



Lacey Rezanka Attorneys at Law Publishes Estate Planning Resource on Florida Asset Protection Law in Melbourne, Florida

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Lacey Rezanka Attorneys at Law, an estate planning law firm located in Melbourne, Florida, has published a new educational resource examining the protections Florida law extends to residents facing creditor claims and the gaps they leave. The article, titled "Asset Protection Planning: Shielding Your Wealth from Lawsuits and Creditors," reviews homestead protection, tenancy by the entireties, retirement account exemptions, limited liability company structures, and irrevocable trusts. The resource addresses professionals, business owners, and real estate investors in Brevard County.

Three protections form the baseline of the analysis. Homestead protection under Article X, Section 4 of the Florida Constitution shields a primary residence from most creditor claims without limit on value, subject to acreage limits of one-half acre within a municipality and 160 acres outside one and to exceptions for mortgages, property taxes, and construction liens. Tenancy by the entireties, available only to married couples, places jointly held assets beyond the reach of a creditor holding a claim against one spouse alone, though it ends at the first spouse's death. Section 222.21 of the Florida Statutes exempts qualified retirement accounts from creditor claims. The estate planning and elder law practice at Lacey Rezanka Attorneys at Law

apply these provisions for clients in Melbourne, Viera, and Suntree, and the firm's probate and trust administration practice addresses the same assets after death for families in Rockledge and Palm Bay.

Florida law reaches further than federal law on inherited retirement accounts. In *Clark v. Rameker*, 573 U.S. 122 (2014), the United States Supreme Court held that an inherited individual retirement account does not consist of retirement funds under the federal bankruptcy exemption at 11 U.S.C. Section 522(b)(3)(C). Section 222.21(2)(c), added in 2011 and applied retroactively, preserves the exemption under Florida law.

Timing determines which options remain available. Chapter 726 of the Florida Statutes, the Uniform Fraudulent Transfer Act, permits a court to unwind a transfer made with intent to hinder, delay, or defraud a creditor, and Section 726.105(1)(b) reaches transfers made without reasonably equivalent value while the debtor was insolvent, without requiring proof of intent. Annual gifts and other routine transactions can be examined under that standard once a creditor exists.

Entity structure is a further focus of the article for real estate investors in Brevard County. Section 605.0503(3) of the Florida Statutes makes a charging order the sole and exclusive remedy against a member's interest in a multi-member limited liability company, limiting that creditor to distributions the company elects to make. Section 605.0503(4) permits foreclosure of a membership interest in a single-member company when charging order distributions will not satisfy the judgment within a reasonable time, a rule enacted after *Olmstead v. Federal Trade Commission*, 44 So. 3d 76 (Fla. 2010). Section 736.0505(1)(b) allows creditors of a settlor to reach trust assets a trustee could distribute back to that settlor, and Florida has not adopted a domestic asset protection trust statute. The real estate law practice at Lacey Rezanka Attorneys at Law handle closings and property titling for owners in Merritt Island and Titusville.

"The people who ask about this have assets, work in fields carrying real liability exposure, and are busy enough that the conversation keeps getting postponed," said Stephen J. Lacey, Esq., Managing Member of Lacey Rezanka Attorneys at Law, who holds an LL.M. in Taxation from the University of Florida Levin College of Law and has been admitted to The Florida Bar since 2003. "The period when nothing is wrong is when the widest range of lawful options is available. A revocable trust provides no creditor protection beyond what an individual already has, and a single-member limited liability company leaves the membership interest itself exposed. Those two points account for much of what we correct in Brevard County."

Lacey Rezanka Attorneys at Law is located at 6013 Farcenda Pl, Suite 101, Melbourne, Florida, and serves clients throughout Brevard County and Indian River County, including Melbourne, West Melbourne, Viera, Suntree, Rockledge, Palm Bay, Merritt Island, and Titusville. Estate planning and elder law consultations are scheduled at the Melbourne office, where Stephen J. Lacey handles estate planning, elder law, Medicaid planning, probate, real estate, and tax matters.

For more information about estate planning and elder law representation at Lacey Rezanka Attorneys at Law in Melbourne, Florida, the full resource is available at llr.law. The firm continues to publish educational materials on estate planning, elder law, probate, and real estate law for Brevard County residents.

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For more information about Lacey Rezanka, contact the company here: Lacey Rezanka Lacey Rezanka 321-608-0890 info@llr.law 6013 Farcenda Pl, #101, Melbourne, FL 32940

Lacey Rezanka

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