

# Phoebe Moffatt, Arizona Attorney & Counselor

Certified Specialist in Estate & Trust Law by AZ State Bar Board of Legal Specialization



## Phoebe Moffatt's Mission

To ensure the individual needs of each client are met, Phoebe Moffatt's mission guides all her legal work:

- Personalized service.
- Clear communication.
- Professionalism and integrity
- Listen carefully to the goals her clients wish to accomplish.
- Maintain the highest standard of ethics, professionalism, and integrity.
- Offer caring and highly qualified legal services to assist her clients in achieving their legal goals.
- Explain the scope of the legal representation being offered to her clients in such a manner that clients clearly understand what is to be gained from the legal representation.
- Stay current with new laws and regulations regarding taxes and post-death legal issues.

## About Phoebe Moffatt



Phoebe Moffatt's practice focuses on estate planning, including the preparation of revocable living trusts, wills, health care powers of attorney, durable powers of attorney, irrevocable life insurance trusts, and other revocable trusts. She provides legal counsel to fiduciaries administering a trust or an estate, including assistance with the preparation of estate and gift tax returns, and she assists fiduciaries in the administration process, including guidance on the collection of a decedent's assets, payment of decedent's liabilities, and distribution of the decedent's assets to legal heirs and beneficiaries.

Ms. Moffatt offers legal representation in guardian and conservator matters, and legal counsel for certain designated beneficiaries and heirs. She also provides legal counsel in small business formation matters.

Ms. Moffatt is certified as a specialist in Estate and Trust Law by the Arizona State Bar Board of Legal Specialization. She is also a Fellow of the American College of Estate & Trust Counsel (ACTEC) and is top-ranked in Chambers and Partners' High Net Worth Guide for Private Wealth Law in Arizona, demonstrating her expertise in these important and complex legal matters. She is Martindale Hubbell AV-Preeminent®, and named in Best Lawyers in America® and Super Lawyers®. Ms. Moffatt earned "Lawyer of the Year (Scottsdale) Litigation in Trusts and Estates". She is honored in "Top 100 Lawyers in Arizona" by AZ Big Media, "Women Leaders in the Law" by American Legal Media, and recipient of the 5 Star Estate Planning Attorney award by Phoenix Magazine. She is involved in many legal and community organizations. Ms. Moffatt's fundamental approach is listening to your needs. This allows for creation of a customized solution that is unique to your personal circumstances, while providing the protection you and your family need today and in the future.

## Estate Planning

Estate planning is the process of arranging your financial affairs, and includes the use of legal documents for selecting decision makers who will handle your affairs in the event of your incapacity and after your death to distribute assets according to your wishes. Phoebe Moffatt recognizes that each client situation is unique. That is why each estate plan she prepares is designed specifically for you based on life circumstances, family situation, personal and business assets, and goals.



### **Approach & Implementation**

Ms. Moffatt's approach to estate planning is simple – she tailors each estate plan to meet the client's individual financial and personal goals. She begins by consulting with her clients and helping them define their overall financial and personal objectives. This results in a personalized estate plan the clients understand. She drafts concise legal documents and provides personal consultation and explanatory letters to explain the proposed plans. As needed, she works with clients to have assets titled and transferred, and assists clients in completing forms to appropriately designate beneficiaries in accordance with their estate plan.

Throughout the process, Ms. Moffatt strives to implement an estate plan that provides a tax efficient way for her clients to achieve their goals. She discusses the various tax consequences associated with different types of estate plans and works with you to make a well-educated decision. State-of-the-art technology is used in making estate tax projections and preparing tax returns.

### **Services**

Phoebe Moffatt assists her clients with a variety of estate planning services including:

- Revocable trusts and wills
- Durable powers of attorney
- Healthcare powers of attorney and living wills
- Planning for qualified plan and IRA assets
- Minor's and gift trusts
- Limited liability companies

For clients requiring more sophisticated services, Ms. Moffatt can also provide assistance with:

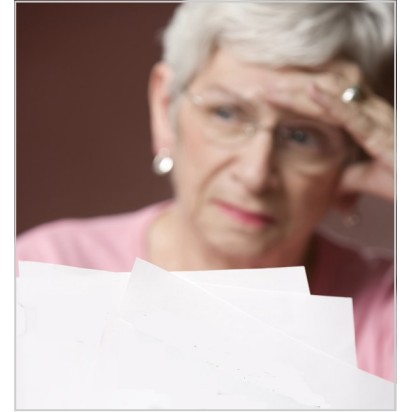
- Irrevocable life insurance trusts
- Qualified personal residence trusts
- Irrevocable gift trusts
- Charitable trusts
- Family limited partnerships
- Succession planning for closely held businesses
- Preparation of gift tax returns
- Preparation of estate tax returns

**Other Advisors** Ms. Moffatt believes that coordinating the effort of financial advisors is the most effective way to create solutions to her clients' needs. She frequently meets with investment planners, accountants and other advisors, on behalf of her clients to ensure all aspects of the estate plan is properly implemented.

## Post Death & Trust Administration

Coping with the loss of a loved one is never easy. Phoebe Moffatt educates her clients with what to expect regarding post death and trust administration (commonly referred to as the probate process) to ease the process during this transition period. Frustration and concern often result from what is required to administer an estate and/or trust after a death. Questions arise as to what steps are really required, how long they should take, and what costs are appropriate.

Accurate answers require an in-depth understanding of the probate and trust administration process. She represents fiduciaries by filing the necessary pleadings to admit a decedent's will to probate and preparing pleadings and documents required under law. The process can range from very simple to quite complex, depending on the case at hand. In trust administration matters, she offers the trustee guidance and assistance in fulfilling the trustee's fiduciary duties under the terms of the trust and Arizona law.



### **Compassion and Communication**

Ms. Moffatt takes special care during these difficult times to represent families with caring and compassionate counsel, guidance, and direction. During this difficult time, Ms. Moffatt regularly communicates with her clients so that they are always aware of the status of the probate or settlement process. Based on her extensive experience, Ms. Moffatt establishes expectations regarding the amount of time the estate and/or trust administration will take, the amount it will cost, and the extent to which her client will need to be involved.

*Ms. Moffatt assists her clients with a variety of administration services including:*

### **Probate/Trust Administration**

- Initiating formal or informal probate proceeding in court, if required by law
- Coordinating with title companies, real estate professionals, and appraisers when necessary to liquidate estate and trust assets
- Assisting the fiduciary in collecting decedent's assets, notifying creditors of decedent, and paying any debts of decedent
- Assisting fiduciary in the preparation of federal and state tax returns, reviewing for accuracy and minimizing liability for any estate and/or gift taxes
- Assisting fiduciary in preparing an inventory and appraisal of estate and trust assets, and in complying with the disclosure requirements under the trust and Arizona law
- Assisting fiduciary in transferring assets to beneficiaries under a decedent's estate plan
- Assisting fiduciary in fully funding and distributing estate and trust assets
- Preparing closing documents to be filed with probate court

### **Post Mortem Planning**

- Providing advice to surviving spouse to re-evaluate estate plan
- Providing advice to beneficiaries to determine their own individual estate planning opportunities

## Guardianship & Conservatorship

For clients coping with an incapacitated family member, especially the elderly, Phoebe Moffatt counsels clients through the legal process of becoming appointed as the legal guardian and/or conservator for a loved one.

Seeking appointment as guardian and/or conservator can be a very emotional, but necessary, undertaking. It is important to choose an attorney who not only understands the related laws and procedures to help ensure that all the court's requirements are being met during the course of the appointment, but who can guide one through the process with compassion and understanding.



*Ms. Moffatt assists her clients with a variety of administration services including:*

### **Becoming Appointed as Guardian**

- Assisting client in determining whether a loved one is incapacitated;
- When necessary, filing guardianship proceeding in court to have a guardian appointed for the purpose of making medical and health care decisions for a loved one who is unable to communicate such decisions;
- Coordinating with court appointed investigator, physician, and attorney to determine the best interests and medical care for the incapacitated person; and
- Assisting guardian in filing annual reports with court, locating appropriate medical treatment facilities, and coordinating with medical providers.

### **Becoming Appointed as Conservator**

- If necessary, filing proceeding in court to have a conservator appointed for the purpose of obtaining access to the financial resources of the incapacitated person to help pay for the expenses associated with the medical care and maintenance of the incapacitated person;
- Coordinating with court appointed investigator, physician, and attorney to determine what is in the financial best interests of the incapacitated person; and
- Assisting conservator in collecting assets, notifying creditors, and paying legitimate debts of the incapacitated person, and coordinating the preparation of tax returns.

## **Beneficiary Representation**

Phoebe Moffatt offers assistance to beneficiaries under a decedent's estate plan in understanding their legal rights. If appropriate, Phoebe Moffatt assists her clients in asserting their legal rights in court to obtain for them what they are entitled to receive under a decedent's estate plan.

Phoebe Moffatt also offers assistance to the heirs of a decedent who died without an estate plan (i.e. died intestate) in understanding their legal rights; and, if appropriate, asserting such rights in a probate proceeding to obtain for the heir what he or she is entitled to receive under Arizona's intestacy laws.



## Small Business Formation

Phoebe Moffatt offers advice and assists clients in understanding the various choices of small business structures.

These matters often include whether to incorporate; whether to form an Arizona limited liability company; whether to create a partnership; whether to create a family limited liability partnership/company; or whether to embark on a joint or solo venture; as well as considerations for other types of business entities. Discussions are generally geared to helping clients understand liability issues and tax issues depending on their choice of structure and formation of a particular business entity.

Based on client's decision of small business formation, Ms. Moffatt will prepare the necessary documents to create the business entity, file such documents with the appropriate legal authorities, and assist the client in providing notice to required parties. These services allow her clients to focus on the operation of their new entity while she focuses on the necessary legal matters required to operate legally and efficiently.

