCEPTED 通常接受
 - ▣ FOLLOW PROCEDURES AFTER ACCEPTED 接收后按步骤进行

WHAT IS A REVOCABLE LIVING TRUST 什么是可撤销信托

- ENTITY CREATED BY A CONTRACTUAL RELATIONSHIP 有契约关系成立一个实体
- ASSETS ARE TITLE ARE IN THE TRUSTS NAME 财产署名为信托名下
- TRUST HOLDS & CONTROLS YOUR ASSETS 信托保管并控制你的财产
- YOU AS THE TRUSTEE HAVE OWNERSHIP OF THE ASSETS 你作为受托人拥有财产的所有权
- SETS UP A ROADMAP ON HOW YOU WANT THE ASSETS IN THE TRUST TO WORK WHILE YOU ARE ALIVE AND THEN UPON DEATH 设立一个“路线图”：在你活着时和去世时，你希望信托中的资产怎样运作

WHAT DOES A REVOCABLE LIVING TRUST DO? 可撤销信托能做什么？

A. **AVOIDS PROBATE** 避免遗嘱查验

B. **AVOIDS ANCILLARY PROBATE** 避免辅助的遗嘱查验

C. **PRIVACY** – information is a commodity. 保护隐私 – 信息是商品

D. **BETTER DISABILITY PLANNING.** 更好的无行为能力规则

E. **LESS FUNDING MISTAKES – TAX AVOIDANCE**

减少资金失误 – 避税

1. QTIP TRUST/BYPASS TRUST 1. QTIP信托/旁路信托

2. DISCLAIMER TRUST 2. 免责信托

F. **BETTER WAY TO KEEP ON GOING TRUSTS**

更好地保护正在建立的信托

1. CREDITOR PROTECTION 保护债权人

2. BENEFIICIARY PROTECTION 保护受益人

G. **QUICKER DISTRIBUTION OF ASSETS** 更快的财产分配

WHAT IS BETTER WILL OR RLT 遗嘱和可撤销信托哪一个更好？

WHAT BEST ACHIEVES YOUR GOALS? 什么能最好地达成你的目标？

COMPREHENSIVE ESTATE PLAN 全面财产规划

I. TAKES CONTROL OF YOUR ASSETS WHILE YOU ARE ALIVE

帮助你在活着的时候控制你的资产

II. PROVIDES FOR YOU AND YOUR LOVED ONES IN THE EVENT YOU BECOME INCAPACITATED

当你无行为能力时，为你和你所爱的人提供该如何做的指导

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COMPREHENSIVE ESTATE
PLAN 全面财产规划

WILL VS. RLT
遗嘱对比可撤销信托

I. TAKES CONTROL OF YOUR
ASSETS WHILE YOU ARE ALIVE -
-----→ 在你活着时控制你的财产

II. PROVIDES FOR YOU AND
YOUR LOVED ONES IN THE
EVENT YOU BECOME
INCAPACITATED _____>
当你失去行为能力时，为你和你爱
的人提供如何做的指导

WINNER = RLT

可撤销信托胜出

RLT IS BETTER 可撤销信托更好

1. Forces you to have properly tilted assets
强制你有署名合理的财产
2. Trust provides a roadmap for how assets
in the trust are handled.
信托为信托中的资产是怎样被处理的提供指南

RLT IS BETTER 可撤销信托更好

1. RLT - Provides a roadmap when
incapacitated
可撤销信托 - 当失去行为能力时，可提供该如何做的指导
2. WILL - only works upon death
遗嘱只在去世时起作用
3. DURABLE POWER OF ATTORNEY -
持久授权委托书

COMPREHENSIVE ESTATE
PLAN 全面财产规划

WILL VS. RLT
遗嘱对比可撤销信托

III. UPON DEATH
GIVES WHAT YOU
HAVE 去世时给予你的
所有

- a. TO WHO YOU
WANT 给到你想
给的人
- b. THE WAY YOU
WANT 以你希望
的方式
- c. WHEN YOU
WANT IT 在你希
望的时间

WINNER = RLT

可撤销信托胜出

1. FUNDING 资金
2. BETTER VEHICLE TO HOLD
ASSETS IN CONTINUED TRUST
在持续的信托中更好地保存资产
 - a. BENEFICIARY CREDITOR
PROTECTION
受益人债权人保护
 - b. PREDITOR PROTECTION
债权人保护
 - c. PROTECTING BENEFICIARIES
保护受益人

COMPREHENSIVE ESTATE
PLAN 全面财产规划

WILL VS. RLT
遗嘱对比可撤销信托

IV. MINIMIZES
COSTS, TAXES AND
DELAYS UPON
DEATH OR
INCAPACITY在去世
或失去行为能力时，
将花销，税和延迟降
到最低

WINNER = RLT

可撤销信托胜出

COSTS 费用

1. FUNDING 资金
2. AVOID PROBATE 避免遗嘱查验
 - a. ANCILARY PROBATE 辅助的遗嘱查验
 - b. PROBATE COURT 遗嘱查验法庭

DELAYS 延迟

1. AVOID PROBATE 避免遗嘱查验
 - a. ANCILARY PROBATE 辅助的遗嘱查验
 - b. PROBATE COURT 遗嘱查验法庭
2. ASSETS FROZEN 财产冻结

TAXES 税务

1. CREDIT SHELTER OR DISCLAIMER TRUST
信用保护或免责信托
 - a. Can be created with a Will but better with a trust
可以用遗嘱建立，但最好用信托

EVERYONES GOALS ARE DIFFERENT 每个人的目标都不同

WILL 遗嘱

ONLY WORKS UPON DEATH 只在去世时产生效力

ONLY WORKS WITH ASSETS IN AN INDIVIDUALS NAME 只对在某个人名下的财产有效

DISTRIBUTES ASSETS UPON DEATH 在去世时分配财产

PROBATE 遗嘱查验

DOCUMENTS FOR COMPREHENSIVE WILL PLAN 全面遗嘱规划的文件

WILL 遗嘱

DURABLE POWER OF ATTORNEY 持久授权委托书

HEALTHCARE POWER OF ATTORNEY 医疗护理委托书

LIVING WILL 生前嘱托

HIPPA - HIPPA授权书

EVERYONES GOALS ARE DIFFERENT 每个人的目标都不同

REVOCABLE LIVING TRUST 可撤销生前信托

A. PROBATE AVOIDENCE 遗嘱查验保护

B ANCILLARY PROBATE 辅助的遗嘱查验

C. PRIVACY - information is a commodity. 隐私 - 信息是商品

D. BETTER TO HAVE A REVOCABLE LIVING TRUST IF YOU BECOME INCAPACITATED.

如果你成为无行为能力，最好有一个可撤销信托

E. LESS FUNDING MISTAKES - TAX AVOIDANCE 减少资金失误 - 避税

1. QTIP TRUST/BYPASS TRUST 1. QTIP信托/旁路信托

2. DISCLAIMER TRUST 2. 免责信托

F. BETTER WAY TO KEEP ON GOING TRUSTS 更好地保护正在建立的信托

1. CREDITOR PROTECTECTION 债权人信托

2. PROTECTING BENEIFICIARIES FROM THEMSELVES 保护受益人避免被他们自己伤害

g. QUICKER MORE EFFICIENT DISTRIBUTION OF ASSETS. 更快更高效的财产分配

RECAP 要点重述

- ▣ WILL Great way to plan 遗嘱是很棒的规划方法

UNLESS YOUR GOALS ARE 除非你的目标是

- A. PROBATE AVOIDENCE 避免遗嘱查验
- B. ANCILLARY PROBATE AVOIDANCE 避免辅助遗嘱查验
- C. PRIVACY 保护隐私
- D. GREATER INCAPACITY PLANNING. 更好的失去行为能力规则
- E. LESS FUNDING MISTAKES - TAX AVOIDANCE 减少资金失误 - 避税
- F. QUICKER MORE EFFICIENT DISTRIBUTION OF ASSETS.
更快更高效的财产分配

FUNDING - make sure a will is funded properly
资金 - 确保遗嘱正确设立

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THE END