

APRIL 2025

# Piece Of Mind

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## Living Trusts

### *A Confusing Concept With Historical Roots*

If there's one thing a recent court case proves, it's that living trusts can be surprisingly tricky to understand, sometimes even for judges. The case *Newell v. Superior Court* (2024) highlighted how easily confusion can arise when dealing with trust law, real estate, and legal ownership.

Lucy Newell found herself in a legal battle after her father's caregiver, Neneth Rollins, allegedly manipulated him into changing his trust. Rollins then used the trust's money to buy a house in her name as trustee of the trust. When Newell attempted to stop the sale by filing a legal notice, the probate court dismissed her claim, ruling that she had no standing since the trust, not her father, owned the property.

That's where the court of appeal stepped in to clarify a crucial point: Trusts don't actually own anything — the trustee does. Since changing the trustee would alter who held the title to the property, Newell's claim was valid. This ruling was a correction to a common misunderstanding, demonstrating why getting the trust law right is so important. But where did this complex legal concept of living trusts even come from? To answer that, we need to go back — way back — to medieval England.

#### How English Nobles Outsmarted the King

The idea of a living trust has existed for centuries, and its origins are surprisingly dramatic. Picture 12th and 13th-century England, where land wasn't just wealth. It was power. The problem was that all land technically belonged to the king, and noble families were constantly at risk of losing their estates due to war, debt, or legal loopholes.

One particularly frustrating rule was "escheat," which allowed the king to seize land if a noble died without a direct heir or was convicted of treason. And if a nobleman did manage to pass his estate down, his heirs had to pay hefty fees to claim it. These tactics drained wealth from noble families and made estate planning a nightmare.

Faced with these challenges, landowners got creative. They began using a legal arrangement called a "use," which was essentially an early version of the modern trust. Here's how it worked: A nobleman would transfer his land to a trusted ally or a member of the clergy while still maintaining control over it during his lifetime. Because the land was technically held by someone else, the king couldn't seize it, impose feudal fees, or interfere with inheritance.

This loophole allowed noble families to protect their wealth and avoid royal interference for generations. Of course, the monarchy wasn't thrilled about being outmaneuvered, and in 1535, King Henry VIII attempted to shut the practice down with the Statute of Uses. But the concept of the trust had already taken root, and over time, it evolved into the modern revocable living trust.

#### From Medieval England to Today's Courtroom Confusion

The same basic principles that helped medieval landowners keep their estates intact still apply today. Living trusts allow people to maintain control over their assets during their lifetime while ensuring a smooth transfer to heirs without the delays and costs of probate court. But as *Newell v. Superior Court* demonstrates, even modern legal professionals can struggle to understand how trusts actually function.

While the days of outwitting kings are long gone, the challenge of navigating trust law remains. Whether it's in 13th-century England or a 21st-century courtroom, the living trust continues to be a powerful tool for protecting assets — but only if people truly understand how it works.

*-J.M. Preston*

# Securing Your Digital Legacy

## Why You Should Set Up an Apple Legacy Contact

In today's digital age, estate planning isn't just about wills, trusts, and property — it's also about ensuring your loved ones can access your digital assets when needed. One crucial but often overlooked aspect of modern estate planning is securing access to your Apple ID and iCloud account. Apple's **Legacy Contact** feature makes this possible, allowing you to designate someone to access your digital information after you pass away.

### What is an Apple Legacy Contact?

Apple's Legacy Contact is a trusted person you select to have access to your Apple ID account and data in the event of your death. This includes important digital assets like:

- Photos and videos stored in iCloud
- Notes, emails, and messages
- Contacts and calendar events
- Purchased apps, books, and subscriptions

Before this feature was introduced, accessing a deceased person's Apple account was a complicated and often impossible process, requiring court orders and extensive legal documentation. With a Legacy Contact, Apple simplifies this process, ensuring your important digital memories and information don't get lost.

### Why is an Apple Legacy Contact important for estate planning?

As more of our personal and financial lives exist online, including financial records, important documents, and priceless family photos, ensuring your loved ones have access to these digital assets can be just as vital as passing down physical property.



Without a Legacy Contact, your Apple ID account remains locked after you pass, leaving your loved ones unable to retrieve cherished photos, important files, or essential information stored in iCloud. Unlike other forms of property, digital accounts are often protected by strict security measures that make posthumous access nearly impossible.

By designating a Legacy Contact, you give a trusted individual the legal ability to manage your digital assets after your death. This reduces stress and uncertainty for your family during a difficult time. This simple yet crucial step ensures your digital estate is handled according to your wishes.

### How to Set Up an Apple Legacy Contact

Setting up an Apple Legacy Contact is a straightforward process, but it must be done while you are alive and have access to your Apple ID account. Here's how you can do it.

#### Step 1: Update Your Device

Ensure your Apple device is running iOS 15.2 or later, iPadOS 15.2 or later, or macOS Monterey 12.1 or later. The Legacy Contact feature is not available on earlier versions.

#### Step 2: Open Settings

1. Go to Settings on your iPhone or iPad.
2. Tap your Apple ID profile (your name at the top).
3. Select Password & Security.

#### Step 3: Select 'Legacy Contact'

1. Scroll down and tap Legacy Contact.
2. Tap Add Legacy Contact and follow the prompts.

#### Step 4: Choose Your Trusted Contact

- Apple allows you to add multiple Legacy Contacts if you wish.
- You can select a family member, close friend, or the trustee of your trust.
- The person you choose does not need to have an Apple ID.

#### Step 5: Share the Access Key

- Once selected, Apple will generate an Access Key for your Legacy Contact.
- You can send this key via Messages (if your contact has an Apple ID) or print and share it physically.
- It's recommended to store a printed copy with your estate planning documents.

### How Your Legacy Contact Accesses Your Data

When you pass away, your Legacy Contact must provide:

- The Access Key you shared with them.
- A copy of your death certificate to Apple.

Once Apple verifies this information, they grant access to your iCloud data, allowing your designated person to manage your digital assets accordingly.

Setting up an Apple Legacy Contact is a simple but essential step in digital estate planning. By taking a few minutes now to designate a trusted individual, you ensure your important photos, documents, and personal information remain accessible to your loved ones.



# America's Invincible Icon

## A Deep Dive Into 'Old Ironsides'

Some American institutions were built to last.

In 1794, a shipbuilder named Joshua Humphreys earned his status as an American hero by designing the first half-dozen warships used by the U.S. Navy. Amazingly, one of these ships, the USS Constitution, remains commissioned to this day after being used in some of our country's most significant achievements at sea.

The USS Constitution was first commissioned circa 1797 during the Quasi-War with France before being shipped off to North Africa during the U.S. conflict with the Barbary Pirates. However, the ship's greatest fame came during the War of 1812, when it helped secure a victory against the British Navy. Known for its virtually impenetrable construction, the USS Constitution earned the nickname "Old Ironsides" after it was victorious against a British warship known as the HMS Guerriere. When the war-worn Old Ironsides seemed to be nearing the end of its structural life and would need to be decommissioned in 1830, a national campaign to save the ship kept it in service.

By 1881, Old Ironsides finally got its well-earned retirement, and the ship was officially decommissioned. Was that the end of this iconic vessel's storied history? Not by a long shot! In 1931, the Navy returned the ship to a different kind of active duty, where it remains to this day.

These days, Old Ironsides is docked in the Charlestown Navy Yard in Boston, Massachusetts — next to a nonprofit museum dedicated to preserving its incomparable impact on American history. The warship and museum attract hundreds of thousands of visitors annually, and official USS Constitution crew members are on hand to deliver presentations on the frigate's extraordinary past.

More than 200 years after it first left Boston Harbor, Old Ironsides continues to stand (or, more accurately, float) as a symbol of American ingenuity and our nation's commitment to liberty and freedom for all.

## Sudoku

9	4				8	6		
3					6		9	
		7	5	9				
						5	3	
		4		1	7			
	2	3						
				4	7	8		
	6		3					1
		9	6				7	5

Solution on Pg. 4



## CREAMY TORTELLINI VEGETABLE SOUP

Inspired by EatingWell.com

### Ingredients

- 2 tbsp extra virgin olive oil
- 1 cup peeled and chopped carrots
- 1 cup chopped yellow onion
- 1 tbsp finely chopped garlic
- 3 cups reduced-sodium vegetable broth
- 1 (15-oz) can (no salt added) diced tomatoes with basil, garlic, and oregano
- 2 tbsp fresh basil, chopped
- 1/2 tsp ground pepper
- 1/4 tsp plus 1/8 tsp salt
- 1 (9-oz) package refrigerated cheese tortellini
- 1 (5-oz) package baby spinach
- 1 cup heavy cream

### Directions

1. In a large Dutch oven, heat olive oil over medium-high heat. Add carrots and onions and cook for about 5 minutes or until onions are softened. Add garlic and cook for 1 minute or until fragrant.
2. Add broth, tomatoes, fresh basil, pepper, and salt. Bring to a boil, stirring occasionally. Reduce heat to medium, cover, and let simmer for about 5 minutes or until carrots are slightly tender.
3. Stir in tortellini. Cook until pasta is tender. Reduce heat to medium-low.
4. Add baby spinach and cream. Cook until spinach is wilted. Serve and garnish with additional basil if desired.



9	4	2	1	3	8	6	5	7
3	8	5	2	7	6	1	9	4
6	1	7	5	9	4	3	8	2
1	7	6	4	2	9	5	3	8
5	9	4	8	1	3	7	2	6
8	2	3	7	6	5	4	1	9
2	5	1	9	4	7	8	6	3
7	6	8	3	5	2	9	4	1
4	3	9	6	8	1	2	7	5

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*The information provided in this newsletter does not, and is not intended to, constitute legal advice; instead, all content contained herein is for general informational purposes only.*

## JOURNEY THROUGH TIME DISCOVER THE ENDLESS BEACHES AND VIBRANT CULTURE OF ANTIGUA

Can you imagine escaping to a tropical island where you can visit a different beach every day for a year without ever seeing the same one twice? It's not a fantasy. It's Antigua.

Antigua has long been known for its 365 beaches, from Halfmoon Bay's silvery sands to Galley Bay Beach's surfing waves. Unique for its history and native crafts, this eastern Caribbean island is rich in recreational and cultural attractions, as well as natural beauty.

Christopher Columbus encountered Antigua in 1493, and the British subsequently colonized the island and neighboring Barbuda in the 1600s. Barbuda was originally planned as a slave-breeding colony, but the enslaved people brought to the island rebelled against colonial rule. After years of domination by the United Kingdom, Antigua and Barbuda achieved independence as a single nation in 1981.

Although Antigua covers only 108 square miles, it has a rich history and cultural traditions. Nelson's Dockyard National Park offers archaeological sites and more than 12 miles of hiking trails. The 8th of March Project commemorates the lives of enslaved and free Africans who labored on the

docks for centuries. Energetic hikers can make their way up a steep trail to Shirley Heights, 492 feet above sea level, to enjoy a panoramic view across the sea.

Among Antigua's unique attractions is the centuries-old artisan craft of forming tamarind seeds into jewelry and home decor. The island is also home to one of the rarest fruits in the world, the Antigua black pineapple, which is sweet and delicious sliced fresh or in jelly form. Also, a weekly archaeological tour called "Rum in the Ruins" offers a history of the sugar trade and the island's famous rum.

Antigua's Summer Carnival is one of the most popular in the world. The celebration began when people took to the streets in 1834 to celebrate the emancipation of enslaved people and independence from England. Visitors to the Carnival today can enjoy wildly colorful costumes and 10 days of music, dancing, and parades. Among the most memorable experiences are steel band competitions playing calypso and soca music.

