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The Law Office of Keith R. Miles, LLC

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Welcome to the Law Office of Keith Miles LLC guide on planning for the future, protecting your loved ones, and navigating through the unexpected. Please contact us directly for more detailed information or to arrange a strategy session to address your concerns. Furthermore, please visit our website for more information and resources:

www.Estateplanesq.com

This guide is simply an introduction to the fields of estate planning, elder law and probate, and does not constitute and should not be considered to be legal advice.



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THE IMPORTANCE OF PLANNING FOR THE FUTURE

The purpose of this guide is to educate you and provide you with an introduction to:

- Our firm and what we stand for
- Why we believe it is important to plan for your future
- Legal terms, solutions, and strategies used in estate planning, elder law, and probate that can help protect you and your family

The Law Office of Keith Miles is a boutique client-focused planning law firm serving families throughout Georgia and North Carolina. With a focus on estate planning, elder law, and estate administration, our disciplined, collaborative process ensures that we can guide you in creating a plan that works for you.

We also pride ourselves on our relationships with other professionals and service providers in our community. We strive to provide educational resources to our partners, and we work collaboratively with them to be available for their clients' needs. We believe in the "planning team concept" – ensuring planning is a collaborative effort between ourselves and the other services you may inevitably require, such as a financial advisor, Certified Public Accountant (CPA), insurance agent, and healthcare providers, among others. Through these relationships, we want to ensure our clients have access to professionals that can assist and guide them through life's journeys. You will find these professional partners featured later in the guide within their relevant sections, for your benefit.

Please bear in mind, that this guide is simply an introduction to estate planning, elder law and estate administration, and does not constitute, nor should it be considered to be, legal advice.

Every individual's situation is unique. Therefore, to be able to provide you with an effective plan for the future, we will need to learn about you and consider yours unique family situation, and your goals and objectives. Consequently, after reading this, if you are ready to take the next step on the road to protecting your legacy, please contact us to schedule a meeting, where together we determine whether our firm is right for you. If we are, we will **LISTEN** to your goals and **ASSESS** your current situation. Based on the information we learn, we will then put together a tailored plan that is best suited to **YOU**.

Should you have any questions based on anything featured in this guide or about how we may help you, or to schedule your planning meeting, please call us at **1-(855)-5ELDERLAW**

THE PLANNING PROCESS AND WHO WE HELP

We know that beginning your estate plan is a big step. Our process is designed to ensure your confidence in the planning process, each step of the way, and our planning process is the perfect combination of efficiency and consideration. Every decision is carefully reviewed with you and the entire process usually lasts under six weeks. You can feel confident knowing that your family wealth plan can be put into action, protecting your assets from being at risk of getting stuck in court or conflict if something happens to you.

Your Initial Consultation

The cost of long-term care often shocks retirees and can place an extreme burden on themselves or their families. Long-term care expenses are uncertain and can fluctuate from very little to over \$1 million. Attempting to plan for this yourself without a professional's help is risky, and even the most carefully thought out retirement plans would not be able to handle this spending shock.

If We Both Agree to Proceed...

Assuming we both agree to proceed forward, we will quote you a price, typically a flat fee from our price schedule. You will sign the engagement agreement and then we will work together to design the right plan for you and your family. After designing your plan through drafting and follow-up meetings to your satisfaction, you will receive a binder of your newly prepared estate plan documents. We will discuss arrangements for you to get the documents signed. Once the documents are signed, your family and your assets will be protected in case of your incapacity or death.

Helping You Throughout All Stages in Life

We represent all family types at various stages of life, including:

- Traditional two-parent families or single parents wishing to provide for, and protect, their children and themselves.
- Unmarried couples who are either solidifying their relationship through proper planning or dissolving their relationship with the assistance of caring counsel.
- Blended families negotiating the challenges of creating new relationships with varying expectations and needs.
- Families with children with special needs who are looking to ensure that those children will be taken care of and able to continue to receive government assistance.
- High-net-worth families seeking strategies for minimizing estate and income taxes.
- Estate executors and beneficiaries navigating the court process of probate administration.
- Family members or trustees carrying out the legacy left behind through a trust administration.



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ATTORNEY KEITH MILES BIO



Attorney Keith R. Miles is the 1st African-American Lawyer Certified in Georgia as an Elder Law Attorney (“CELA”) by the National Elder Law Foundation. The National Elder Law Foundation (NELF) is the only national organization accredited by the American Bar Association (ABA) to certify practitioners of elder and special needs law. There are currently only 12 CELAs in the State of Georgia.

Mr. Miles serves as the Treasurer on the Board of the Atlanta Bar Association’s Elder Law Section. He is a proud member of the Georgia and North Carolina Chapters of the National Academy of Elder Law Attorneys (NAELA) along with The Estate Planning Council of North Georgia.

Mr. Miles is currently serving as Chair of the Board of the Brain Injury Association of Georgia.

Mr. Miles is an active member of the Georgia and North Carolina Bars.

Education:

- University Of Alabama, LL.M.(Taxation)
- University of Georgia, M.B.A.
- University of Maryland, J.D.
- Carnegie-Mellon University, B.S.



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WHAT OUR CLIENTS ARE SAYING ABOUT US

Attorney Miles is undoubtedly one of the most knowledgeable attorneys I've had the privilege of knowing. He consistently demonstrates a remarkable commitment to his clients and the legal profession as a whole. Always ready to lend a helping hand, he eagerly provides answers to legal questions and offers unwavering support to those in need of legal assistance. His willingness to stand in the gap of understanding for families facing life challenges is truly commendable. Attorney Miles sets a high standard for professionalism and expertise in the legal field, making him a trusted and invaluable resource for anyone seeking legal guidance and representation.

DeShonda Lucas

Attorney Keith R. Miles is one of the most knowledgeable, down to earth elder law attorneys in the field. He is certified in the practice of elder law, a highly accomplished designation. He is abreast of all nuances and changes in the elder law arena. Keith makes the most complicated concepts easy to understand because of his comprehensive in-depth knowledge. Keith is kind, responsive and a joy to work with. I would highly recommend The Law Office of Keith R. Miles, LLC for your elder law needs.

Deborah Newsom

Keith Miles has been very understanding and helpful in guiding me through the death of my husband. He patiently explained all the legal ramifications and helped me file all pertinent documents. Then he gave me all the information I needed for me to get my affairs in order. He is patient and carefully explained all the legalize in plain English . Thank you so much Keith! Kristi

Armijo, Dahlonga, GA

George T. Armijo

Attorney Keith R. Miles prepared our living wills. He has tremendous knowledge, suggestions and recommendations. Above all he is a good listener. He answered all the questions we have. We are proudly recommend Attorney Miles.

Nardos Aweke

Keith was amazing! I got the reality check of my life when my mom's dementia was diagnosed and her documents weren't in order. I was completely clueless on Elder Law especially in Georgia but he was patience, kind and helped us understand and put in place everything needed for my mom to be in memory care with peace of mind. She has since passed but because of his fantastic work, I was able to honor all her wishes without issues in her final days.

We went through something similar with my MIL and while she was in Florida and we couldn't use him officially, he was still there for questions.

Take my review as the queue to call Keith R. Miles now!

Amber Taylor

Attorney Keith Miles is an excellent elder law attorney. He is knowledgeable, professional, and always keeps himself current on the law. He is down to earth and easy to talk to and work with.

Dione Traci Duckett

Attorney Miles is very caring and professional. I highly recommend you consult with him, about estate planning. I am so glad I did.

It gives you peace of mind and he will help you understand what is best for you and your family.

Dollie Whittle

WHAT IS ESTATE PLANNING?

What is an Estate?

Believe it or not, you have an estate. In fact, nearly everyone does. Your estate is comprised of everything you own—your car, home, other real estate, checking and savings accounts, investments, life insurance, furniture, personal possessions, minus everything you owe. No matter how large or modest, everyone has an estate and something in common—you can't take it with you when you die.

What is Estate Planning?

Estate planning is the process of arranging, during your life, the management and distribution of your estate, both during your life (in case of medical incapacity) and after your death (how your estate is distributed to your loved ones). It is a way of controlling how your assets are distributed or used, and it even gives you the chance to name your minor children's guardian in the event of your early death or incapacity.

Why is Estate Planning important?

Estate Planning ensures you remain in control, even after your death, of how your hard-earned wealth is distributed or used. It gives you the opportunity to decide who receives what and how they will receive it, while at the same time, minimizing or even avoiding tax exposure. Estate Planning allows you to protect your loved ones, ensuring their best interests are met.

What documents are part of an effective estate plan?

The following documents are essential:

- **Last Will and Testament:** To designate your beneficiaries, name your executor, and choose a guardian for your minor children if you and your spouse have both passed away or are incapacitated.
- **Financial Power of Attorney:** To designate someone to take care of your financial matters if you become incapacitated.
- **Medical Power of Attorney:** To designate someone who will make medical decisions if you are unable to make them yourself.

- **Living Will:** To spell out your end of life wishes and care. The following sections will look at each of these documents individually, explaining their importance in more detail.

And possibly:

- **Trust:** To avoid probate; To manage funds on behalf of a minor, to enhance the quality of life for someone with disabilities; To, safeguard an inheritance in the event of divorce.

We will look at each of these documents in the following sections.

How will we help you create an estate plan?

We are all different, and it is important that we take the time to understand your personal situation. During our initial meeting, we will ask you questions that will allow us to gain a complete understanding of your full financial picture and goals. This will allow us to recommend and tailor an estate plan for your unique circumstances, wording each document precisely as you wish.

Furthermore, we believe the creation of an estate plan is an ongoing process that includes continuing education and advice for you and your family, as your circumstances and situations change.

Consequently, we recommend that ideally, we meet once a year to ensure that your estate plan is in order. Finally, part of an effective estate plan involves maintaining good relationships with other professional advisors within our community. Through these relationships, we want to ensure all clients have access to these advisors who will be able to assist and guide clients through the present and future. You will find the logos of these organizations on the next page, as well as within their relevant sections, for your benefit.

OUR LOCAL PARTNERS



Consolidated Planning
Jeff Malone
(912) 678-1233



Lifewater Wealth Management
Fredrick Standfield
(770) 800-8432

EVELYN LEWIS-WILSON
Senior Real Estate Services

EL Wilson Real Estate LLC
Evelyn Lewis-Wilson
(770) 905-5089

Sherry Parkman Bivins

CEO | Unraveling the Wealth Puzzle
Wealth Strategist | Financial Educator

Wealth Health Financial
Sherry Parkman Bivins
(678) 485 0469



Chapman Hall Premier Realtors
Sandra Leonard
(770) 454-7840



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LAST WILL AND TESTAMENT

What is a Last Will and Testament?

A Last Will and Testament is a legal document that allows you to decide how your estate will be distributed upon your death. A Will also helps ensure that your wishes are carried out and your legacy lives on for generations to come.

Do I need a Will?

Yes, a Will is a basic estate planning tool that every person should have.

Why? What happens if I die without a Will?

If you die without a Will, it means you have died “intestate.” So, rather than your estate being handled the way you would have wanted, the intestacy laws of the state will determine how your property is distributed. In most cases, this means your loved ones are not guaranteed to benefit in the way you would have hoped. See the chart opposite to see how the Georgia state intestacy laws would affect you and your family .

How does a Will work?

Once you have determined what all your assets are, you then decide who receives what after your death. Furthermore, you should also use your Will as an opportunity to make your wishes known on other important details, such as appointing a guardian for any minor children you have and making your wishes known regarding your funeral, burial or cremation, and/or memorial. Within your Will, you will also appoint an individual to act as your “executor,” making it their responsibility to administer your estate.

What are an executor’s responsibilities?

An executor is responsible for many things. It is their responsibility to act in a manner that protects the interest of your estate. This includes resolving all debts and obligations to any taxing authorities and any creditors claims, tax returns, non-probate property, inventory, and distributions. What will happen on my death? Upon death, it is required that your will be filed with the appropriate probate court, which will begin the probate process.

What is Estate Administration?

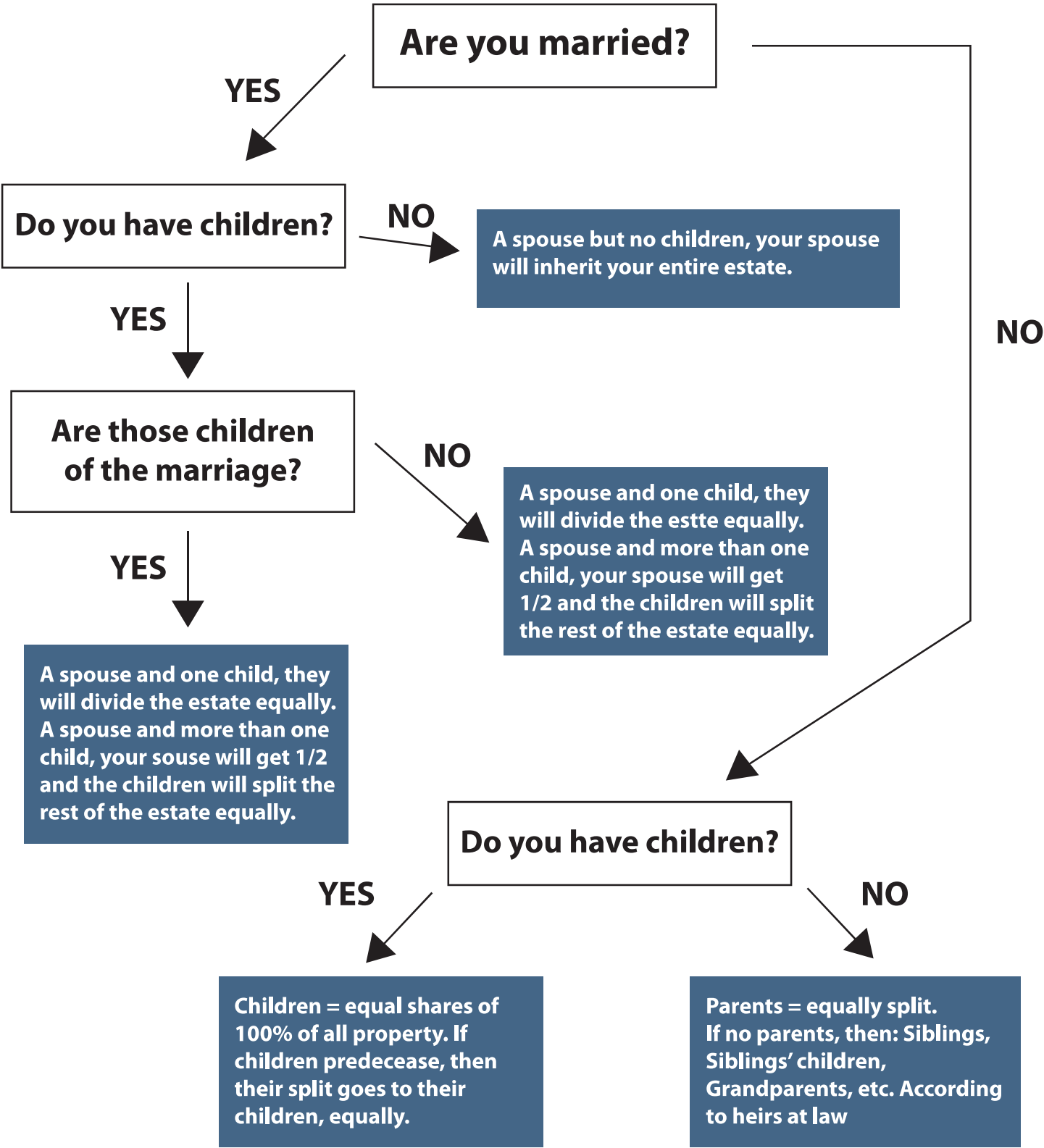
Estate Administration is the process of administering someone’s estate upon their death. Even if you have a Will, you still need to go through this legal process. It essentially involves:

- Filing the Will with the probate court, or, if the person died without a Will, someone would have to petition the probate court to become an administrator of their estate
Collecting details of the deceased’s assets (filed with the court as a list, called the inventory)
- Paying all outstanding bills and taxes
- Filing an income tax return for the deceased
- Distributing the assets (this can take up to a year or more, and some estate assets will be retained as a reserve for unexpected claims and costs)
- Filing a final account with the probate court
- When approved, the court will allow the executor / administrator to distribute any remaining funds to the beneficiaries

Final thoughts...

A Will is an estate planning tool that ensures your estate is distributed the way you want it to be. However, it is still subject to the probate court process, which can be expensive, time consuming, and public, since almost all court records are public records.

HOW INTESTACY WORKS (GA)



JP = Joint Property | SP = Separate Property | RE = Real Estate

TRUSTS

What is a Trust?

Trusts are important and versatile tools in estate planning. Depending on the type of Trust established, it can serve many purposes: to decrease tax liabilities, to protect accumulated funds from creditors, and to protect privacy, since Trusts, unlike Wills, are not public documents. A Trust is legally defined as a relationship in which property is held by one party for the benefit of another. A Trust is created by the owner, also called a “settlor” or “trustor” or “trust maker”, who transfers property to the trustee, an individual chosen to manage the designated funds for the Trust’s beneficiaries.

What are the different types of Trusts we offer?

Revocable Trusts are also known as Living Trusts. They can be altered or revoked throughout your lifetime. The price of this flexibility is that the Revocable Trust remains part of your estate and can therefore be taxed. Even so, when you die, the Revocable Trust will become irrevocable, and the property held in Trust will be passed on to your beneficiaries. Two major advantages of Revocable Trusts are that: [1] they avoid probate; and, [2] they preserve your financial privacy since, unlike Wills, they are not filed with a court and do not become a public record.

Irrevocable Trusts cannot be revoked once they have been created. Examples of Irrevocable Trusts are Trusts for minors, Special Needs trusts, Medicaid Asset Protection Trusts, and Charitable Trusts. Although they are irrevocable and do not give you the flexibility of Revocable Trusts, they are usually advantageous in terms of taxation and asset protection.

Trusts for Minors are established to protect a minor child until he or she reaches adulthood. While some minors Trusts provide specific benefits to the minor during childhood and allow the trustee of the Minors Trust to spend money for the minor’s health, education, and support, other Minor Trusts designate that the funds are only to be distributed when the minor reaches adulthood. Some have restrictions that only permit the minor to inherit funds when he or she reaches a particular age or achieves a particular goal, like finishing college.

Special Needs Trusts (also known as Supplemental Needs Trusts) are created to protect individuals who are disabled in a way that prevents them from consistently managing their

own finances. The beneficiary may be intellectually or developmentally disabled to the point that he or she is incapable of using money in a reasonable way. The trustee of a Special Needs Trust is tasked with distributing the money gradually so that the vulnerable individual will have enough money for the rest of his or her life. The trustee also manages the funds so that the person with a disability does not “own” them, and therefore will still remain eligible to receive government benefits such as Medicaid and Supplemental Security Income (SSI). **Spendthrift Trusts** protect irresponsible beneficiaries from their own potential bad decisions. Individuals who are addicted to alcohol, drugs, gambling, or tend to go on shopping sprees may need someone else (the trustee) to keep them from having access to a large sum of money. The trustee is given the power to distribute assets in reasonable amounts for rational purchases. In other words, the trustee’s sound judgment substitutes for the spendthrift’s questionable one. Testamentary Trusts are designed to go into effect after you pass away. They can hold assets you have accumulated during your lifetime, as well as assets that are only distributed upon death, such as life insurance proceeds, or funds from a wrongful death settlement.

Charitable Trusts are irrevocable. A Charitable Trust receives favorable federal tax treatment, and you may have the added advantage of not having to pay state income tax. We can set up your Charitable Trust as a remainder Trust, which means that you and your family retain the income generated by the amount given to charity during your lifetime or a family member’s lifetime. In some cases, we can arrange for the surviving spouse to receive the remainder of the benefits when the first spouse dies.

Pet Trusts allow you to ensure that your beloved pet will be well cared for during its lifetime, even if you predecease your pet or become too incapacitated to care for it yourself. Pet Trusts often include instructions for care, the amount of funds for the care, and additional funds to pay the caretaker of your pet. It is common for the caretaker to inherit any remaining funds once the pet has passed away, although we recommend considering including a provision that the pet must have passed away from natural causes in order for the caretaker to receive the funds.

WILL OR TRUST - WHICH IS BETTER?

What is important to you?

Will

Trust

Privacy

No privacy. All documents and proceedings after death are public.

Completely private unless court intervention is required, usually due to improper drafting, lack of funding or loss of trustee.

Probate

Any assets featured will go through Probate.

Any assets featured will avoid Probate.

Disability Planning

No provisions for mental or physical disability. Need a current power of attorney. Without one, the disabled individual is subject to the court process for guardianship.

Handles assets upon disability without court intervention. Need a power of attorney for non-trust assets. A trust can provide that disability be determined privately by family members and friends.

Creditor/Predator Protection

None while alive. Creditors have only a specified amount of time to present claims or they are forever barred. Testamentary trusts can give protection.

None while alive. There is no creditor claim "shut-off" period and most trusts provide that valid debts be paid.

Certain asset protection available in advanced trust planning.

Effort Required

Less effort now unless you require tax planning and asset protection for your heirs, but a great deal of work for your heirs after disability or death.

More effort now to properly design the trust to accomplish all of your goals upon disability and/or after death, but far less work for your heirs after disability or death.

Cost Now

Less

More

Cost to Amend

Similar

Similar

Cost Later

Probate fees usually start in the thousands of \$\$\$\$. In some states and may increase depending on creditor claims, disputes, and litigation.

Minimal probate fees if the trust has been fully funded and properly maintained.

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POWER OF ATTORNEY

What is a Power of Attorney?

A Power of Attorney is a low-cost and efficient manner to decide who has the authority to carry out your affairs in the event you are either unwilling or unable to make decisions on your behalf. In this document, you would appoint someone to serve as your Attorney-in-Fact (also known as your “Agent”) to make decisions on your behalf. There are two different powers of attorney that are common in a well-drafted estate plan—a Durable Power of Attorney and an Advance Directive for Healthcare.

What is a Financial Power of Attorney?

A Financial Power of Attorney designates an Agent to make decisions regarding your finances, property, and legal matters in the event of incapacity. This includes everything from managing bills and taxes, to taking care of businesses, properties, and bank accounts.

What is an Advance Directive for Healthcare?

An Advance Directive for Healthcare designates an Agent to make healthcare decisions for you if you cannot do so. This would include making decisions regarding medicines, treatments, procedures, and related medical matters. It covers all healthcare decisions, unlike a Living Will, which is a specific medical directive that covers how to handle you if you are in a permanent terminal or vegetative condition.

Why does an Estate Plan need a Power of Attorney?

A Power of Attorney is an essential estate planning tool, both because it allows you to choose an Agent to act on your behalf should you become incapacitated, and because it allows you to dictate what decisions that Agent can or cannot make. Your loved ones will often be prevented from making decisions on your behalf without a Power of Attorney.

Factors to Consider When Appointing Your Agent

In choosing whom to appoint as your Agent, there are two major considerations:

(1) Trustworthiness — You should make sure that you trust this person to work and advocate for your best interests; and

(2) Location — The person you appoint should live where they can handle your affairs for the Financial Power of Attorney and should live near you to handle your healthcare decisions via the Advance Directive for Healthcare.

What happens if I become incapacitated without a Power of Attorney?

If you become incapacitated without a Power of Attorney, your loved ones may have to file to become the permanent guardian of your person and estate. This process is much more expensive than creating powers of attorney, as this filing generally involves hiring a lawyer to go to court, at least one hearing, and can be a long process if multiple persons want to be the permanent guardian. The cost of a power of attorney is minimal compared to the cost to file for and obtain a permanent guardianship. For a comparison of the two processes, see the diagram on the next page.

Everyone should have Powers of Attorney.

We believe powers of attorney are ESSENTIAL documents that EVERYBODY over the age of 18, regardless of their situation, should have. No one knows what the future has in store for them; however, with these documents in place, you ensure that regardless of what happens, you can have a say in what happens.

POA vs. Guardianship

Guardianship

- No retained rights
- Difficult to revoke
- Invasive
 - Establishment
 - On-Going Reports
- Poses possible psychological effects on potential guardian and ward.
- May cause financial hardship for the potential guardian.

POA

- Retained Rights
- Easily revocable
- Allows matters to be kept private.
- Does not protect against bad decisions
- Relatively inexpensive
- May be a “temporary fix”



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LIVING WILL

What is a Living Will?

In Georgia, this is contained within the statutory Advance Directives for healthcare. It is a document within which you can state your wishes regarding end-of-life medical care and what treatments you would or would not like to receive. They become relevant if there comes a time when you are unable to make or communicate your own decisions. It allows you to refuse treatment, even if this might lead to your death.

Do I need a Living Will?

It is tempting to think that these are only needed by seniors; however, even healthy young adults can be injured, or become unexpectedly ill. Because of this, we believe that a Living Will is a crucial part of every estate plan because it ensures you will have the peace of mind knowing that your wishes will be followed and your family will have some comfort during a stressful time. When you create a Living Will, you take some of the burden off of your loved ones.

Why? What could happen if I do not have one?

Medical staff are duty bound to use everything within the powers of modern medicine to keep a patient alive as long as possible. This means, if you are unable to communicate your decisions, your life will be preserved without necessarily considering yours or your family's opinions and concerns.

How does a Living Will work?

If you are conscious and capable of making decisions, your Living Will cannot come into effect. Furthermore, someone cannot just declare you as unfit, unconscious, or unable to make decisions; it needs to be a true medical condition and agreed upon by a medical professional. Discussing your Advance Directives and your wishes with your doctor ahead of time can help ensure your needs are met and that he or she is willing to comply with the medical decisions you have outlined.

Can a Living Will be changed?

Yes, as long as you still have capacity, you can choose to either revoke your Living Will or make changes at any time by meeting with an estate planning or elder law attorney.



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ELDER LAW

What is Elder Law?

Elder Law is an area of legal practice that specializes in issues that affect the aging population.

Why is it important?

The Census department reports that the number of people age 65 and older in the United States on July 1, 2019 was 54 million. This group accounted for 16.5% of the total population. Furthermore, they predicted that the projected population of people age 65 and older in 2060 would be 98.2 million. People in this age group will comprise nearly 25% of U.S. residents. Of this number, 19.7 million will be age 85 or older. As we are living longer, it is important we take steps and measures to ensure the quality of our life and living standards are maintained, not just for ourselves, but also our loved ones, whose lives are impacted too. Elder Law is one response to this, its purpose being to help elderly people and their loved ones take control of their various issues facing them as they age.

What problems can be created by not taking these steps and measures?

The costs of long-term care are extremely expensive, so it is common for people who have not planned ahead to see all the assets they have accrued over their life spent on covering these costs. This means any hopes of passing down assets to your family and loved ones will also be threatened.

How do I create a plan to deal with these issues?

We are all different, and it is important that time is taken to understand your personal situation. During our initial meeting, we will ask you questions that will allow us to gain a complete understanding of your full financial picture and goals. This will allow us to recommend and tailor an estate plan for your unique circumstances. Furthermore, we believe the creation of an estate and later-in-life plan is an ongoing process that includes continuing education and advice for the client and their family as their circumstances and situations change.

How can an Elder Law Attorney help you deal with these issues?

- Preparing a tailored estate plan
- Asset Protection
- Social Security
- Medicaid planning
- Planning for incapacity and long-term care
- Finding the right nursing home or living facility

We have dedicated earlier sections in this guide to estate planning and the various tools we use to help clients best achieve their goals, so please take some time to go through them if you have not already. In the following pages we will cover Long-Term Care planning, Medicaid planning and Veteran pension as well as featuring a selection of local care providers we have existing relationships with.



LONG TERM CARE PLANNING

Why is long-term care planning necessary?

Nowadays, people are living longer, which gives many Georgians more time to enjoy their retirement years. However, aging may also bring difficult challenges, such as declining health and the necessity of planning for long-term care. Because the costs of long-term care can be extremely high, particularly at a skilled nursing facility, it is critically important to plan for your care in a way that will preserve your legacy.

What are the common long-term care issues?

Our comprehensive estate planning services encompass a wide range of long-term care issues, such as:

- Planning for incapacity (Power of Attorney, Living Will)
- Selecting the right nursing home or assisted living facility
- Arranging for home care
- Qualifying for public benefits (e.g., SSI, Medicaid, Medicare, Veteran's Pension Benefits)
- Asset Protection

Is Medicare a viable option for long-term care?

Many people mistakenly assume that Medicare will cover the costs of skilled care at a nursing home or assisted living facility. Medicare only pays for limited services on a short term basis, such as nursing home care or rehabilitation services for a set number of days, usually after being discharged from a hospital. Moreover, many elders require non-skilled care to assist with daily tasks of living — dressing, feeding, light housekeeping — which are not covered by Medicare. This makes long-term care planning critically important.

Should I consider long-term care insurance?

Long-term care insurance is designed to cover the cost of personal and custodial care at home, an assisted living facility, or a nursing home. Long-term care insurance may also cover a certain amount of assistance with daily activities, such as bathing, dressing, or eating. Qualifying for such coverage can be complicated because pre-existing conditions may render you ineligible. Moreover, premiums are costly and based on factors such as your age, the maximum amount per day the policy will pay, and the maximum number of days or years covered. Our attorneys can help determine if long-term care insurance is the best option for you. We will also discuss alternatives if the premiums for

long-term care insurance are not affordable, or if you do not qualify.

Medicaid Planning and long-term care

While Medicaid is the largest payer of nursing home care in Georgia, the program is needs based, and many seniors have financial resources that exceed the eligibility threshold. Our legal team can help you qualify for Medicaid and protect your assets through a variety of strategies, such as spousal income and asset transfers, annuities, and Qualified Income Trusts. One of the following sections explores Medicaid planning in more detail.

Long-term care options for Veterans

Our attorney can advise veterans and their spouses about benefits available through the Veterans Administration, such as Aid and Attendance. This is a pension program that assists individuals who need assistance with performing daily tasks or who require long-term care in a skilled nursing or assisted living facility. Aid and Attendance is only provided to qualified war veterans — those who served at least one day of active duty during a designated period of war. Veterans may also be eligible for disability compensation, free or low-cost medical care through VA hospitals and medical facilities, and education programs.

Planning for incapacity and long-term care

Although thinking about the possibility of becoming incapacitated is unpleasant, it is crucial to plan your finances and healthcare around the possibility of needing long-term care in the future. Studies have shown that over 50% of the US population will need long-term care at some point, and for people over 65 year old, over 70% will need long-term care. Our estate planning attorney can prepare a tailored estate plan for you that authorizes a trusted person to manage your personal and financial affairs — paying monthly bills, managing real estate, bank accounts, and investments — when you are unable to do so. We also recommend having an Advance Directive for Healthcare, in which you appoint someone to act as your agent in coordinating your preferred medical care when you cannot make such decisions independently. Finally, an Advance Directive also allows you to state the type of end-of-life care you wish to receive or have withheld if you are terminally ill or have a permanent state of unconsciousness.



VETERAN BENEFITS

What are Veteran benefits?

The US Department of Veterans Affairs provides a wide variety of benefits, e.g., educational assistance (GI Bill), healthcare, assisted living, home loans, insurance, and burial and memorial services, for retired or separated United States armed forces personnel, their dependents, and survivors.

What are the requirements for the Improved Pension Benefit?

The requirements are pretty straightforward:

1. You must be a veteran that served active duty at least one day during a time of war
2. What are the requirements for the improved pension benefit?
3. You must have been discharged other than dishonorably
4. You must now meet certain financial guidelines for assets and income

Have you been told that you don't qualify due to income or assets?

Please give us a call and let us know what you told them and what the VA said. Many times, the VA doesn't ask the right questions, or they don't ask enough questions in order to know the full picture.

If not, in most situations there are very simple things you can do to get qualified with legal documents--potentially allowing you to hire a caregiver, purchase a financial product, or even move somewhere you couldn't afford without VA benefits.

Please give us a call if you are a Veteran, or the widow of a Veteran, that served during a time of war. We can do crisis planning (needing care now) or pre-planning to help you save even more. Aging veterans and their families have a special place in our heart. They and their families sacrificed so much, so we can have the freedoms we enjoy today. We strive to make sure they get the benefits to which they are entitled.



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MEDICAID PLANNING

What is Medicaid?

Medicaid is a program that provides health coverage for millions of Americans, including eligible low-income adults, adults with disabilities, and elderly adults who need long-term care. The program is administered by each state according to federal requirements and funded by both state and federal governments. Some mandatory benefits include nursing facility services, home health services, inpatient hospital services, and outpatient hospital services. Some benefits are optional and vary from state to state.

Who is Eligible for Medicaid?

Medicaid eligibility varies from state to state but is generally based on household income, family size, age, disability, and other factors. We can assess whether Medicaid might be an appropriate option for you or your loved one and help you build a Medicaid plan for your future healthcare needs.

Medicaid Proactive Planning

Medicaid Proactive Planning is the ideal scenario for people planning for long-term care who want to pass on as much wealth as possible to their loved ones. Planning ahead can save time and money when you need it most. Instead of spending your life savings on expensive nursing home care, you could save substantial assets by planning well in advance of long-term care needs. We plan around the average need for Medicaid benefits being between 60 months or five years. We can help you create a strategic Medicaid plan to help you preserve your assets for your loved ones while planning for your long-term care.

Medicaid Crisis Planning

Sometimes Medicaid Proactive Planning is not an option, such as when you or your spouse are suddenly incapacitated, already receiving in-home care, or living in a nursing home. In these situations, you need Medicaid quickly, which can be a daunting process in an already difficult time, especially while also caring for your loved one. Seeking our caring, experienced counsel is a major step toward qualifying for Medicaid coverage for you or your loved one.



MEDICAID CHECKLIST

We can help you build a Medicaid plan for future healthcare needs instead of spending your life savings on nursing home or in-home care. This Medicaid Planning Checklist can help you or a loved one identify the necessary qualification steps. Reach out for a consultation with The Law Office of Keith R. Miles, LLC for answers to questions that help ensure your assets are protected while getting the Medicaid coverage you need.

Do you meet the below criteria for Medicaid benefits? Yes No Unsure

- Are you over the age of 65?
- Are you blind or disabled?
- Do you have a child, parent, or spouse in your household who is blind or disabled?
- Are you able to take care of yourself without the assistance of others?

Is your monthly income below the household income limit for an individual seeking Medicaid? (\$2,829 in 2024) Yes No Unsure

Do you have more than \$2,000 in assets? Yes No Unsure

Do you have long-term care insurance? Yes No Unsure

Do you have coverage for nursing home care? Yes No Unsure

Can you afford nursing home care or other medical costs? Yes No Unsure

Do you have assets you want to protect for your spouse and/or other family members? Yes No Unsure

Would you be interested in having an irrevocable trust established to help preserve your assets for other family members? Yes No Unsure

Whether you answered YES, NO, or UNSURE to any of the above questions, we are here for you!



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SOURCING SUITABLE PROVIDERS OF CARE

What kinds of health care providers are available?

In-home health care providers — In-home health care providers can help seniors live independently at home. This arrangement has become more and more common, and is generally the preferred method, at least initially for both seniors and their children for making sure that the senior's health care needs are provided for, while maximizing the independence of the senior. In-home health care providers can provide anything from companion services to skilled nursing services on an a la carte basis. If the senior does not require 24/7 skilled nursing care, this part-time arrangement can work well.

Assisted living facilities — Assisted living facilities generally provide room, board, and 24/7 availability of a nurse to provide for the health care needs of its seniors, which generally includes assistance with some of the activities of daily living ("ADLs"), including bathing, dressing, eating, transferring (getting in and out of a bed, chair, etc.), toileting, and continence. Seniors can usually remain in an assisted living facility as long as the assistance that they require can be provided by one person.

Nursing homes — Nursing homes provide 24/7 care and monitoring of their seniors. Seniors in a nursing home generally live with more complex health care conditions that require the assistance of a larger staff that typically includes registered nurses, licensed practical nurses, certified nursing assistants, physical therapists, speech therapists, a qualified dietitian, and administration employees.

Memory care or special care units — As our life expectancies increase, more and more people are having to live with some degree of dementia or Alzheimer's. To help these seniors, many assisted living facilities and nursing homes have special memory care units to focus specifically on residents with dementia or Alzheimer's. The staff who help with these units are specially trained to care for people with dementia or Alzheimer's. In these units, the residents generally receive increased supervision and a more structured environment that is designed to keep residents safe and stimulate their memory as much as possible.

Does Medicaid cover all of these health care providers?

Medicaid can help with the cost of these health care providers, depending on the unique circumstances of the individual. We would be happy to explain what you would qualify for given your unique circumstances, and we can also help you select reputable health care providers that accept Medicaid.



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Downsizing and Selling Your Home

So, You've Decided to Sell Your House. What Steps do You Take?

Moving at any age, regardless of the circumstances, can be stressful and overwhelming, particularly when you consider downsizing to a smaller home or moving into an assisted living facility. The fact of the matter is that you, like us, likely have too much stuff to take to your new home. However, there are steps you can take to make this transition as seamless as possible, such as:

(1) Managing your time well early — Begin planning for your downsizing two to three months in advance. This is generally how long the process takes, and you want to begin well in advance of listing the house, in case it sells quickly;

(2) Sort your possessions into categories — Organize your possessions into the following categories: (i) keep and move; (ii) keep and decide later whether to throw out (if it hasn't been touched for more than a year, it should be thrown out, given away, or sold); (iii) give to loved ones; (iv) sell (auction, yard sale, etc.); (v) donate to charity; or (vi) trash. This categorization will help you prioritize what to take with you to your new home;

(3) Review a floor plan of your new home — If you do not have one, ask for a customized floor plan of your new home. This floor plan can help you determine what furniture to take with you to your new home, and where to place that new furniture in the home; and

(4) Ask for and hire help if necessary — Moving is often overwhelming. Don't be afraid to ask family and friends for help, and hire professional movers if necessary.

Tips for Selling Your House

We recommend the following tips when it comes to selling your house:

(1) Declutter your house — If you have not moved your belongings before listing the house, keep in mind that the buyer is interested in your house, not your personal property in the house. You want your buyer to be able to see as much of the walls and floors as possible;

(2) Make minor repairs — Fix leaky faucets, burned-out light bulbs, missing light sockets, and other fixes that are relatively cheap and easy to make;

(3) Give a first good impression — The first impression of your home is important to a prospective buyer. If it is not too expensive and will help with the first impression, consider putting down fresh paint and floors in the rooms of the house that appear dated. This will give the home an updated look, even if it is not renovated;

(4) Make major repairs only if your realtor recommends it — Don't make the mistake of making any major changes or renovations that are not needed before selling your home. Unless the realtor says it will add value to your home or help it sell, don't worry about making these major repairs. Often, the buyer will make changes upon purchasing the home to suit their tastes and decorating preferences.



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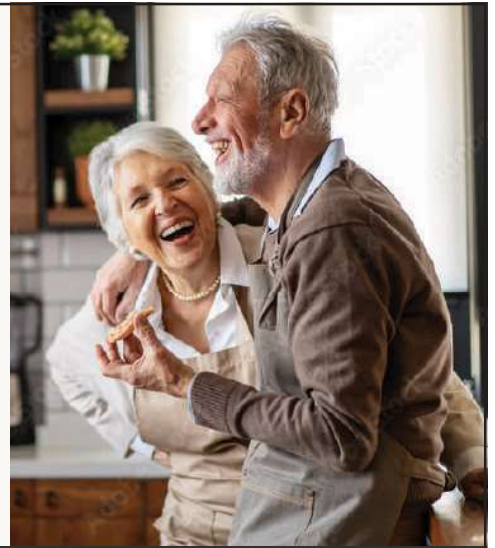
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Senior Real Estate Services

We understand that transitioning to a new living situation can be a significant milestone. That's why we're here to provide compassionate guidance and expert support every step of the way.

Whether you're downsizing, relocating, or seeking specialized senior housing options, our dedicated team is committed to helping you find the perfect solution tailored to your unique needs and preferences.



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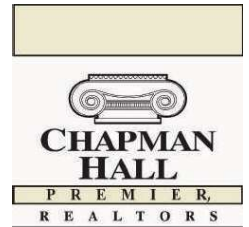


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SandraAtlantaRealEstate.com

I Am Your Seniors Real Estate Specialist! (SRES®)



INTEGRITY. SERVICE. RESULTS.

There are many key steps to consider when it is time to sell the family home. Here are just a few:

- Are all relevant family members aware of the upcoming sale and the reasons for it?
- Have the tax consequences of a sale been considered?
- Will an adult child be acting on behalf of the family to be the contact in communicating with professionals?
- Have you explored financial issues surrounding the sale of the home such as tax and estate planning, having a reverse mortgage on the property, the effects on income and other government benefits?
- What about the legal considerations such as powers of attorney, a Will or Trust, Social Security and disability claims and appeals, disability planning, conservatorships and guardianships, and probate?

As your Seniors Real Estate Specialist (SRES®), I draw upon a large network of seniors specialists in these related fields and others to make the process as stress free as possible. I have worked with many seniors' families as they have navigated the options for their loved one. Let me do the same for you! I have the experience, knowledge, and expertise to assess the features of the home, discuss what may or may not be needed to prepare the home for sale, review a comparable market analysis and potential net proceeds from the sale, as well as prepare you for the process of selling. I am dedicated to exceeding your expectations throughout the process!

Here is what one of my clients had to say:

Billy W: Sandra, you have been a treasure! Thank you for all you did for us and your time getting the title and mortgage issues resolved!

FINANCIAL PLANNING

Should I work with a Financial Advisor during Estate Planning?

Yes, it is generally recommended that you consult with a financial advisor when doing estate planning, as they can help you create strategies for managing financial risk, as well as for building wealth in a manner that will put you on track to achieve your financial goals.

Are there different types of Financial Advisors?

In reality, there are many different types of financial advisors. Financial advisors who serve individuals and families make up the majority of financial advisors, and they fall into three categories: investment advisors, Certified Financial Planner (CFP) professionals, and Registered Representatives (RRs), previously known as stock brokers. Note that many advisors wear all three of these hats, which is why it's important to understand the differences before you begin your search.

What is an Investment Advisor?

Investment advisor is the official title for Registered Investment Advisors (RIAs). An RIA is licensed by their state and/or the Securities and Exchange Commission (SEC) to offer investment advice and manage client portfolios. Investment advisors are held to the fiduciary standard, meaning they are legally required to act in their clients' best interests.

What does acting in your best interest mean?

- Their recommendations and actions must accurately reflect your financial objectives, timeframes, and risk tolerance.
- They must strive to keep their own fees (as well as other fees) reasonable.
- They must avoid exposing their clients' assets to excessive risk.

What is a Certified Financial Planner (CFP®)?

Unlike investment advisors and brokers, those who call themselves financial planners are not regulated or licensed. Technically, anyone can call themselves a financial planner. To bring credibility and accountability to the profession, a number of industry organizations have formed to award formal certifications to financial planners. The most well known is the Certified Financial Planner Board of Standards (CFP Board.) To earn the CFP certification financial advisors must:

- **Bachelor's Degree** - Have at least a Bachelor's degree and 3 years of relevant experience in the financial services industry
- **Certification Examination** - Pass a comprehensive CFP Certification Examination covering a wide range of financial planning and investment topics, ethics and rules
- **Ethic and Rules** - Agree to abide by the CFP Board's code of ethics and rules of conduct, which require them to act with integrity and accountability and to always put their clients' best interests first
- **30 Hours of CFP Continuing Education** - Agree to complete 30 hours of CFP Board-approved continuing education courses over a specified reporting period, to keep up to date with developments in the financial planning field

What is a Registered Representative?

Back in your parents' day, if someone wanted to invest in stocks or bonds they used stock brokers. Today, they're generally just called brokers, because most of them make their living selling mutual funds and life insurance to clients rather than trading securities. Their formal name is Registered Representative (RR). They work for broker dealers and are licensed and regulated by the Financial Industry Regulatory Authority, or FINRA. Unlike investment advisors, brokers are not paid directly by clients; instead, they earn commissions for trading stocks and bonds, and for selling mutual funds and other products.



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Reaching your financial goals is more than having a financial advisor who invests your money in the market. You need someone who looks at where you are now, upcoming life events, and any economic challenges you face, so you have a complete plan to reach your financial goals.

At Lifewater Wealth Management, we help you evaluate where you are now and where you want to be in the future, building a financial life map that allows you to take control.

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Fredrick Standfield, CFP®, CPA
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FINANCIAL PLANNING

What are Financial Consultants and Wealth Managers?

Like the term financial advisor, financial consultant and wealth manager are both generic job titles that do not require licenses or certifications. In the past, financial consultant was often used by brokers who offered financial-planning services. Likewise, in recent years, wealth manager has emerged as a marketing term to describe financial advisors who focus on high-net-worth clients, usually those with \$5 million or more in investable assets. They're almost always licensed as investment advisors and brokers, and a growing number are CFP professionals.

What are the different ways in which a Financial Advisor is paid?

In the financial world, advisors and planners are compensated in one of two basic ways: by earning flat fees or by earning commissions. A fee-only financial advisor is paid a set rate for the services they provide rather than getting paid by commission on the products they sell or trade.

What are the different areas of Financial Planning that Financial Advisors can help you with?

Savings and Related Investments

A financial advisor will consult with you, assessing both your attitude towards financial risk and your financial goals before giving you proper advice on how you should invest your money. These investments vary and can include, among other options, money markets, certificates of deposit (CDs), annuities, stocks, and bonds.

Retirement Planning

A financial advisor can give you advice on how much money you need to save per year to maintain the same standard of living in retirement. Retirement planning can include investing in retirement accounts like 401ks and 403bs, as well as pension products that can also help supplement your income in retirement.

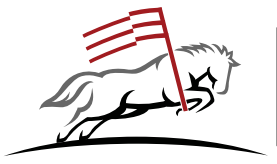
Insurance

Insurance is covered in more detail in the following section.

Mortgage and Real Property Advice

For most people, the purchase of their home will be the largest purchase that they make and generally involves borrowing money in the form of a mortgage loan. Further, more people are choosing to invest in real property and are obtaining mortgage loans or accessing funds that they have accumulated to do so. A financial advisor can give you advice on the products and lenders that are available to you when purchasing real property.

We have featured financial advisors that are knowledgeable and can help you reach your financial goals on the previous and following page for your convenience.



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You have big dreams for the future, but you aren't sure if the steps you're taking today will make them come true. Often, financial planning seems to come at the expense of enjoying today. We understand. Our work centers on optimizing your life – today and tomorrow. We begin by organizing your financial world, protecting what's most important, and focusing your resources to efficiently achieve your goals.

The Personal Planning Process is how we help you organize your financial world, protect your family, and ultimately sets you on a course towards achieving success as you define it. Our personal planning services emphasize financial strategies – not products. Together, we help identify potential blind spots, align your resources with their highest and best use, monitor your progress, and build your vision for the future.



Jeff Malone

Managing Associate Advisor | Registered Representative.

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Atlanta, GA 30305-8202



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INSURANCE

Insurance products can help protect every aspect of your life for the benefit of you and your loved ones. Some of these products include:

Health Insurance

Health insurance is one of the most important types of insurance to have because: (1) it will allow you to obtain any health care that you need; and (2) it will do so while protecting you and your family from the exorbitant costs that can come with major illnesses and injuries. Health insurance is often provided through an employer or a government program such as Medicare or Medicaid, but for those who are not provided for in these manners, it is important to spend the money on a private health care plan.

Life Insurance

Life insurance provides a lump sum to your family and loved ones if something unexpected happens to you. Nobody wants to die unexpectedly, but the fact of the matter is that it happens. It is good to have the peace of mind that comes with knowing that your loved ones and their standard of living are largely protected through the purchase of life insurance.

Long-Term Care Insurance

Long-term care insurance is designed to help people pay the costs of long-term care. Though this insurance does help with the expenses associated with long-term care, you are likely ineligible if you have a pre-existing condition or wait to purchase it until you need it. Also, these policies generally have high deductibles, do not cover all of the costs of long-term care, and only insure you from long-term care costs for a finite period (three years is fairly common).

Critical Illness/Catastrophic Illness Insurance

Critical illness/catastrophic illness insurance helps pay for costs not covered by traditional health insurance in the event of a serious medical emergency, such as a stroke or cancer. Generally, the insured will be paid a lump sum to cover these costs, and the lump sum can be used for nonmedical costs related to the illness, such as help with transportation, childcare, and other tasks made impossible due to the illness. This insurance affords you the peace of mind to focus on getting better, rather than worrying about large health care bills.

Income Protection Insurance

Income Protection Insurance can provide short-term and long-term disability coverage that helps protect your income. This insurance, in the event you become disabled and can't work due to a medical illness, injury, or other condition specified in the contract, will pay you a percentage of your income.

Mortgage Protection Insurance

Mortgage Protection Insurance is designed to protect your family by paying off the mortgage on your home in the event of your untimely passing.

We have featured professionals who are familiar with these insurance products on the next page for your convenience.

LIFE INSURANCE ON A LARGER SCALE



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**CEO | Unraveling the Wealth Puzzle
Wealth Strategist | Financial Educator**



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📺 Sherry Parkman Bivins

ESTATE AND TRUST ADMINISTRATION

If you have a loved one who has passed away, and you need guidance on what to do next, we can help.

If your loved one passed away with no estate plan or a Will...

Dying without an estate plan is called dying intestate. The estate will be subject to state intestacy laws and go through Probate Court. This means the division and distribution of the estate will be subject to a predetermined formula, usually providing half of the estate to a spouse and the remaining half allocated in equal portions to the biological children.

A Will guarantees Probate in Georgia. The Probate Court will make sure debts are paid, assets are distributed to heirs, and any loose ends are taken care of. All property that is controlled by the will must go through Probate Court. It is a demanding and challenging job, with many deadlines to be met, many of which have to be done are within the first nine months of the person's death — while the family is mourning.

Depending on the size of the estate, the complexity of the estate plan, and the nature and extent of the assets involved, there may be additional demands placed on the executor. However, we can help smooth the process.

If your loved one created a living Trust...

Your family will go through a process called Trust administration. Upon death, the successor Trustee must take steps to distribute Trust assets to Beneficiaries and fulfill any other obligations of the Trust. We can serve as counsel to the Trustee and provide assistance with the required administrative duties. When a Trust is not administered properly, the Trustee runs the risk of causing the Beneficiaries to pay penalties or additional fees, while exposing the Trustee to potential risk and liability.

For advice and help administering an Estate or Trust, please contact us today on **1-(855)-5ELDERLAW**.



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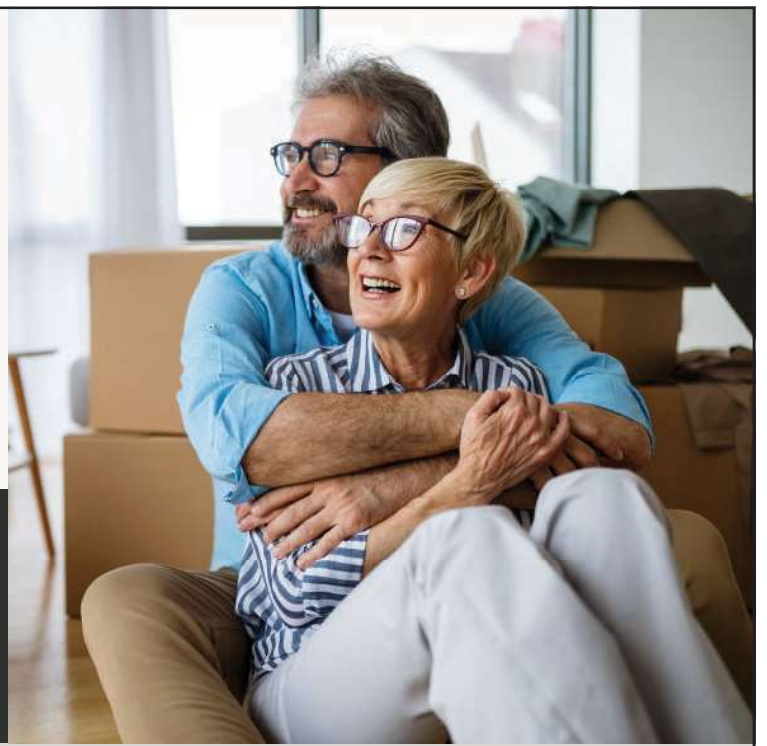
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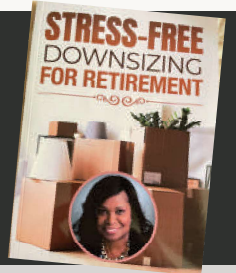
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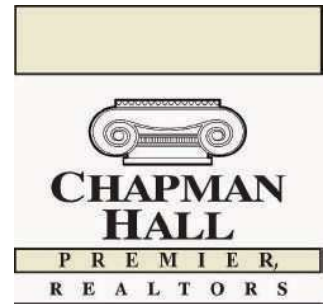
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If you are considering downsizing, moving to a senior community, or moving in with family, let me be of service to you and help you weigh your options to determine if selling is the best option for you!

As your SRES® :

- I draw upon the expertise of a network of senior specialists to help my senior clients and their families navigate the maze of financial, legal, and emotional issues that accompany the sale of the home.
- I have knowledge, experience, and compassion in dealing with senior issues.
- I have a no-pressure approach to the transaction and provide excellent service, taking the time needed to make you feel comfortable with the complex selling process.
- I understand and minimize the emotional demands and stress a sale can make on a senior and the family.

Here is what one client had to say:

Faye W: Sandra is truly one of a kind in this business. She assisted me in selling and purchasing not one but three homes at times in my life where my needs were changing. I would highly recommend Sandra Leonard without hesitation to anyone looking to purchase or sell a home. She is the BEST!!

WE'RE HERE TO HELP

We hope this guide has proved to be informative and helped you realize the benefits you will receive by taking a pro-active approach to planning for the future of yourself and your loved ones.

Please bear in mind, this guide is simply an introduction to the fields of estate planning, elder law, and probate. It does not constitute, nor should it be considered as being, legal advice.

If you are ready to start the process of securing your family's legacy, then contact us today to schedule your consultation:



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Suite 400, Duluth, GA 30096

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