

NEWSLETTER



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DON'T LET YOUR ESTATE PLAN FALL BEHIND: 5 ITEMS TO REVIEW NOW

By Beier Howlett, P.C.

As the year winds down and families prepare for the holidays, fall is a good time to take a closer look at your estate plan. Life changes quickly, and documents that once reflected your wishes may no longer provide the protection or direction your family needs. A yearly review can help ensure your estate plan remains current and effective.

Here are five important areas to review before the holiday season:

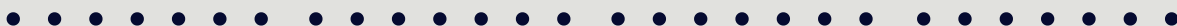
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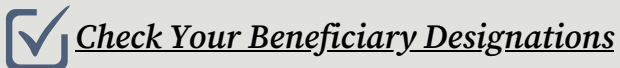


Review Your Will and Trust

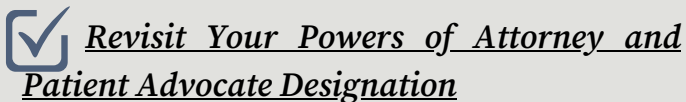
Your Will or Trust should reflect your current wishes and family circumstances. Consider whether there have been any significant changes since your documents were prepared, such as a marriage, divorce, birth of a child or grandchild, death in the family, or changes in your relationship with beneficiaries.

If you have created a Trust, make sure it is properly funded and that any assets intended to be held by the Trust are titled appropriately.





Review your beneficiaries to make sure they are still correct, particularly after a marriage, divorce, death, or other major life event. It is also important to review contingent beneficiaries, not just primary beneficiaries.



Estate planning is not only about what happens after death. Your plan should also address what happens if you become unable to make financial or medical decisions for yourself.

Review your Durable Power of Attorney and Patient Advocate Designation to ensure the individuals you have chosen are still the people you trust to act on your behalf. Confirm that their contact information is current and that they understand your wishes.



Take inventory of your major assets, including real estate, bank accounts, investments, retirement accounts, business interests, and valuable personal property. Consider whether ownership of these assets is consistent with your overall estate plan.

For business owners, this may also be a good time to review succession plans, buy-sell agreements, and other documents addressing what happens to a business upon an owner's death or incapacity.

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The Michigan Legal 250 recognizes the most influential and accomplished attorneys across the State of Michigan who have demonstrated excellence in their respective areas of practice and made a meaningful impact through their work. Selected by Michigan Lawyers Weekly's editorial team, honorees are recognized for their professional accomplishments, ability to adapt to the evolving needs of their clients, and contributions to the legal community. Congratulations to:

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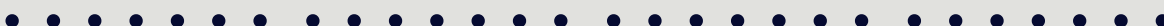
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Finally, think about what has changed over the past year. Have your assets increased or decreased significantly? Have you purchased or sold property? Has a child reached adulthood? Has someone in your family developed special needs? Have your goals for charitable giving or leaving an inheritance changed?



Even if nothing significant has changed, an annual review can provide peace of mind and an opportunity to confirm that your plan continues to reflect your wishes.

The holidays are about spending time with the people who matter most. Taking time this fall to review your estate plan can help protect those you love and give you greater confidence that your wishes will be honored. If it has been several years since your last estate planning review, or if you have experienced a significant life change, consider speaking with an experienced estate planning attorney. ◆

WHAT HAPPENS AFTER YOU FILE FOR DIVORCE IN MICHIGAN?

By Monica Rossi Baylis

Filing divorce is the formal beginning of the legal process, but it is only the first step. Once a divorce complaint is filed in Michigan, there are several important steps that follow. Understanding what to expect can help reduce uncertainty and allow you to make informed decisions throughout the process.

Your Spouse Must Be Served

After the complaint for divorce is filed, your spouse must receive formal notice of the case. This generally includes the summons and a copy of the complaint. The papers must be served according to Michigan court rules, and the person filing for divorce cannot personally serve the papers. The summons generally must be served within 91 days of being issued, or the case may be dismissed.

Your Spouse Has Time to Respond

Once served, the other spouse has a limited amount of time to respond. In most cases, an answer must be filed within 21 days if the spouse was personally served in Michigan. Certain methods of service may provide 28 days.

The response may agree with some or all of the issues raised in the complaint, disagree with them, or include a counterclaim. Failing to respond can result in a default, which may limit the spouse's ability to participate in the case and could allow the court to decide issues without that spouse's input.

Temporary Issues May Need to be Addressed

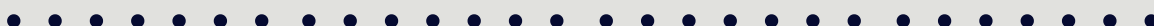
Divorce cases can take months to resolve, and important issues may need to be addressed while the case is pending. Depending on the circumstances, the parties may need temporary arrangements concerning custody, parenting time, child support, spousal support, payment of household expenses, or use of the marital home.

Either party may ask the court to enter temporary orders when an agreement cannot be reached.

The Discovery and Negotiation Process Begins

The parties may exchange information about their finances, assets, debts, income, and other matters relevant to the divorce. This process, known as discovery, can help identify marital property and determine what issues need to be resolved.

Many divorces are resolved through negotiation, mediation, or another form of alternative dispute resolution rather than going



A professional headshot of a man with short, light brown hair, wearing black-rimmed glasses, a light blue dress shirt, a blue and white striped tie, and a grey suit jacket. He is smiling slightly and looking directly at the camera against a plain, light grey background.

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If You Have Children, the Friend of the Court May Become Involved.

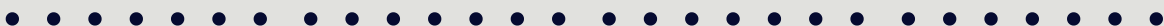
Parents should take FOC communications, appointments, recommendations, and deadlines seriously. The specific FOC process can vary by county and by the circumstances of the case.

Michigan Has a Waiting Period

Importantly, the waiting period is only a minimum. If the parties cannot agree on property, support, custody, parenting time, or other issues, the divorce may take considerably longer.

The Divorce is Finalized by a Judgment

Once all issues have been resolved, either through agreement or after a court hearing or trial, the judge can enter a Judgment of Divorce.



The judgment addresses the terms of the divorce, which may include property and debt division, spousal support, custody, parenting time, child support, and other matters.

Once entered, the parties are legally divorced and must follow the terms of the judgment and any other applicable court orders.

Every Divorce is Different

Although the general process follows these steps, every divorce has its own circumstances.

The timeline and issues involved can vary significantly depending on whether the parties have children, the complexity of their finances, whether they agree on major issues, and whether court intervention is necessary.

If you are considering divorce or have recently been served with divorce papers, speaking with an experienced Michigan family law attorney can help you understand your rights, responsibilities, and options before making important decisions. ◇

MICHIGAN BUSINESS SUCCESSION PLANNING: IS YOUR BUSINESS READY FOR THE FUTURE?

By Beier Howlett, P.C.

For many Michigan business owners, building a successful company has taken years of hard work, careful planning, and dedication. But have you considered what will happen to your business when you retire, step away, or can no longer manage it? Business succession planning helps safeguard your hard work and all that you have built and prepares your business for a seamless transition when the time comes for new leadership.

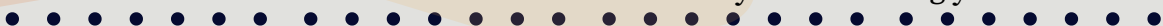
START PLANNING EARLY

Succession planning should begin well before a transition is expected. Starting early gives you time to identify potential successors, develop their skills, address ownership issues, and structure a transition that works for everyone involved. You should not wait until retirement, or an unexpected crisis, to develop a plan. Waiting too long can limit your options and add unnecessary stress when you need clarity the most.

DETERMINE WHO WILL TAKE OVER

Think beyond today's operations and identify who you trust to lead, manage, and carry your business forward for years to come. A successor could be a family member, business partner, key employee, or an outside buyer. If multiple family members or owners are involved, clearly establishing roles and expectations can help prevent disagreements. It is important to evaluate whether a potential successor has the experience and resources necessary to take over the business.

For Michigan business owners, it is also important to consider whether the successor understands the company's financial responsibilities, customers, employees, and day-to-day operations. Starting this conversation early allows time for training, mentoring, and gradually transferring responsibilities before the transition occurs. Clearly documenting your decisions can also



help ensure everyone understands the plan and reduce the potential for conflict when the time comes.

The right successor is not necessarily someone who will run the business exactly as you have, but someone who understands and respects the culture you have built. Alignment on core values--how employees are treated, how customers are served, how decisions are made, and what the company stands for-- can be every bit as important as experience, expertise, or financial capability.

REVIEW YOUR BUSINESS DOCUMENTS

Your governing documents should support your business succession plan and clearly outline what happens when ownership or management changes. Depending on your business structure, this may include an operating agreement for an LLC, bylaws and shareholder agreements for a corporation, or a partnership agreement for a partnership structure, among many others. These documents should be reviewed regularly to make sure they reflect your current ownership, business goals, and succession plans.

A buy-sell agreement can be another important component of a succession plan. It can establish how an owner's interest will be handled if the owner dies, becomes disabled, retires, or otherwise leaves the company. A well-drafted agreement can address who may purchase the departing owner's interest, how the interest will be valued, and how the purchase will be funded. It can also help prevent ownership from unexpectedly passing to someone who may not be appropriate for the business.

In Michigan, business owners should make sure their succession documents work together and are consistent with the company's governing documents and applicable state laws. Regularly reviewing

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Beier Howlett, P.C. is proud to announce that four of our attorneys have been recognized in Best Lawyers in America® 2027 for their outstanding legal work and commitment to their clients and communities.



Michael C. Gibbons



Monica Rossi Baylis



Tracy Gaudenzi



Mary M. Kucharek

these agreements with legal and financial professionals can help identify gaps, resolve potential conflicts, and ensure the plan remains aligned with the future of the business.

CONSIDER HOW THE TRANSITION WILL BE PAID FOR

A successful succession plan should address not only who will take over the business, but also how the ownership transition will be funded. For many Michigan business owners, the financial side of succession planning can be one of the most challenging pieces. Will a family member or key employee purchase the owner's interest over time? Will the business be sold to another company or outside buyer?



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Could the purchase be funded through cash, financing, installment payments, or a combination of resources?

Life insurance can also play an important role, particularly when a business owner's death triggers a buyout. Properly structured life insurance may provide the funds needed for the remaining owners or the business to purchase the deceased owner's interest without placing an immediate financial burden on the company. Other funding options may include disability insurance, business loans, or setting aside business assets specifically for a future transition.

Business owners should also consider how the purchase price will be determined. A buy-sell agreement can establish a valuation method and payment terms before a triggering event occurs, helping reduce uncertainty and potential disputes among owners or family members. Planning these details in advance can help preserve the business's financial stability while providing the departing owner or their family with fair value for their interest.

By addressing funding and valuation early, Michigan business owners can create a succession plan that is not only legally sound but also financially realistic and easier to carry out when the time comes.

KEEP THE PLAN CURRENT

Succession planning isn't only about retirement. Death, disability, serious illness, or an unexpected departure can happen at any time, and without a plan in place, these events can leave a business vulnerable to financial disruption, ownership disputes, or uncertainty about who has authority to make important decisions.

A succession plan should evolve as the business changes. Review it periodically, particularly after adding or losing an owner, experiencing significant growth, changing your business structure, or experiencing major family or financial changes. In Michigan, keeping your governing documents and succession agreements up to date can help ensure they continue to reflect your current ownership and business goals. Regular reviews also provide an opportunity to identify gaps, update valuations, and confirm that your chosen successor and funding arrangements are still appropriate.

A successful business transition doesn't happen by accident; it starts with thoughtful planning today. Beier Howlett's experienced business lawyers can help evaluate your succession goals, identify potential challenges, and develop a plan designed to protect your business, your employees, and the legacy you've worked hard to build. We're here to help you navigate the process with confidence and prepare your business for what comes next. ◇



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