



## D. Jay Curtis

Shareholder

801-323-3314

## Practice Areas

- Estate and Trust Planning and Administration
- Business Formation, Planning and Transactions
- Employee Benefits Planning, Retirement Plans and ERISA

In summary, Mr. Curtis practices primarily in the areas of estate planning and administration, taxation, business planning, and retirement planning for clients in all ranges of wealth and complexity. More detail is provided below.

Among his professional recognitions are the following:

- *The Best Lawyers in America* in Trusts and Estates
- AV Preeminent (5.0) rated with Martindale-Hubbell, the highest rating awarded to attorneys for professional competence and ethics
- Fellow, American College of Trust and Estate Counsel (ACTEC)
- United States' Top 100 Attorneys who serve affluent families, as published by Worth Magazine. Mr. Curtis is the only Utah attorney listed by Worth Magazine.
- One of Utah's Super Lawyers in the category of Estate Planning & Probate, as published in Super Lawyers, *Mountain States Magazine* (2007-2010, 2013-2017).
- One of Utah's "Legal Elite," as published in *Utah Business Magazine* (2005-2017).

### **Estate and Trust Planning and Administration**

Mr. Curtis devotes considerable time in advising clients on consequences (both tax and non-tax) of transferring property from one person to another, during lifetime or at death. He assists in developing creative solutions to difficult family estate problems including drafting customized wills, trust



arrangements, powers of attorney, healthcare powers and living wills, while minimizing federal and state taxes. In his practice, he has assisted thousands of clients with a range of overall wealth from under \$1 million to those with significant wealth. The primary focus of his estate practice includes advice, consultation and drafting of:

- Revocable "living" trusts for probate avoidance and for income, gift and estate planning (including dynasty and generation skipping arrangements)
- Last Wills and Testaments
- Durable powers of attorney; healthcare powers; living wills; tangible personal property distribution
- Irrevocable trusts for children and grandchildren benefits or special needs
- Irrevocable life insurance trusts (to remove life insurance proceeds from the taxable estate)
- Personal residence trusts
- Charitable trusts (charitable remainder, charitable lead)
- Charitable planning alternatives to reduce income and estate taxes
- Family limited partnerships and limited liability companies used to facilitate wealth transfer to younger family generations, while minimizing estate and gift taxes
- IRA and qualified retirement plan beneficiary designations appropriate during accumulation years, time of retirement or post-death

In addition to the creation and drafting of the estate planning documentation, Mr. Curtis is active in the implementation of the estate plan, including trust administration, probate of estates and preparation and filing of complicated federal and state estate tax returns.

### **Business Formation, Planning and Transactions**



Mr. Curtis has broad experience in advising clients in the formation, acquisition, merger, sale or termination of businesses (corporations, general and limited partnerships and limited liability companies), with an emphasis for owners of closely-held businesses (shareholders, partners and members) and professionals (doctors, dentists, architects, accountants, engineers, lawyers, etc.).

### **Employee Benefits Planning, Retirement Plans and ERISA**

Mr. Curtis spends considerable time in employee benefits and retirement planning. Since the passage of ERISA in 1974, Mr. Curtis has assisted in the design, installation, qualification, amendment and termination of many hundreds of retirement plans including 401(k), profit sharing, money purchase, defined benefit, ESOP and target benefit plans. He assists in handing audits required by the Internal Revenue Service or the Department of Labor and also responds to questions that arise in the day-to-day operation of retirement plans.

On an individual basis, Mr. Curtis advises on the designation of beneficiaries of retirement plans (as part of the overall estate plan) and the strategies or options available and appropriate (including rollovers to IRA's) not only at time of accumulation but also at time of retirement, required plan distributions and post-death.

Mr. Curtis' practice emphasis also includes non-qualified retirement benefits (such as deferred compensation arrangements) and executive compensation alternatives.

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### **Education**

**University of Utah**, J.D., 1971

**University of Utah**, B.S., Accounting, 1968

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### **Prior Professional Experience**

- Nielsen & Senior, 1981-1989
- Senior & Senior, 1977-1980
- Kesler, Gordon & Curtis, 1971-1976



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## Admitted to Practice

- Utah State Bar
- United States Tax Court

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## Affiliations / Memberships

- Utah State Bar (Sections on Taxation; Estates)
- Estate Planning Council of Salt Lake City
- Western States Pension Conference, Salt Lake City Chapter