

Legal Services

ELDER LAW

ESTATE PLANNING

ESTATE ADMINISTRATION

REAL ESTATE

MEDICAID PLANNING

LIVING TRUSTS

GUARDIANSHIPS

HEALTH CARE DECISIONS

WILLS

PROBATE

Mr. Montalto takes pride in representing his clients with a sensitive and practical approach to meet their personal needs and concerns.

NICHOLAS T. MONTALTO

Mr. Montalto received his BBA degree in Accounting from St. John's University and his JD degree from St. John's University School of Law. He was awarded the American Jurisprudence Award in Estate and Income Taxation as well as many other areas of legal practice. Mr. Montalto is also a Certified Public Accountant and before beginning the practice of law was supervising auditor at Peat, Marwick, Mitchell & Co., served as Controller of Popular Science Publishing Company and later served as Vice President and General Counsel to D.L. Blair Corp.

Mr. Montalto has been engaged in the General Practice of Law for over thirty years and has extensive trial experience in all Federal and State Courts of New York. He is a member of the Richmond County Bar Association.



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Maximize Your Choices

If you suffer a physical or mental disability, then emotional distress, economic hardship and loss of control can become realities without proper planning.

The right to control and protect your assets to the fullest extent possible is the major benefit of ADVANCE PLANNING.

Personal Decisions

A WILL provides for the disposition of your assets upon your death. If your Will gives all of your property to your spouse outright, then all or some part of your estate may be lost if your spouse is in a nursing home. This can be avoided by skilled legal planning.

Many important decisions need to be made during your lifetime. Advance planning will help if you address some important questions:

Have you taken steps to protect your property in the event of a catastrophic illness?

Have you and your spouse executed Durable Powers of Attorney, Health Care Proxies and Living Wills?

Should you transfer your home to your children and retain the legal right to live there?

Are you concerned about gift and estate taxes?

Financial Decisions

A DURABLE POWER OF ATTORNEY allows you to name one or more persons to act on your behalf regarding financial decision-making. A Comprehensive Durable Power of Attorney is essential to avoid Court intervention which may result in a Court appointed guardian to act on your behalf.

The use of a LIVING TRUST can provide for ongoing management of your assets, avoid probate and protect your property in the event that you require long term care. The Trust can be tailored to meet your specific needs.

The transfer of your home with a RETAINED LIFE ESTATE may allow you to maintain control of your home while qualifying for Medicaid benefits.

Health Care Decisions

A HEALTH CARE PROXY permits you to appoint a person to make any and all health care decisions for you. You can provide specific instructions as to medical treatment and the use or withdrawal of life-sustaining treatment.

A HEALTH CARE DECLARATION ("Living Will") also enables you to provide written instructions as to the use of life sustaining treatment in the event that you are terminally ill or suffering from an illness or injury with no chance of recovery.

Long Term Care

The prohibitive cost of LONG TERM HEALTH CARE HAS INTENSIFIED. You must understand your current health insurance coverage.

Both MEDICARE and MEDICARE SUPPLEMENTAL coverage provides limited coverage for Long Term Care.

At this most difficult time in your life you will be forced to make decisions which involve your life savings.

Medicaid

MEDICAID covers the cost of long term custodial care which is not covered under Medicare or Medicare Supplemental insurance.

MEDICAID has strict eligibility requirements. The rules are complex and contain exceptions which permit you to protect assets and income.

You must understand the thirty-six month look back period, the transfer of assets penalty and the exceptions to the penalty, the community spouse's income, resource allowances and the process of applying for Medicaid.

Within the bounds of the law, I can assist you in protecting your assets in the event of a catastrophic illness and develop strategies to meet your financial, health and family needs.

Guardianship

If you do not make advance instructions and are unable to manage your assets and affairs, your loved ones may seek the appointment of a guardian to manage your affairs. The use of a Durable Power of Attorney can avoid this alternative.