

NOVEMBER 2025

# Piece Of Mind

*In order for you to have peace of mind,  
we are giving you our piece of mind.*

**PRESTON**  
ESTATE PLANNING  
A PROFESSIONAL LAW CORPORATION

800.698.6918

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## *The Forgotten Leftovers*

I have to confess something: I hate leftovers in the fridge. It's not that I don't like the food itself; I'll gladly eat Thanksgiving turkey sandwiches for 3 days straight. I just don't like it when food sits for too long and goes bad. Forgotten containers in the back of the fridge make me uneasy. So, my "solution" (and I use that word loosely) is to toss things far too quickly.

This has led to ... let's call them domestic misunderstandings.

One time, we were having guests over for dinner. That morning, in my noble attempt to be helpful, I went through the fridge like a health inspector on a mission. Anything questionable? Gone. Anything suspiciously unlabeled? Gone. Anything that looked like it had been there longer than a day? Out it went. The fridge had never looked cleaner. I was quite proud of myself.

Fast-forward to that evening. Dinner went beautifully. Conversation was lively, the food was delicious, and everything was going smoothly ... until dessert. My wife opened the freezer to grab the ice cream and discovered it was missing.

She looked at me. I knew that look.

"Where's the ice cream?" she asked.

I sheepishly admitted I had thrown it away. It had seemed safer that way.

She took a deep breath, turned back to the fridge, and began searching for the apple pie

she had baked the day before. It was a special homemade creation she was especially proud of. You can guess where this is going.

Also gone.

At that moment, I knew I was in serious trouble. Our guests caught on immediately. One chuckled and said, "Looks like you're in the dog house tonight, buddy!" Everyone laughed eventually, but dessert that night was ... minimal.

That little episode reminded me how easy it is to mistake something valuable for something disposable when it's hidden away. Something that looks old or forgotten can actually be brand-new and important.

And that's exactly what happens in estate planning.

Over the years, people accumulate financial "leftovers": a checking account opened decades ago, a savings account at a local credit union that slipped from memory, or an online investment account that hasn't been logged into in years. They all get pushed to the back shelf of life, tucked behind the bigger, more obvious accounts.

The problem is that when someone passes away, the trustee doesn't have the luxury of opening a fridge and immediately spotting what's missing. If nobody knows those accounts exist, they can be overlooked entirely. In fact, billions of dollars yearly end up in state unclaimed property funds simply because families never knew they were there.

It's the financial equivalent of tossing out a perfectly good apple pie just because nobody put a label on it.

The good news is that the fix is simple: Keep a current list of your assets. A trust alone isn't enough if nobody knows what belongs inside it. The list doesn't have to be complicated. It just needs to be clear, updated, and stored with your estate plan.

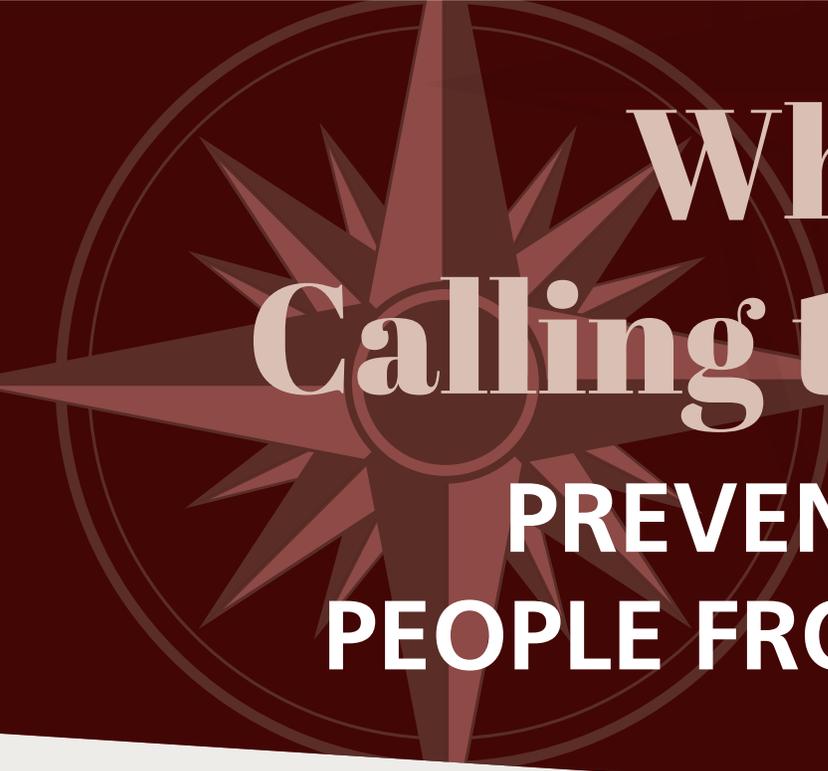
Over time, life changes. We open new accounts, close old ones, and shift investments. If you make the list once and never look at it again, it's no better than my fridge-cleaning spree. Something important is bound to get tossed aside.

And unlike my little mishap with dessert, the consequences aren't just a laugh and a missing sweet treat. Forgotten accounts can mean years of probate, lost money, and unnecessary headaches for the people you care about most.

So, this November, while making room in your fridge for actual Thanksgiving leftovers, take a few minutes to do the same with your finances. Pull everything forward, check the labels, and ensure nothing important is hiding in the back.

Losing ice cream and apple pie is one thing, but losing an entire investment account is a mistake nobody finds funny.

*-J.M. Preston*



# Who's Really Calling the Shots?

## PREVENT THE WRONG PEOPLE FROM INHERITING

Picture this: An elderly woman, once strong and independent, makes a major change to her will late in life. Instead of leaving her estate to her children, she leaves it all to her chauffeur. Her family is blindsided, and before long, they're in court fighting it out.

Believe it or not, this type of story isn't unusual. California courts have seen plenty of cases where someone close to an elderly person suddenly inherits the lion's share of the estate. To help figure out when influence has crossed the line, judges use what's known as the "CAB test."

So, what does CAB stand for?

- **C: Confidential Relationship.** This means the person who benefited was in a position of trust. It could be a caregiver, an adult child, a neighbor, or even a financial advisor, someone the person relied on heavily.
- **A: Active Participation.** Next, the court examines whether that trusted person helped make the estate plan happen. Did they drive the person to the attorney's office? Did they sit in the meetings and give "suggestions"? Did they arrange for the drafting or even pay for the documents? Even small acts of involvement can count as participation if they shaped the outcome.
- **B: Undue Benefit.** Finally, the result is examined. Did this person walk away with a windfall that seems out of proportion? For example, if a neighbor suddenly inherits everything while the children are written out, that's a big red flag.

When all 3 factors show up together, the court presumes undue influence. In plain English: The judge says, "This doesn't look like the decedent's actual wishes," and the person who wrongfully inherited has to prove otherwise.

Take the case of the *Estate of Sarabia*. Teresa, the woman at the center of the case, left her estate to her chauffeur. He was her constant companion, played a role in arranging the will, and inherited almost everything. The court saw all 3 CAB factors and decided the will was the product of undue influence.

Something similar happened in the *Estate of Clegg*. An elderly man left much of his estate to a neighbor who had been "helping him out." His family objected. The court noted the neighbor had his trust, was involved in the planning, and received far more than expected. Once again, the CAB test revealed what was really going on.

But it's not always that simple. In *Rice v. Clark*, the California Supreme Court made it clear that just because there's a close relationship doesn't mean undue influence is at play. All three elements, the trusted relationship, the active involvement, and the undue benefit, must be present before the presumption kicks in. That's an important safeguard because sometimes people genuinely want to leave gifts to those who cared for them.

Still, the danger is real. Estate plans made under pressure, or with suspicious last-minute changes, can lead to years of bitter courtroom battles. Families splinter, legacies disappear into legal fees, and what should have been a gift of love becomes a source of conflict.

At Preston Estate Planning, we don't just draft documents and call it a day. Our team is specifically trained to spot the warning signs of undue influence. If something feels off, we know how to pause, ask the right questions, and ensure the plan reflects the client's true wishes. In the rare event that someone tries to take advantage of the process, we're prepared to catch it before it causes real damage.

Your estate plan should be your voice, carried into the future. Our job is to make sure it stays that way.

# Flip the Script

## SUPERCHARGE YOUR CHILD'S LEARNING BY LETTING THEM TEACH YOU!

Many parents hit mental roadblocks trying to help their children with homework. Perhaps you're trying to teach your child long division or Spanish grammar rules, but the knowledge doesn't stick. Have you ever considered having your child teach the material to you?

The science of how children learn shows that "learning by teaching," also known as "the protégé effect," is an effective way for children to build a deeper, longer-lasting understanding of new information. By digging into new concepts and figuring out how to communicate them to others, children must engage more deeply with the material. They must answer questions and clarify areas of uncertainty. Educators say this makes them more likely to retain the information.

Many children will relish taking the lead and playing an instructor role. A good way to start is to ask your child to explain a skill or concept they are learning in class and then ask questions. If your student gets stuck, instill good research and study skills by suggesting they refer to their notes or search through other class materials.

Many kids love making videos, so consider channeling that medium for learning. Have your child create a concept map for a subject that interests them. Start with the big idea and then create a step-by-step explanation, showing connections among the ideas and including examples to illustrate main points. Then encourage them to convert the concepts to a video tutorial and view it together. While this technique lacks some of the verve of face-to-face interaction, the intellectual exercise is still valuable.

Ask your child's teacher for suggestions on concepts to practice at home or for learning tools that might facilitate learning by teaching. The teacher may offer questions or suggest activities to give your child new opportunities to play teacher. Also, don't hesitate to encourage your child to perform skills they have learned, play guessing games about school topics, or listen to them describing new knowledge. Remember that genuine, non-judgmental parental interest in a child's learning is a high-octane fuel for lifelong growth!



## Sudoku

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

Solution on Pg. 4



## Apple-Cranberry Salad

### Ingredients

- 6 slices of bacon
- 1/3 cup balsamic vinaigrette
- 1/3 cup olive oil
- 2 tbsp raw honey
- 8 oz fresh baby spinach, rinsed and dried
- 3/4 cup dried cranberries
- 1 Honeycrisp apple, peeled and thinly sliced
- 1/4 red onion, thinly sliced
- 1/2 cup feta cheese

### Directions

1. In a large skillet, cook bacon until crispy. Remove it from the pan and set on a paper towel-lined plate to cool.
2. In a small bowl, whisk together balsamic vinaigrette, olive oil, and honey. Set aside.
3. In a large bowl, add spinach, cranberries, apple slices, red onion, and feta. Crumble bacon pieces over the top. Use salad forks to toss ingredients thoroughly.
4. Add dressing to the salad and toss again until well-coated.

Inspired by [WanderlustAndWellness.org](http://WanderlustAndWellness.org)

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

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# Inside

- 1** The Danger of Forgotten Accounts (and Forgotten Desserts)
- 2** Protecting Families From Undue Influence
- 3** Sit Down, Mom and Dad, Class Is in Session  
Apple-Cranberry Salad
- 4** Paradise Found

*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.*

## Bungalows and Bliss: Tropical Escapes to Savor

Whether you're looking to book a tropical trip this winter or want to live vicariously through descriptions of dream destinations, this article is for you!

From overwater bungalows to swim-up bars, these resorts redefine relaxation in some of the world's most glamorous getaways.

### A Spectacular South Asian Sojourn

If you want to add flavor to your wintertime festivities with an international jaunt, the Maldives, just southwest of India, is home to some of the world's most renowned resorts. Celebrated for its spacious rooms, private pools, and "floating breakfasts," The Ritz-Carlton Maldives, Fari Islands, boasts seven restaurants offering a vast array of global delicacies. Another Maldives mainstay, Soneva Fushi, offers some of the largest overwater villas in the world, perfect for viewing the area's breathtakingly clear waters.

And if you're a fan of exploring tropical travel via social media, you've likely caught an eyeful of Instagram favorite Soneva Jani. This Maldives destination provides guests plenty of playful options, ranging from a waterslide to a trip on one of the resort's seaplanes.

Of course, an extraordinary vacation doesn't necessarily mean spending time in an expansive environment. Those looking to balance luxury with a low-key vibe should check out Gili Lankafushi Maldives, a boutique resort that invites guests to lounge on a private water hammock as their worries wash away.

### Fresh Perks in French Polynesia

Outdoor bungalows are also a big hit in Bora Bora. In addition to in-room pools, the Four Seasons Bora Bora resort offers guests a view of Mount Otemanu that all intrepid travelers should experience at least once. Over at the Westin Bora Bora, vacationers can take in the locale's modern aesthetics while sipping cocktails at its swim-up bar. If you plan to travel with a large group, the two-story Presidential Suites and overwater villas at the Conrad Bora Bora Nui are outstanding options.

Not surprisingly, Bora Bora isn't the only place to visit in French Polynesia. Although the Hilton Moorea Lagoon Resort and Spa tends to book up quickly due to its smaller size, it's worth trying to get a room for this vacation spot's famous snorkeling sites alone.