**TM\_EP\_13\_ELSA SMITH**

[00:00:00] Welcome to the Tech Money podcast, where the worlds of technology and personal finance collide. Hosted by certified financial planner, speaker, blogger, and self-proclaimed personal finance nerd, Malcolm Etheridge, each episode aims to make you just a little bit smarter about your money. All from the perspective of the tech professional without further delay, here's your host.

[00:00:37] **Malcolm Ethridge:** Hey there, listeners. Malcolm here. And on today's show, we're talking about estate planning, but not just in the context of which documents do what. We're going to explore the ways that applying some of the most basic estate planning techniques can help you on the road to building generational wealth.

[00:00:52] When we use the term "generational wealth," what we're referring to is the phenomenon of assets being passed down from one generation to the next within a family. [00:01:00] And when done correctly, these transfers often occur with minimal tax paid by the inheritors. We all know the statistics around how difficult it is to maintain wealth within a family from one generation to the next. In fact, about 70% of wealthy families lose their wealth by the second generation and 90% do by the third. One reason this happens is that the next generation may not be equipped to manage the money they inherit.

[00:01:24] However, it's also true that family wealth can be diluted as it is divided among children and other heirs, especially if each has a different stance on how to invest or manage their individual finances, so I thought it would be a good idea to bring on an estate planner who eats, sleep, and breathes this stuff for a living to have a conversation on not only building generational wealth but also how to protect and keep it once you have it.

[00:01:47] Elsa W. Smith is an accomplished attorney, recently voted a super lawyer by her peers and colleagues and is the founder and principal of the law offices of Elsa W. Smith. Elsa has been featured in several [00:02:00] publications, been interviewed on radio shows, and has also done some television hosting, including a YouTube series of her own dedicated to providing the community with free information on wills, estate planning, and startup business topics.

[00:02:11] And so, with that brief introduction, welcome Elsa W. Smith to the Tech Money podcast.

**Elsa Smith:** Thank you, Malcolm. It is such a pleasure to join you today.

**Malcolm Ethridge:** Yeah, no, I appreciate you making the time. And I breezed through your resume pretty quickly there in my intro, but what did I miss that I should have mentioned?

[00:02:31] **Elsa Smith:** Yeah, no, I appreciate you making the time. And I breezed through your resume pretty quickly there in my intro, but what did I miss that I should have mentioned?

[00:02:31] Well, one thing, and something I'm very proud of, is my heritage. I am of Afro-Cuban descent. I'm a native Spanish speaker. And as you said, you correctly said that my practice is focused on estate planning. But specifically, the mission of my firm is to empower women through estate planning. I studied statistics and about wills in the, particularly in communities of color, [00:03:00] and I've read research on the billions that with a B that has been lost by a lack of planning.

[00:03:08] And that's what drives me. And that's why I'm so passionate about empowering women. I even recently launched on Facebook and YouTube a live series called "Women Win Wednesday." It airs every Wednesday at 1:30 PM Eastern. And the focus is on alignment with the mission of the firm; it's to highlight or spotlight women who are excelling in fields.

[00:03:32] Of course, that is complementary to what I do in estate planning. So, finances but also health and wellness. We talk about their struggles. But also leave the people that are listening with hope, because I think that, in the estate planning world, quite frankly, it's very vanilla, right.

[00:03:58] [00:04:00] I wanted a venue. I wanted a platform that really spoke to people who look like me, and that's really the challenge. And I know that we can get into that throughout our conversation.

**Malcolm Ethridge:** Well, you’re kind of going in a direction. I wanted to start off in any way, which is how you got into this business, right.

[00:04:20] Did you go to law school straight away knowing that estate planning was the direction you wanted to go or was it some serendipitous moment that made the choice for you? And I specifically asked because there aren't many black and brown attorneys working in estate planning, right. As you were sort of alluding to there, there are not a ton of women who are in that space, so go figure.

[00:04:40] Right. And so, I'm just curious how you even got into the estate planning specialization.

**Elsa Smith:** Well, I knew that I wanted to be a lawyer since I was 13 years old. And I grew up, and I'm sure I'm dating myself, but I grew up watching LA Law in Perry, [00:05:00] Mason. So that was my initial inspiration.

[00:05:03] And, once I became a lawyer, and for the 20-plus years thereafter, my journey was not an out-of-state, it wasn't a straight shot. It was more of really finding out what I didn't like. And really a path of self-discovery and trying to find what was more in alignment with what you know and who I am.

[00:05:35] So fast forward to me. I went to school in Florida, graduated from, the University of Miami law school, and fast forward to when I relocated to Maryland, which is where I am now. I met my husband. Yeah, estate planning came to me as a way of really serving the community in a way that gave me true satisfaction.

[00:06:00] [00:06:00] And that was really in alignment with what I wanted to do, which was just to reach a wider group of people. I mean, I practice in other areas. I even did criminal defense for a while, and people were like, "What are you like?" Yeah, so yeah, I was traveling to prisons and all that stuff, and it was a different lifestyle.

[00:06:24] And as I went about, there were people who knew what I did for a living and were like, "Oh, if you do something else, like let us know." Because I mean, in my circle, there are lots of professional people and folks that have money and need help to know what to do with it.

[00:06:43] **Malcolm Ethridge:** Listen, I get it. You went to the right place at the right time also, right? Like, I look at somebody like a Drew Rosenhaus that's well into athletic management, like. Performance side of that managing, multi multimillion dollars [00:07:00] on behalf of his classmates from Miami. Right. And so, I know you have a ton of people, right?

[00:07:05] Evan walked through those halls, and they were like, "Yeah, you could be doing other things." Other than going into prisons to defend folks and maybe getting those invoices. Covered when you send them out, all that kind of stuff. So, I get it, but sure. But so, let's get into it. Let’s dig into the conversation at hand a little bit.

[00:07:27] Now I'll start with one. That's a very common question that I get from my own clients when talking to state planning pretty regularly, which is just, what's the difference between a will and a trust? And then beyond that, why do I need a trust? If I already have a will,

**Elsa Smith:** Sure, now wills and trusts serve. They serve different purposes, and whether you choose to have one or the other or both, it's a matter of figuring out what your needs are and choosing the tool that's going to best serve those needs.

[00:07:58] And I tell people that estate planning [00:08:00] is not cookie-cutter at all. And if that's what you want, you're obviously in the wrong place. So at least that's not the way I practice. So, Will, let's start with that. Yeah, it's a document that establishes the distribution of your estate. Now, what is an estate?

[00:08:15] It's all your stuff. It's everything that you own. People get all weirded out within the estate, and they think that, like, oh, it's billions of Jeff Bezos' money. No, it's all the stuff you own, right? So, they will outline exactly what you want to happen with your assets with your stuff.

[00:08:36] It covers everything. It defines who's going to receive property at your death. In Maryland, it also appoints legal representatives. In Maryland, we call them personal representatives. Other jurisdictions can call them executors. That might be a term you might be familiar with. It also provides guardianship [00:09:00] of minor children, which is really important for the families that I serve.

[00:09:06] They can also designate specific gifts that you know that you want to leave to friends or loved ones or institutions. And unlike trust that go a trust goes into effect. As soon as the will is created, it goes into effect. Once a person dies, now Yep. A trust is used to manage assets during a person's life.

[00:09:32] It is used quite often to try to avoid the probate process, and we'll get into that in a minute to minimize or eliminate taxes. It's used to plan for long-term care. And it also, and this is something that I really want to push, particularly in communities of color, is to facilitate charitable giving.

[00:09:58] Right. And it's also [00:10:00] used to protect beneficiaries. Now, trust is just a tool. It's a legal tool. That covers only the property that's been transferred into it. Right. And the property can be distributed before or after death, right? One type of trust and one that's common is the revocable living trust.

[00:10:23] Right. And that's created when a person's alive and then it can be changed, throughout that person's lifetime. It becomes irrevocable once the person dies. Right.

**Malcolm Ethridge:** Sure. Well, before we get into too much of the mechanics of how it actually operates and that sort of thing, you were going in a different direction that I want to make sure that we get clear about too, which was the probate process.

[00:10:47] Because you started down that road, I want to make sure that we give sort of all of the options that are available to you right away, that I've framed the conversation. When I talk to clients, whether you put pen to paper or not, you do have an estate [00:11:00] plan. The key difference is whether you choose to follow the state's plan for your assets when you pass or whether you prefer to create your own.

[00:11:08] Right. And when I say the state's plan, what I'm referring to is the probate process. Right, so can you say a little bit about the probate process, what it entails, and that sort of thing?

**Elsa Smith:** Absolutely the probate process just to take the mystery out of it. It's the court's oversight of the administration of the assets in your estate.

[00:11:30] In a nutshell, that's what it is. As I just mentioned, a trust is a way of avoiding that now. The process of probate involves the court appointing someone, a personal representative, to take on the task of marshaling all the assets that you own, bank accounts, and all that stuff.

[00:11:56] And then if there's a will. [00:12:00] Then they distribute those assets according to the will. If there's not If so, then that's what's called dying intestate. right? And as you said, that's the state's plan, and depending on the makeup of your family, that will determine the state's rules on who gets half, who gets a third, and so forth.

[00:12:21] The state already has that laid out. So, as you correctly noted, if you don't have a plan, the state. Will and that's why it's really imperative for people just to just be proactive, be intentional. You're working so hard to accumulate wealth. You're accumulating. You've got these 401ks and TSPs.

[00:12:43] If you're in the government, you've got all these investments. You've got real property, investment properties. In your own state, some people unite. I mentioned that I'm in Maryland, but I've got a number of folks who have got investment properties down in the Carolinas.

[00:12:59] Right. [00:13:00] So it's making sure that all of those assets are accounted for in your plan. So as to avoid the probate process,

**Malcolm Ethridge:** You know how I usually convince people? I let them know. What's in Aretha Franklin’s estate, I can catalog exactly did Aretha Franklin own at the time she passed away?

[00:13:22] I can also catalog for you exactly what the prince owned at the time he passed away. There's absolutely no way in this world. I should know what those people own and what they pass on to whom. right? But the reason I can tell you that line for line is that those people died and test it and their assets were fought over in public court.

[00:13:44] And all of the information when the state decides that they're going to take your estate through the probate process is a public process. And so now I get to know what my neighbor across the street left for his or her kids. [00:14:00] grandkids or whomever. usually enough to make people say, "You know what? I probably should do something. I don't want my business in the streets out here.

[00:14:04] That's usually how I'm able to frame it in a way that it's relatable to people why it's not the plan that they want to go down. But anyway, so you were making a distinction between having a trust that is revocable versus irrevocable, and I cut you off for the diversion.

[00:14:26] So let's clear that up for a second.

**Elsa Smith:** Sure. No problem. But I want to actually go back to something you said, because it pertains to people's preferences of having their business out, heard in the public square if you will. Estate planning in my experience and the countless people that I've served.

[00:14:46] Their preferences are really different; their priorities are really very different. And they vary. There are some people who just want the basics. So, you just give me a will and all the other [00:15:00] documents to give me, like, a basic level of protection. For most law firms, a trust-based package does give you a higher level of protection.

[00:15:10] That also requires a larger investment, and some people are not ready to make that. And that's fine for now, but as I tell them, an estate plan needs to evolve as your needs change. And if you know what may not be good for you right now, maybe it will be good for you in like two years or something, if your situation changes.

[00:15:32] But my emphasis is to get people to put pen to paper. The ideal is to get a basic plan in order through us. The idea would be, for most people, to move assets and have them in the trust so that, you're minimizing or eliminating the need to go into the probate process.

[00:16:00] [00:15:59] You're also saving yourself. Yes, I'm an attorney, but I'll all say that you're saving yourself attorney's fees as well. So that's a definite plus of using a trust-based protection package. So that's definitely an advantage.

**Malcolm Ethridge:** Let's go into that further for a second then. So, you mentioned, like, we keep talking about this term "trust," right.

[00:16:22] But the average person, to a point you made before, probably thinks of the term trust or a trust fund or that sort of thing as something that's reserved exclusively for those whose last names are Gates or Walton or Bezos or whatever. It's not necessarily something. The average person, no matter how well off they are, thinks of something that is for them.

[00:16:47] So you've got to it. The trust is basically just this well-crafted document that lays out specifics for how assets are to be treated with or without you being here. But [00:17:00] What am I actually coming to the attorney to have them draft, right? Like I know inside of the trust, right. I can have assets that I own.

[00:17:11] And it's up to me to determine which assets go into the trust and which don't and all that sort of stuff. But can you say a little bit more, I think I'm still missing something on the record here? As far as the dynamics of why I even need this trust document, to begin with, why a will won't do what I need it to do.

[00:17:31] **Elsa Smith:** A lot of times, it will be used in conjunction with a trust. If we're talking about a trust-based level of protection, what? Okay, let me even step back. Even further you're moving assets. You retitle assets into the trust. So now the trust is the owner of that asset. And not you. Even though you are the grantor or you're the one that's funding, the [00:18:00] trust is the one that owns the asset that provides a certain level of creditor protection for your beneficiaries.

[00:18:08] So that's a definite plus of moving those assets into a trust. The problem, and here's a pain point, is that we can't create a trust for you. And we even give you specific instructions on funding the trust. But if you, don't It's just a shell. It means nothing. You will have paid us thousands of dollars to create this potentially powerful document.

[00:18:37] And you've not taken that last step. To get it over the finish line of actually funding the trust. It is a meaningless document unless it is properly funded. Now, what most responsible attorneys will do is to start you off on the process. And if they're creating a trust for you, they may, as part of a [00:19:00] package, maybe transfer one asset or two assets to get you started.

[00:19:05] But it is imperative that if you actually create a trust that it is properly funded, otherwise it's meaningless. And guess what? You're going to end up in probate, which is what you were trying to avoid in the first place. So, it would have been all for nothing.

**Malcolm Ethridge:** So, I know what you're referring to, but I want to make sure that I make this as plain and as simple as possible.

[00:19:26] Right. So, when you say funding, the trust what does that actually mean in practical terms? Like, what am I technically doing to fund this trust?

**Elsa Smith:** Great question. It means re-titling assets so that the trust is the owner. So that can mean a piece of property instead of you being on the title.

[00:19:54] It's actually the trust that is the owner of that property.

[00:20:00] **Malcolm Ethridge:** So, I own a house. I own property in North Carolina like you were saying. So, I own property in North Carolina. And right now, it's tied to my individual name and my individual social security number. However, by funding this trust, what I'm essentially doing is retitling the deed of that property from my name individually, Malcolm Ethridge, into the name of the trust, the Malcolm Ethridge, living trust.

[00:20:24] And now the trust owns that asset so that when I pass away, it goes into the hands or the grip of the trust itself, not my individual estate. Did I get it right?

**Elsa Smith:** It goes to whoever, whatever beneficiaries you designate in the trust and according to whatever instructions you have outlined in the trust.

[00:20:45] But once you transfer it into the trust, is the owner of it. You are the grantor and what happens most often is that I create trust. I funded it. And even then, it's still [00:21:00] my trust, but the trust is the owner of it, even though I can move assets in and out of it.

[00:21:04] And as I mentioned before, once you die, the trust becomes irrevocable noise. It cannot be, and it cannot be changed. But trust has a lot of advantages. It takes a little longer on the front end to create thus the reason why it costs more than having, a basic will package, but depending on what your goals are, if you have assets that, you want to move into the trust, if you want to facilitate the transfer to beneficiaries make it a more, stress-free less expensive for the estate to do that. It's better to make that investment on the front end.

**Malcolm Ethridge:** You're telling me, one of the last times you and I talked about this, you were talking about the mess that people leave for their heirs by not failing to plan. So, to speak, can you just say a little bit about what that mess even looks like?

[00:22:00] **Elsa Smith:** Well, I can even start from the point that shortly after an individual passes away, there is no plan. How many times have you seen this? Go fund me campaigns on social media, because there isn't enough set-aside for funeral arrangements. So, let's start there.

[00:22:23] And that sends a family potentially into turmoil or chaos. They're already grieving for your loss. So, on top of that, you haven't planned, you haven't set anything aside. They don't even know. Do you want to be memorialized? Do you want to be buried? Do you want to be cremated and cremation by the ways is a thing, and more and more people are going, choosing that route, but no one knows?

[00:22:51] So there's that. Now, since we were just talking about probate, if you don't have a plan, guess what? [00:23:00] Everything's going into probate. Someone in your family, if you have, for example, an adult child, one of those kids, or if not, your spouse, might be appointed to serve as a personal representative.

[00:23:15] That's a huge task again. No will, no guidance. They weren't prepared, so you never had discussions with the family about what you wanted to happen to your assets. And this, I can't stress enough the importance of having at least a fundamental plan in place because it has not had one has the potential to really shatter.

[00:23:42] families. I mean, there are families that have gone through the probate process that just refuse to speak to each other. Just awful things that have happened and are so unnecessary if we just, if we're intentional and we have some planning in place.

**Malcolm Ethridge:** Now you're really touching on.

[00:24:01] One of the pain points that I, as a planner, find myself bumping up against. Right? One of the common conversations I find myself having with older wealthier clients is about how, and when they intend to have the money conversation with their children, right. So often, they won't want to share the details with their adult kids of exactly how much they stand to inherit.

[00:24:22] And there are a ton of good reasons why parents might want to keep this information close to the vest, right? I'm not attacking anybody, but I'd also argue that they run the risk of setting their kids up for failure. Whenever they do, they ultimately receive those assets. right? So, to your point, you've got all these different personalities, you've got all these different attitudes and thoughts around how to do things and that sort of thing.

[00:24:44] And it just creates tragedy. I hate to say it that way. And in some cases where it wasn't properly defined, which kid was going to be the executor and why, or which person was going to be responsible for what and why, and just letting the kids know that's mom's and dad's intentions, that's the way it is, rather than everybody finding it all out at the same time and being left to kind of fight over it.

[00:25:07] Have you had much success in bringing multiple generations to the table when having these discussions and designing an estate plan for folks?

**Elsa Smith:** It's challenging. And you touched on a point that I actually addressed in a video not too long ago, but this situation is slightly different.

[00:25:29] It's when your address, you're an adult child, and you are trying to talk to your parents about it. And estate plan because the stats show, I mean, and it's horrible that particularly in, communities of color, I mean the figures are like 70% are without a will. It's outrageous. So, we start there. How do we get the folks that have property, and many of them have [00:26:00] homes that are paid off?

[00:26:02] And how do we approach them to say, mom and dad, you really need to think about a will. Now the challenge there is, and this is anecdotal evidence, the parents are like, "Okay, you're just waiting for me to die." So, you can get your hands on, you know, what we've worked so hard to build.

[00:26:21] And, the child is like, "Well, how do I approach my parents?" So, to underscore the need for an estate plan and what my suggestion was, first of all, you need to approach your parents from a place of respect and honor, first and foremost. Right. And you want to say that, look, it's not about the money.

[00:26:47] It's about honoring your legacy. You have worked. 30, 40, 50, 60 years. And you've accumulated all of this. You don't want the last chapter of your life to [00:27:00] be in chaos and confusion. So, help us to honor you the way you deserve to be honored. right? So, when you come to them and from that space, that helps the conversation now to go to your example of

[00:27:19] Let's say that let's say the parents do have a plan or they've got something in place. And they need to talk to their kids. First of all, that's something that in our communities and communities of color, we don't do that enough. We need to start normalizing the conversations regarding financing, finances and investing because other communities are doing this and they're running circles around us.

[00:27:46] Right. We need to bring that conversation to the dinner table. We need to start talking to our young people when, say, there even before they graduate from high school, teach them concepts, good, healthy concepts of [00:28:00] saving. Right. And then once they're about to enter the workforce, other communities are sitting at their dinner tables saying, "Hey, let me introduce you to my banker, or I'm going to introduce you to my finance guy or lady, right."

[00:28:17] To help you start your start saving for retirement. Are we having that conversation? Not enough.

**Malcolm Ethridge:** It strikes out by a long shot. Because it's safe to assume that the folks who inherit millions or even hundreds of thousands of dollars likely know less about money and less about investing than somebody who saved their way to a million dollars.

[00:28:41] Right. So, we're talking about gen one passing assets to gen two again, right. As I mentioned in my intro, and so it just strikes me that you would. I want to help get them up to speed sooner rather than later in order to help prevent all of your hard work. As you mentioned, you're a 30, 40, 50, and 60-year career and your discipline saved you from going in the [00:29:00] trash.

[00:29:00] So one of the things that I always try and point out to people when I get too much pushback on this topic, and I'm talking to an attorney here, so I'll give a disclaimer here, right? I'm not giving up. Neither one of us is giving anybody tax advice on this or giving anybody legal advice on this. This right.

[00:29:15] This podcast is built to close the information gap. So, we're really just having this conversation for our educational purchase purposes, but I always make sure that I let people know what they stand to give to the IRS. If they don't do things this way. So, we're talking about, like, not wanting to let your kids know exactly how much is there.

[00:29:37] I have trouble sometimes getting people to name beneficiaries on retirement accounts. Right? And so, one way that I've figured out to com combat that is to just show them on paper, right? If you were to pass away tomorrow, God forbid because there's no beneficiary named on this particular thing. This is how much the state is going to take before whoever is your next of kin or your heirs receive anything.

[00:30:00] And that tends to kind of perk people's ears up a little bit more to say, "I don't want all my hard work in, and I've already paid taxes." Right. I don't want that to go back to the IRS or back to the state.

[00:30:17] So maybe that kind of pushes me to do that. So that's another one that I've found kind of gets people motivated and moving and all that sort of thing, but yeah, let me touch.

**Elsa Smith:** Yeah, let me touch on it before, because you raised a really good point and, in my world, in terms of what happens to say that million dollars,

[00:30:37] Investment, whether it's life insurance or a mutual fund, or what have you, if there's no beneficiary, guess what? That, instead of going directly to the beneficiary, doesn't have to be named in the will at all. It goes through probate unnecessarily. So that's another [00:31:00] aspect that people have to understand.

[00:31:01] I stress the importance of not only naming a beneficiary but updating those beneficiaries. Put your eyes on your investments, whether whatever investment house you choose to have your investments in, but put your eyes on those documents, put your eyes on your insurance policies and your overall plan.

[00:31:22] One thing that we do at our office, it's a complimentary service that we offer to our clients, is every couple of weeks, or years, we give them a courtesy call. We don't want anything, just want to make sure, if anything's changed, any births, deaths, acquisitions of new property, that may necessitate maybe tweaking an estate plan.

[00:31:43] If all is well, we'll talk to you in two years, but at least it raises that awareness. You need to just make this a regular thing. You need to make it a habit to constantly check your estate plan.

**Malcolm Ethridge:** That's a good message to drive home. And I guess [00:32:00] by making that courtesy call, you're reinforcing just how important it is, right?

[00:32:03] that I'm taking time out. My staff is taking time out to make this call or send this email because that's how much we actually care that you're doing it. But you know, so I started this off the way I wanted to finish it. Right. So, I talked about gen one passing assets to gen two, and the slippage that happens in between there.

[00:32:22] Right. We've talked about a couple of the reasons why that happens and some things we can do to keep that from happening. Right. Is there anything else from a tactical perspective that gen one? So, mom and dad, grandma and grandpa, whoever can be employed to make sure that gen two and three and four and so on, don't lose it all by betting it on Bitcoin.

[00:32:45] right? So, talking for a minute about the spin thrift kid is the phrase that we use in this business. But you know, the one that is going to blow through it like its water. What are some of the ways that you design this family's plans to help keep that in check?

[00:33:00] **Elsa Smith:** Well, first of all, let me give a real-world example of what a spendthrift kid is, or a child is because a lot of times that turn term just goes over.

[00:33:12] People's heads consider if you have you have a son. And that son is, unfortunately, addicted to drugs or alcohol and is overall pretty irresponsible with money. You do not want to disinherit your son. But you also understand that, if you leave him a million dollars, he has the potential to do damage not only to himself but to others, by blowing it on a weekend in Cancun.

[00:33:47] So the tool, a tool that we use as state planners, is called a spendthrift trust. And that's how it can be baked into the will and what it is. You're [00:34:00] designating an individual as a trustee to manage a trust to manage whatever amounts you put into that trust for the benefit of that.

[00:34:12] Wayward son, you can designate a frequency in which distributions are to be made. You can also include conditions, and you have to check with your state to see what conditions are lawful and what are not. But, for example, the requirement of maintaining gainful employment, our requirement of attending school, or achieving some sort of higher education,

[00:34:39] You can put those kinds of conditions on that trust. And then you can also designate a time when the balance of the trust will be disbursed to that individual. So, in a real-world example, X percent of the trust is released at like age 21, [00:35:00], then 25, then 30, and then either at 30 or 40, that individual is entitled to the balance of the trust.

[00:35:08] And that way, you can have the comfort in knowing that at least that individual has a cushion and they're not going to be living under a bridge somewhere. Because they blew it all, so that's definitely a tool. So, there are lots of tools in estate planning to address the many different family dynamics that there are. I mean, some people feel, oh, well, I'm just going to disinherit him.

[00:35:34] Well, you know, we know you love your son. But let's think of some creative options. You can't fix your son by waving a magic wand, but there are tools in the estate planning world that you can use to at least give a certain level of protection to that son. What I say, and I did a video on this,

[00:35:54] It's like, spendthrift trust, how to save people from themselves, because, Lord knows, there are some [00:36:00] people that just, you know, they just don't have the skillset to manage money. That's why spendthrift trusts were created.

**Malcolm Ethridge:** Fair enough. Well, I certainly appreciate you sharing that in answering my questions on how we can sort of prevent the slippage that we've been talking about from happening.

[00:36:17] And my last question has absolutely nothing to do with estate planning. So, you can take a deep breath and relax your shoulders a little bit, but if you never became an attorney, right You've never found your passion for helping people get their affairs in order and all that kind of stuff, but money

[00:36:32] It wasn't a factor in your decision at all. What do you think you'd be doing right now?

**Elsa Smith:** Wow. Don't laugh, but I actually wanted to build one, and they're probably not in fashion anymore, but like a charm school for disadvantaged girls. And I do that because I love mentoring and because I grew up in the inner city,

**Malcolm Ethridge:** and giving back to your community.

[00:37:01] **Elsa Smith:** The charm school aspect

**Malcolm Ethridge:** Oh, I see. I see. Okay, okay, that's admirable. Yeah, how in the world could we laugh at that?

**Elsa Smith:** Anyway, thanks. That's a sweet spot for me of mentoring and giving back. Yeah, it's really important to me. And one more thing, since we're wrapping up.

[00:37:21] I just want to stress the importance of planning and how our communities of color need to be intentional. If we have any hope at all of not only saving this generation but of Mart of shoring up assets for future generations, we have to be proactive and we have to be intentional. I'll leave you with a quote from a colleague.

[00:37:44] I've never had the pleasure of meeting her, but she is a fellow estate planning and probate attorney. Lori Ann Douglas. She's famous for saying "we used to be the assets." Now we have the assets.

**Malcolm Ethridge:** Wow! On that note, I'm sure plenty of folks are listening to this. Given that, our audience will want to reach out to you.

[00:38:09] Where can people find you if they want more Elsa after this?

**Elsa Smith:** wonderful They can reach out to me. I'm all-over social media. I'm on Facebook, Instagram, Twitter, and LinkedIn at Elsa E L S a W Smith law, Elsa at Elsa W Smith law. They can reach me on my website, Elsa w Smith law.com. They can do it the old-fashioned way and call my office at (410) 995-7719 (410) 995-7719.

[00:38:40] Like we mentioned during the conversation, I have a growing YouTube channel with free educational content. We are growing with the Women Winning Wednesdays live series, and I am really excited about that. So, there are many opportunities to get free information and [00:39:00] for people to connect with me.

[00:39:01] So thank you so much, Malcolm, for this opportunity. It's been a real joy and a pleasure to speak with you.

**Malcolm Ethridge:** I'm happy to do it. Well, Aric, with an a, why don't you go ahead and close us out, sir?

**Aric Johnson:** what incredible valuable information. Thank you so much for being on the show. And of course, Malcolm, thank you for facilitating this and bringing her to the show, and our last thank you always goes to your listening audience.

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