

Kelly & Swetz, LLP, Attorneys at Law

Brochure Copy

Overview

Kelly & Swetz LLP is a complete wealth management and asset preservation law firm, helping clients with all areas of asset protection including:

- Estate Planning
- Medicaid Planning
- Elder Law
- Small Business Planning
- Real Estate Law
- Consumer Bankruptcy

Founded in 2001, Kelly & Swetz LLP has assembled a world class team of lawyers with exceptional experience, expert knowledge, and a philosophy of providing high level customized planning solutions for each client's unique needs.

The main focus of our practice is helping our clients manage and preserve their wealth. We serve our clients in a way that is unique in this day and age of cookie-cutter legal documents. We pride ourselves in offering **customized planning**. Why is this so important? Customized planning ensures that all your wishes are carried out, all details are attended to, and there are no surprises. We listen to your circumstances and desires, and we build a plan around the needs of your family. You will have peace of mind knowing your wealth is being properly managed and preserved; you are in control of your legacy; and all your interests are being protected.

Kelly & Swetz LLP serves clients throughout Buffalo and western New York State, working with individuals, their families, business owners, lenders, and mortgage brokers. Our attorneys have a strong local foundation, participating in numerous legal organizations as well as serving the community through many civic organizations. We also are members of *Wealth Counsel* and *Medicaid Practice Systems*, two professional associations which allow us maintain cutting-edge knowledge on trends in estate and Medicaid planning.

Practice Areas

Estate Planning

Our firm offers sophisticated and comprehensive estate planning services for individuals and their families. We design and implement appropriate plans for the

preservation and disposition of family assets. We utilize estate planning techniques that are designed to avoid the probate process. We offer highly personalized and sophisticated estate planning and wealth transfer services to accommodate the needs of our clients, from large estates to more modest estates. In each situation our techniques are designed to reduce taxes, protect assets, and preserve family wealth. We listen carefully to fully understand each client's particular family needs and objectives.

We also work with individuals to plan the most beneficial timing and amounts of distributions from qualified retirement plans and IRAs, and help individuals formulate and implement gift planning programs to reduce estate and gift taxes for the family.

As a part of our estate planning practice, we prepare wills and various types of trust agreements, business entities such as a family limited partnership, health care power of attorney and durable power of attorney instruments. We assist individuals with transferring assets to accomplish estate planning objectives. We also assist individuals with preparing appropriate beneficiary designation forms for distributions from non-probate assets such as life insurance and retirement plan accounts.

Our comprehensive planning will help you:

- **Organize** your affairs. No more loose ends.
- **Solidify** your control over your affairs.
- **Assure** the continuance of your lifestyle through tax strategies and asset protection.
- **Generate** substantial tax savings in excise, gift, estate and generation-skipping taxes.
- **Manage** the value of your business interests.
- **Protect** your affairs from the public arena, and the costs and delay of probate.
- **Provide** for loved ones and those charitable causes you care about.
- **Ensure** you retain control of your assets today and in the future,
- **Create** peace of mind about the future of your assets and your welfare.
- **Customized** estate plan so you won't have any unwanted surprises in the future.

We will take the time to really listen and understand your needs, and we'll explain the laws and your options so that you will fully understand how everything works. We will demonstrate that the savings from an estate plan far exceeds the cost, and we'll make this process very manageable, by guiding you through each step.

We approach estate planning as an opportunity to help our clients take stock of their lives, to experience gratitude for their blessings, and to take joy in choosing

how to share their legacy with those they love and those charities that are meaningful to them.

Medicaid Planning

New Medicaid laws went into effect in 2006, making qualification more difficult than ever. However, good planning opportunities still exist. Having a knowledgeable attorney advise you on the complexities of Medicaid Planning is critical for ensuring success. Because of our particular knowledge and expertise in this specialized field, we are uniquely qualified to help clients navigate this complicated subject.

At Kelly & Swetz LLP we offer the professional guidance that will help you avoid mistakes that would jeopardize your ability to qualify. We'll advise you on the process that employs strategies which allows you to qualify for Medicaid while legally retaining control of your assets.

We will carefully analyze your situation and strategically plan for protecting your assets, home and loved-ones that may depend on you financially. We will explain how to avoid incurring costly penalties that delay your eligibility, and patiently take the time to help you understand the laws and all your options. At Kelly & Swetz LLP we will earn your trust, treating you with the highest level of service and respect. We'll make the process easy by guiding you each step of the way, giving you peace of mind knowing you've ensured your ability to receive healthcare without losing your assets.

Elder Law

Elder law is virtually unlike every other field of law. It is focused on a particular type of client, the elderly, as opposed to any particular subject matter. Our firm focuses on the legal needs of the elderly and works with a variety of legal tools and techniques to meet the goals and objectives of the older client.

Some of the concerns and needs we can assist with include:

- Will I outlive my money?
- How can I preserve my assets?
- How can I leave the most to my children and grandchildren without losing control of my finances?
- Can I afford a nursing home or assisted living facility?
- How can I qualify for Medicaid?
- Do I need long term care insurance?
- What sort of legal strategies can protect me and my assets?

For example, we assist clients with estate and tax planning and advise on planning for incapacity with alternative decision-making documents. In addition, we can assist in planning for possible long-term care needs.

The laws and regulations that affect the elderly continue to grow in number and are becoming more complex. Often a single action taken by an older adult may have an unintended negative legal impact. We believe it is important to have a broad understanding of the laws that have an impact on our elder clients, to help them avoid future problems.

The services we can assist with include:

- Medicaid Planning
- Living Wills and Medical Power of Attorney
- Wills, Trusts, and Durable Powers of Attorney
- Estate Tax Plans
- Real Estate Transfers
- Probate
- Special Needs and Disability Trusts for Disabled Adults and Children:

Our Attorneys are committed to representing you with the integrity, honesty, and the confidentiality you expect.

Small Business Planning

Kelly & Swetz LLP works with small business owners at all stages of the business life cycle from startups to established businesses to the dissolution of a business. We have particular expertise in incorporating this planning into the overall estate and wealth planning for families.

For startup businesses we advise on entity, tax, and liability issues. We can also assist with drafting of incorporation and other new business documents. We help established businesses in many areas such as changes in ownership, change of entity, franchise questions, protection of assets, and merger and acquisitions. For businesses that are dissolving we provide professional guidance on the optimal way to handle your particular needs and interests.

For our clients wishing to incorporate business planning within their estate planning framework, we will formulate the optimal strategy for business succession within the family or otherwise. During this important planning process we'll take into consideration the best way to minimize taxes both today and in the future.

Real Estate Law

Real estate transactions involve risks at every stage, and consequently the stakes are high. Kelly & Swetz LLP will serve your interests with the solid legal expertise needed to protect you, your assets, and your investment from unforeseen troubles that can arise at any phase of a real estate transaction.

We work with individuals, lenders and mortgage brokers. Whether you are buying or selling, lending or borrowing, we are able to advise you on the best options available to help you complete your transaction.

Whether residential or commercial, we can assist you with negotiations, and meticulously review all documents on your behalf including purchase and sale agreements, condominium and coop documents, contracts, addendums, and closing documents.

Real estate is often a large and, therefore, important part of an individual's overall wealth. We advise our clients on managing this asset as it relates to their overall wealth preservation and estate planning, ensuring control and preservation of your legacy.

Consumer Bankruptcy

Consumer bankruptcy law is designed to help individuals rise above their financial difficulties and start anew. Kelly & Swetz LLP guides clients through this process which is important for protection of critical assets such as your home, wages and retirement savings. We will advise you on the best solution for your set of circumstances, fully explaining all your options.

There has been major reform in the bankruptcy codes recently. Despite these changes, debt relief is still possible. We are diligent about keeping current with all the new laws and we proudly practice under the new bankruptcy codes offering you the highest level of bankruptcy guidance available. We'll help to lift the cloud of stress and show you how to begin a fresh start.

Call Today

We enjoy the opportunity to provide and implement the optimal strategy for each client and their unique set of circumstances. We take personal satisfaction knowing that we developed a customized solution that plans for each critical element of their wealth – Estate, Medicaid, Business and Real Estate.

We look forward to serving you and your family. Please call us today to learn how you can benefit from our comprehensive wealth management and asset preservation services.

Bios

PATRICK M. KELLY

Attorney Patrick Kelly is dedicated to providing comprehensive, highly personalized business and estate planning advice to individuals, families and businesses. He has a compassion for helping people and has built a “wealth preservation” law firm centered around helping people provide for themselves and those they love.

Mr. Kelly serves his clients by first listening to their dreams, desires, concerns and goals. He then works with his clients to develop the highest level estate and business plans that reflect the client’s own unique situation. He is committed to helping clients understand that the foundation of business and estate planning is not just about tax planning, but about purposeful planning for a future that they and their loved ones can enjoy and feel good about.

Mr. Kelly gives enormously of his time serving civic and community groups. He feels it is important to educate as many people as possible about the challenges we all face as we age so that people can better prepare to face those challenges. He enjoys speaking engagements for accountants, insurance professionals, financial planners, charitable organizations and the public on any number of estate planning and business topics. His thirst for knowledge is fed by continuing education and attendance at nationally recognized conferences. He is a proud member of *Wealth Counsel* and *Medicaid Practice Systems*, legal organizations dedicated to providing their members with the most current information on advanced business and estate planning concepts. He is also a member of the *Society of Financial Service Professionals*, an interdisciplinary organization of accountants, lawyers and financial planners that focuses on education excellence and ethical guidance to the nation’s top financial advisors

DARREN M. SWETZ

Darren M. Swetz has made Western New York his home and the location of his law practice for several years. His practice has become focused in the area of wealth management and asset preservation and he has devoted his career to meeting these needs for his clients.

Mr. Swetz received his undergraduate degree cum laude from the State University of New York at Buffalo and went on to receive his Juris Doctor Law degree from University of Akron. Upon graduation from law school, Mr. Swetz returned to Western New York and opened the Law Offices of Darren M. Swetz, Esquire.

In January, 2001, Mr. Swetz became a founding partner in the firm of Kelly & Swetz, LLP. He is a proud member of *Wealth Counsel, Medicaid Practice Systems* and the Bar Association of Erie County. Mr. Swetz also makes numerous presentations to the public regarding wealth management and asset preservation topics, including estate planning, Medicaid planning and elder law.

F. HARRIS NICHOLS

A graduate of Williams College and Harvard Law School and a Fulbright Scholar, Mr. Nichols has over 40 years of experience in advising the owners and executives of businesses of all sizes, private and publicly-owned, with respect to the legal questions and strategies encountered by the businesses on a regular basis, as well as with their major transactions such as the sale or purchase of a business and large financial transactions. He enjoys working closely with clients to help them achieve their objectives in a manner that provides the most benefit to them and their businesses at a reasonable cost.

Clients often need help in selecting the type of structure to use for their business, whether corporation, partnership or limited liability company, a decision which involves important legal and tax considerations. Mr. Nichols also provides legal advice with the financing of the business, buy-sell agreements among the shareholders or other owners, the provisions of important contracts and the purchase or leasing of assets and other businesses and tax matters. In addition to providing legal advice with respect to a full range of ongoing business events, he helps plan and negotiate management and ownership succession, if that is desired, or the ultimate sale of the business. Succession planning, particularly in family situations, has also led him into the legal areas of estate and tax planning for business owners and assistance with the administration of their estates.

Mr. Nichols has conducted seminars on many business topics, both for members of the bar and other professionals as well as business executives. He currently serves as a Commercial Arbitrator for the American Arbitration Association and as a Public Arbitrator for the National Association of Security Dealers. He co-authored *Corporate Acquisitions and Successor Liability* which appeared in the July 1998 issue of the *Practical Lawyer*.

Formerly Chairman of the Board of Directors of Child and Family Services of Erie County, Chairman of the Youth Services Committee and a member of the Resource Management Committee of the United Way of Buffalo, Mr. Nichols currently is Secretary of the Rotary Club of Williamsville and a member of the Board of Directors of that organization.