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September, 2017

Hello to all my Clients,  
It's fall and our temperatures are dropping. Everyone is back to school and getting back into those routines. We had a fun summer full of trips and weddings and soon my son and his wife will be welcoming their first child. Everyone says being a grandparent is great, I'll let you know!



On the business side of things, the practice is still growing. Molli Anderson, our Legal Assistant, has been with us a year now. I am also happy to announce a new partnership with Kris Sperry, doing business as Capital City Law. Kris has been practicing for several years in the Treasure Valley as a bankruptcy attorney,

and a business collections specialist. He will be focusing on comprehensive estate planning, business entity formation/litigation, and general asset protection and advisement. I am still specializing in estate planning, business formations and merger acquisitions. We are all set up in our new location on Shoreline, by the Boise River, sharing offices with Tree City Advisors.

If you would like to receive my quarterly newsletter via email or need to update your information, let us know. I also welcome referrals. I am honored to help your family and friends.

Best Regards,

*Steve*

I'm still co-hosting **Idaho's Money Show** Monday-Thursday weeknights from 6-7pm on FM 107.5 or 580AM or listen live on your computer at [580kido.com](http://580kido.com). Call in, or email your questions anytime. We welcome your feedback, questions or comments on the topics of the day.

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**Common Misconceptions About Estate Planning**

Two of the most common misconceptions about estate planning are that having a will allows your heirs to avoid probate, and that in a community property state, upon the death of a spouse, property automatically transfers to the surviving spouse. Both of these ideas are not true, and cause confusion for people after a loved one dies.

**What Happens After I Die?**

One of the most common documents we think of, when we think of estate planning, is a will. This is not the most useful document, in fact, because a will is not valid until a judge says it is. Many people think having a will helps your heirs avoid probate, but a will, by its very nature, guarantees that the heirs will be in probate court if there are any assets. A will does not come into effect until 1) you die and 2) A judge confirms your will is valid.

**Transfer of Property is Not Automatic**

In a community property state, many people think that when one spouse dies, their property is automatically transferred to the surviving spouse. Community property laws just create a presumption of equal ownership. During probate, whether or not there is a will, you still have to take the affirmative step to have the titles of all assets transferred into the spouse's name.

**Use a Trust to Bypass Probate and Re-titling Property**

When you create a trust, the assets are already titled to the trust, and the death of a spouse doesn't affect this. Either surviving spouse is the beneficiary of the trust, the language of the trust already covers this. Since a trust has already been reviewed by the court, there is no probate required. A trust keeps your family business private, and a trust settlement will never be part of the public record.

Full Article at: <http://capitalcitylawoffice.com/XXX>

If you need legal assistance give my office a call anytime.