

Smart Planners—Don't Waste Dollars Saving Pennies

By Craig E. Hughes

This brief analysis refers to the Utah case *Ashworth v. Bullock* (2013) referred to in a previous blog titled: “How to Harm Beneficiaries When Transferring Real Estate.”

It is almost always a fatal mistake when a person signs a legal contract without consulting with a good attorney. Especially in estate planning, a person who avoids a good attorney when selling real estate or transferring other assets invariably ends up harming themselves or the person's beneficiaries. The costs incurred in avoiding a good attorney far outweigh the emotional and financial costs of finding, retaining, and consulting with a good attorney.

In the *Ashworth* case, Joseph Bates may have been a person who simply thought that he didn't need to deal with an attorney when he decided to sell his real estate. Unfortunately, his decision harmed not just his own beneficiaries, but the innocent buyers of the property.

Joseph Bates's decision to go it on his own resulted in two years of expensive litigation. Consider also the likely emotional nightmare the Bullocks experience, as they waited during those two years wondering whether they had actually owned the home they thought for 30 years they had purchased; whether they would lose over \$80,000 they had paid purchasing the home; whether they would be forced to enter into a rental agreement to live in their home for the remainder of their lives, or whether they would be kicked out. All the while paying litigators out of their own pocket.

Mr. Bates's actions also emotionally and financially harmed his own family. Surely his beneficiaries expected a major asset (the real estate) to be part of their inheritance. But when Mr. Bates died, the beneficiaries were left with a legacy of surprise, uncertainty, frustration, and expensive litigation.

Things turned out right for the Bullocks—the case was decided correctly—but at what cost to everyone! The consequences of Joseph Bates's decision to avoid paying a good attorney a few hundred dollars: years of emotional pain and untold tens of thousands of dollars in litigation costs.

Do things right. Find, retain, and consult with a good attorney before transferring your assets.

Ashworth v. Bullock, 304 P.3d 74 (Utah App. 2013)