

# BUSINESS TIMES®

Nov. 22-28, 2013

Serving Santa Barbara, Ventura and San Luis Obispo counties

Vol. 14, No. 38

## 2013 TAX & FINANCIAL PLANNING GUIDE

### Estate plans don't grow on trees: take these steps to protect your family farm's future

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Muegenburg is a former rancher and principal of META Law, Inc., which provides for all aspects of estate and business succession planning needs.

legal authority to step in and keep the business running without serious interruption in case of illness, disability or death.

Growing is truly about all farmers and ranchers have control over — they will grow something but have neither control over the eventual production in amount or quality nor any control over the market.

Think about a bigger nuisance, when there is no choice but to let go of control.

You fall off the tractor. You are unconscious and need immediate medical attention. You can't ask for help.

It's a lot like having freeze protection in place for your crops and trees. You hope you won't have to use that protection, but it's comforting knowing it's there if the temperature falls into the 30s.

Next, look at who can, if you can't, sign checks, authorize purchases, decide crops, timing for planting or picking, fertilizing, irrigating, weeding, harvesting and to whom to sell.

Are you the only person authorized to make those decisions and sign the necessary paperwork? What do you have in place?

Putting the pieces in place to have basic protection for the mechanics

**Why not do those you love a favor and take the plunge and face the inevitability of what happens when you are not there to run your business.**

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The biggest gamblers this side of the Chumash Casino are farmers and ranchers.

Surprised? What a business! It's a gamble every time they select a crop to plant or trees to grow. There are infestations; weather is too hot, too cold, too wet; good markets versus bad markets; government regulations and enforcement and on and on.

I've seen a similar gambling approach in how ranching families deal with the mechanics of their businesses in regards to disability and death. Often, no successor is named on the bank account, or with the seed and fertilizer distributors for that matter, or there is no one else to negotiate labor contracts or leases.

The tools are available that would, without giving up any control, give family members and partners the

of your business doesn't have to be overwhelming.

You can put three simple yet powerful tools in place so your spouse and children can help when you can't make decisions:

- Advanced Health Care Directive, which names someone to make immediate decisions for your emergency care.

- HIPAA Authorization, granting this person the authority to access your medical records. The law prevents your spouse and family from getting that information without written authorization.

- A Personal Care and Financial Power of Attorney that names who can make decisions about where you are to be treated, taken for recovery and how to pay the bills to keep things going.

Now, decide and name who you

want to benefit (or burden) from your business following your death. Oh, there's finally the dreaded word: death.

Crops come and go, but death will come — no choice on that one. Why not do those you love a favor and take the plunge and face the inevitability of what happens when you are not there to run your business.

Get your spouse and family involved in the decision making, decide and then implement. You are the leader.

Is it easy? No. The process takes time, money and, most importantly, your mind set to solve the challenge you created due to your business success.

But this work returns value in spades. Every journey starts with the first step.

• Contact Muegenburg at (805) 856-3400 or visit [www.metalawinc.com](http://www.metalawinc.com).