40th Annual Estate Planning & Fiduciary Law Program

LIVE
Thursday–Saturday,
July 25–27, 2019
Kiawah Island Golf Resort
East Beach Conference Center
5490 Sea Forest Drive
Kiawah Island, SC

REGISTER TODAY!
Save 10% if registration is received by July 4, 2019.
www.tinyurl.com/CLE820EPF

Program includes the 2019 Estate Planning & Fiduciary Law Section Annual Meeting

TOTAL CLE CREDIT
9.75 HOURS

Ethics/Professional Responsibility
1.0 HOUR

Qualifies for NC State Bar Estate Planning & Probate Law Specialization credit
Join us this summer as we return to Kiawah Island for our 40th Annual Estate Planning & Fiduciary Law Program. This program provides three mornings of innovative CLE programming covering significant estate planning, estate administration and tax issues as well as a wide range of topics for both new and experienced lawyers. Coinciding with the annual meeting of the Estate Planning & Fiduciary Law Section, this program — attended by attorneys, CPAs, trust companies and other estate planning professionals from North Carolina and beyond — offers a number of opportunities to network and mingle with colleagues in the estate planning arena.

Dynamic speakers cover a variety of topics, including the following:

- Federal and state recent developments
- Sales to spousal grantor trusts
- Basis planning
- Flexible drafting in times of uncertainty
- The intersection of estate planning and elder law
- Practical estate administration
- Navigating a fiduciary dispute

WHAT PEOPLE ARE SAYING...

“Excellent program, as always!”

“Program was very well run. The speakers and sponsors all did a great job. Kiawah was a beautiful setting for the event.”

“Great speakers and breadth of topics.”

— Attendees, 39th Annual Estate Planning & Fiduciary Law Program (2018)
THURSDAY, JULY 25, 2019 | 7:30 a.m. – 12:00 p.m.

7:30  Registration and Breakfast
8:00  Introductions and Announcements
8:15  Federal and State Recent Developments | Cooper, Kain and Loftis
A review of recent federal statutory developments and cases involving trust, estate, gift and income tax matters and NC case law.

10:00  Break
10:15  Estate Planning & Fiduciary Law Section Annual Meeting | Rebecca L. Smitherman, Craige Jenkins Liipfert & Walker LLP, Winston-Salem, 2018-2019 Section Chair, presiding
Despite increased exemptions, transfer tax audits and litigation are not going away. This session provides information on current trends in the transfer tax controversy area at audit level, appeals and in litigation.
12:00  Adjourn for the day

FRIDAY, JULY 26, 2019 | 7:45 a.m. – 12:00 p.m.

7:45  Breakfast
8:10  Announcements

BREAKOUT SESSIONS

8:15  Track 1: Installment Sales to Spousal Grantor Trusts | Hattenhauer and Mellen
The traditional installment sale to a grantor trust, where a taxpayer sells property to his or her wholly-owned grantor trust, is an effective technique to shift assets among family members on an income — and estate tax — efficient basis. A variation on this traditional technique is a sale by a trust beneficiary to a grantor trust treated as wholly-owned by the beneficiary’s spouse (the “spousal grantor trust sale”). The spousal grantor trust sale accomplishes similar estate tax savings, while also providing meaningful advantages over the traditional grantor trust sale, including the potential for the spouse selling assets to the trust to be a beneficiary of the trust, serve as trustee, or possess a special power of appointment over trust property.

9:30  Break
9:45  Track 1: Reducing Prospective Tax Liability Through Consideration of Basis Issues in Estate Planning | Siler
Many individuals and their advisors now consider tax planning unnecessary when developing an estate plan, given the current estate tax exemption of $11.4 million. However, for these individuals, tax planning has shifted to ensuring beneficiaries receive assets with basis as high as possible. Recent
changes to estate and income tax rates mean those who do have taxable estates now must give greater consideration to the interplay of income and estate tax liabilities to obtain the lowest combined liability. Receive an outline of techniques and considerations for addressing basis issues in planning for both taxable and nontaxable estates. Selection of assets for gifting or funding of trusts, options for married couples, opportunities with grantor trusts, upstream planning, valuation discounts and planning for beneficiaries of trusts are reviewed.

**Track 2: Drafting in Uncertain Times | Foy**
With the sea-change to federal transfer tax laws brought about by the 2017 tax act and the very real possibility of a sunset of those favorable changes in a few years, drafting for flexibility is critical for planners. Explore planning considerations and drafting techniques available to practitioners to take advantage of the increased basic exclusion amount, including flexible QTIP terms, lifetime gifting strategies and basis adjustment planning.

**Track 1: If Mom Could Only See Them Now! Navigating a Fiduciary Dispute | Brown and Hutson**
Fiduciary disputes raise a myriad of complex legal and ethical issues for practitioners. Identify and explore common issues arising in fiduciary disputes, including attorney-client privilege, personal and subject matter jurisdiction, statutes of limitation, commonly litigated wills and trust construction and administration matters, and discovery, with an emphasis on practical tips for planners and litigators.

**Track 2: A Peek into Elder Law: The Intersection of Estate Planning and Elder Law | Mewhinney**
Older clients’ needs are broader than tax and estate planning. Take a peek into elder law to see what it offers. From Medicaid planning to new financial fraud laws, and from health care rules to guardianship law changes, this session is sure to enhance your practice. Learn strategies for helping clients with impaired capacity. Find out what you might be doing now that actually hampers these clients.

**SATURDAY, JULY 27, 2019 | 7:45 a.m. – 12:00 p.m.**

**7:45** **Breakfast**

**8:15 Ethics* | Spahn**
This interactive session focuses on two key aspects of any trust and estates practice: properly identifying the client and understanding the implications of joint representations.

**8:30 Legislative Update | Davies and Mosley**
Speakers review the recently enacted North Carolina statutory provisions during the 2018 long session.

**10:15 Break**

**10:30 The Junction of Excellent Estate Planning and Terrible Trust Administration | Redd**
A discussion of several examples of estate plans that were well-designed and documented but crashed and burned due to problems occurring in trust administration.

**12:00 Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit.
PROGRAM DETAILS

SPEAKERS
- Stephen A. Brown, Young Moore & Henderson PA, Raleigh
- Thomas A. Cooper, Moore & Van Allen PLLC, Charlotte
- Janice L. Davies, Davies Law PLLC, Charlotte
- Elinor J. “Elie” Foy, Womble Bond Dickinson (U.S.) LLP, Raleigh
- Paul M. Hattenhauer, Culp Elliott & Carpenter PLLC, Charlotte
- John N. Hutson Jr., Young Moore & Henderson PA, Raleigh
- Linda Funke Johnson, Senter Stephenson & Johnson PA, Fuquay-Varina
- Matthew R. Kain, Moore & Van Allen PLLC, Charlotte
- R. Wilson Loftis III, Moore & Van Allen PLLC, Charlotte
- Briani Bennett Mellen, Culp Elliott & Carpenter PLLC, Charlotte
- Kate A. Mewhinney, Wake Forest University School of Law, Winston-Salem
- Mitchell Kemp Mosley, Narron Wenzel PA, Raleigh
- John W. Porter, Baker Botts LLP, Houston, TX
- Charles A. “Clary” Redd, Stinson Leonard Street LLP, St. Louis, MO
- N. Lucille “Lucy” Siler, Johnston Allison & Hord PA, Charlotte
- Thomas E. Spahn, McGuireWoods LLP, Tysons, VA

HOTEL INFORMATION
Contact hotel directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

Kiawah Island Golf Resort
1 Sanctuary Beach Drive
Kiawah Island, SC 29455
- Nightly Rates:
  - Scenic View Villas
    - $237 one-bedroom scenic view villa
    - $303 two-bedroom scenic view villa
    - $422 three-bedroom scenic view villa
  - Ocean View Villas
    - $379 one-bedroom ocean view villa
  - Sanctuary
    - $556 run-of-house room
- Reservations: 800.654.2924
- Group Code: 12355
- Cutoff Date: June 23, 2019

PLANNERS
- Caitlin N. Horne, Moore & Van Allen PLLC, Charlotte
- Beth A. Wood, Law Offices of Beth A. Wood PLLC, Charlotte

SPECIAL ACCOMMODATIONS
NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

We extend our sincere gratitude to the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.
RELATED INFORMATION

MORNING YOGA
Thursday and Friday | 6:30–7:30 a.m.
East Beach Conference Center
Rutledge Room
To register, contact Andrea Bradford at abradford@ncbar.org.

NETWORKING RECEPTION
Thursday, July 25 | 6:00–7:00 p.m.
Osprey Point Clubhouse

CLE AND PUBLICATION SCHOLARSHIPS
Full and partial scholarships are available for attorneys experiencing a financial hardship of any kind.
Apply at www.ncbar.org/cle/scholarship.

PROGRAM SPONSORS and EXHIBITORS

Platinum Level Sponsors
Recent Development speakers, Thomas A. Cooper, Matthew R. Kain and R. Wilson Loftis III, sponsored by Brown Advisory
Featured speaker, Charles A. "Clary" Redd, sponsored by Brown Brothers Harriman
Keynote speaker, John W. Porter, sponsored by The Morehead Group

Gold Level Sponsors
Bank of America Private Bank
BB&T Wealth
Fifth Third Bank
GreerWalker
PNC Wealth Management
SunTrust Private Wealth Management
Bank of America Private Bank

Silver Level Sponsors
Advocacy Trust LLC
Altavista Wealth Management
Argent Trust Company
Banister Financial, Inc.
Bank OZK
Bernstein Global Wealth Management
Bessemer Trust
Boys Arnold Trust Company
Colony Family Offices
Diversified Trust Company
Elliott Davis
Forensic Strategic Solutions LLC
Franklin Street Trust Company
Investors Trust
National Christian Foundation
Old North State Trust
Wells Fargo Private Bank

Exhibitors
American Cancer Society
American Heart Association
Arcadia Art Consultancy
Commonwealth Community Trust
The Corporation of Guardianship
Cumberland Trust
ElderCounsel
First National Bank Wealth Management
Interactive Legal
The Lackner Group
Leland Little Auctions
LifeTrust3D
Paragon Bank
Reverse Mortgage Funding LLC
RSM US LLP
South Park Advisors LLC
State Employees’ Credit Union
Thomson Reuters
Trust Company of the South
The Winston-Salem Foundation
Online: www.tinyurl.com/CLE820EPF | By phone: 800.228.3402
By mail: Attn: Accounting–NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)
Print Full Name: __________________________________________
Address: ________________________________________________
City, State and ZIP: _______________________________________
Daytime Phone Number: _________________________________
Email Address: __________________________________________
NC State Bar No. (Required for MCLE Credit): __________________

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)
Standard Rate: ☐ $605 / ☐ $545 Early
NCBA Member: ☐ $505 / ☐ $455 Early
Estate Planning & Fiduciary Law Section Member: ☐ $470 / ☐ $425 Early
CLE Premier Pass: ☐ $0

STEP 3: Select your learning format.
☐ Live (820EPF) ☐ Video Replay (See below.)

Video Replay registration (if selected).
Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit www.tinyurl.com/CLE820EPF and indicate your choice below.
Location: ________________ Date: __________ Code: ______

STEP 4: Complete your payment information.
(Registration is complete only after payment is processed. Please print clearly.)
I am registering for this program at the tuition rate checked above.
☐ Enclosed is a check, payable to NCBA. ☐ Please charge my credit card.
Card Number: ________________________ Exp. Date: ______
Total Amount: ______ Signature: ____________________________

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.
REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. CHANGES TO EXISTING REGISTRATIONS: Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a $75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be canceled, substituted or transferred once purchased. NO-SHOWS: Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a $75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. MISCELLANEOUS: The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee’s image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.