Trusts & Estates

HANCOCK ESTABROOK, LLP
COUNSELORS AT LAW

Our Trusts & Estates Practice provides expert legal advice and counsel in all aspects of estate and trust planning and administration, business succession, retirement and tax planning, charitable giving, guardianships, and estate litigation.

Trust & Estate Planning

Our Trusts & Estates Practice attorneys advise clients and prepare all documents necessary for a complete estate plan, tailored to each individual client's needs and circumstances. Such documents include wills, powers of attorney, health care proxies, living wills, revocable living trusts, irrevocable trusts, asset preservation trusts, supplemental needs trusts, testamentary trusts, life insurance trusts, qualified personal residence trusts, and charitable trusts. We also handle any real estate transfers resulting from estate and trust planning.

Trust & Estate Administration

Our attorneys assist clients in the estate and trust administration process from start to finish.

We represent executors and administrators in obtaining their appointment as fiduciaries by the Surrogate's Court. We assist executors and administrators in the complete administration of the estate, including the preparation of fiduciary income tax returns, estate tax returns, and accountings necessary to settle the estate (informally or formally) through the Surrogate's Court. We also represent individual beneficiaries in contested estate matters.

Our Firm represents both individuals and corporate trustees as to their fiduciary obligations relative to the administration and settlement of revocable trusts, irrevocable trusts, and testamentary trusts. Our representation includes handling any litigated matters relating to the trust administration. We also represent individual beneficiaries in contested trust administration matters.

Our attorneys also handle any real estate transfers associated with the estate or trust administration.

Business Succession Planning

We advise clients in the transfer of closely held businesses, including entity restructuring, to ensure a smooth transition of business interests from one generation to the next.

Retirement Planning

Our attorneys work with clients to properly structure beneficiary designations and distributions from individual retirement accounts (IRAs), 401(k) plans, 403(b) plans, and deferred compensation plans to ensure that the retirement planning conforms with the client's estate planning goals and individual needs.

Tax Planning

We advise clients on all aspects of estate, gift, and fiduciary income tax matters, including the preparation of the returns. Our Trusts & Estates Practice consists of experienced tax attorneys and a certified public accountant who are fully equipped to handle complex tax matters. Our attorneys represent clients on related tax issues that arise in estate planning and in the administration of trusts and estates. We also represent clients in contested tax matters before both federal and state taxing authorities.

Charitable Giving

We analyze clients' assets and advise them as to available options for obtaining the maximum tax benefit through the use of charitable giving. Our plans include charitable trusts and private family foundations.

Infant & Individual Guardianship

Our attorneys assist families in obtaining guardianship (SCPA Article 17) over minor children when they are in need of a court- appointed guardian of their property such as when they receive funds from a decedent's estate or as a beneficiary of a lawsuit.

We also assist families in obtaining guardianship over disabled individuals (SCPA Article 17-A) who are in need of a guardian to manage their personal needs and property.

Trusts & Estates Litigation

Our Trusts & Estates Practice attorneys represent clients in Surrogate's Court proceedings throughout New York State. We handle contested matters including accounting proceedings, discovery proceedings, will contests, construction of wills and trust agreements, and other litigated matters involving decedents or trusts.