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# Financial Experts Network

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## **GUIDING YOUR CLIENT THROUGH THE DIVORCE PROCESS**



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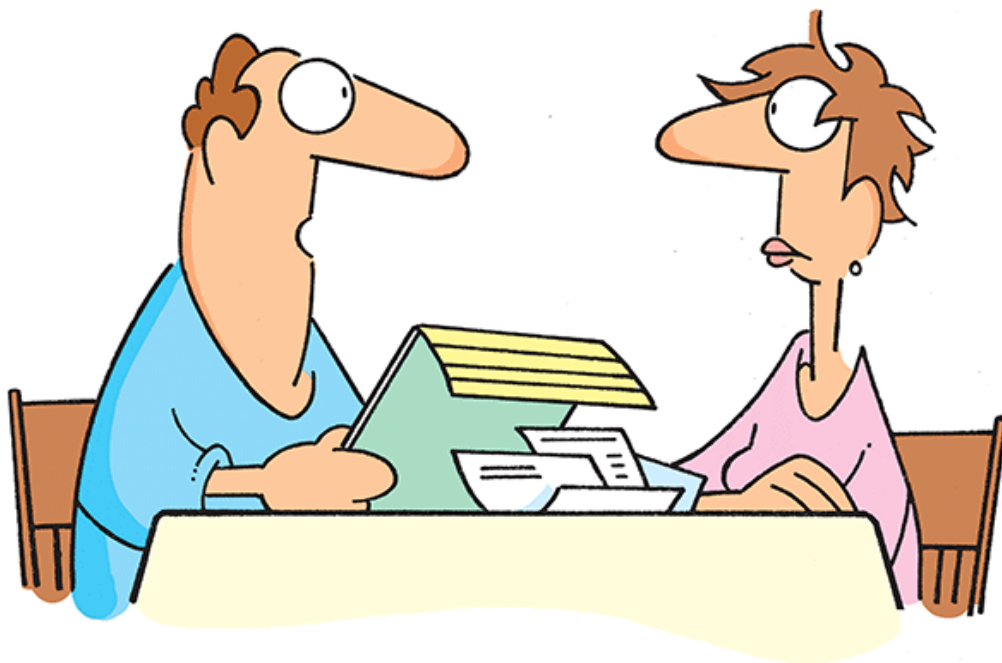
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# The Divorce Process

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**“Here’s our new retirement plan —  
At age 65, we’ll get divorced then marry  
other people who planned better.”**



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# Divorce Statistics

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About 43% of first marriages end in divorce. The divorce rate is higher for 2<sup>nd</sup> and 3<sup>rd</sup> marriages.

According to the National Center for Family & Marriage Research (NCFMR), as of 2024–2025, **nearly 40%** of all divorces involve people aged 50 or older

According to a study summarized by AARP, in about **66%** of so-called “gray divorces,” **the woman** was the one who initiated the split.

However, women are more likely to pay a financial price when a marriage ends - with a **45% decline in living standards** in a gray divorce.

# Divorce Statistics

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## **Primary Reasons for Divorce:**

- Lack of Commitment: 75%
- Infidelity: 60%
- Domestic Abuse: 21%
- Substance Abuse: 12%

## **Other Reasons Cited:**

- Excess Conflict and Arguing
- Married Too Young
- Financial Problems



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# Divorce Planning

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**DIVORCE FINANCIAL PLANNING  
IS NOT FOR THE FAINT HEARTED**

# Pre-Divorce Planning

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- Recognize the financial and emotional challenges your client will experience.
- Help them understand their rights and financial options.
- Consider whether you are trained and equipped to help your clients through a divorce.
- Encourage your clients to hire professional advisors – divorce attorneys, CPA, CDFA®, therapists, forensic accountants, business valuation experts, etc.
- Help them visualize their life post-divorce.
- Encourage self-care for clients.

# Pre-Divorce Planning

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## **Discuss Special or Unique Situations**

- ❖ Health insurance coverage post-divorce
- ❖ A child with special needs
- ❖ Non-working spouse during the marriage
- ❖ Whether one or both spouses are already retired
- ❖ Assets inherited prior to and during the marriage
- ❖ Complex financial and real estate assets
- ❖ Business ownership
- ❖ Mental health of spouse
- ❖ Financial infidelity and hiding assets.



# Pre-Divorce Planning

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- Know Your Client's State's Requirements for Filing for Divorce
  - ❖ Residency requirements
  - ❖ Length of separation before filing for divorce
- Understand Your State Laws Governing Property Division and Support
  - ❖ Equal Distribution (more than 40 states) vs. Community Property (9 states)
  - ❖ Child support and alimony formulas
- Custody is always in the best interest of the children

# Pre-Divorce Planning

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## **Consider The Options for Divorce**

- Uncontested
- Mediation
- Collaborative divorce
- Litigation in Court

# Pre-Divorce Planning

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## Uncontested

- Both spouses agree to amicably resolve all issues related to their divorce: parental responsibility, timesharing, division of property and debt, spousal support, child support, etc.
- OR
- One spouse files for divorce and 2<sup>nd</sup> spouse does not accept service of divorce papers and never appears in court. Court resolves the case by default.

Cost and Time Savings for Both Parties

# Pre-Divorce Planning

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## Mediation

- Cooperative process where spouses use a neutral third party (a mediator) who assists both parties to reach agreement on issues that must be decided: distribution of assets, child custody, child support, alimony, etc.
- Helps reduce cost of divorce, reach settlement faster, and gives both spouses higher level of input and control.
- Both parties should retain attorneys to review settlement agreement.

# Pre-Divorce Planning

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## **Collaborative Divorce**

- A voluntary process where both spouses and their attorneys negotiate a settlement agreement: a “Participation Agreement” which is binding. More professional guidance and input than with mediation.
- Often includes other professionals - a Certified Divorce Financial Analyst® (CDFA®), and a divorce coach or licensed family mental health professional.
- More costly than mediation, but less than litigation if the process works.

# Pre-Divorce Planning

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## Litigation in Court

- Used when a couple faces contentious or complex situations which require a formal court proceeding.
- Cases often include financial infidelity, abuse, fraud, total lack of cooperation by one spouse.
- Courts dictate the pace of the process and time required to resolve the case.
- Most expensive and time-consuming type of divorce.

# Pre-Divorce Planning

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## Client Gathers Comprehensive Data

- A prenuptial agreement if your client has one.
- Brokerage and retirement and bank statements
- Monthly bank statements
- Retirement, annuity, and pension plan documents
- Loan documents (mortgage, auto, student loan, credit card statements)
- Pay statements.
- Tax returns for the prior three years – joint or married filing separately.
- Tax payments made/ outstanding.

# Pre-Divorce Planning

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## **Client Gathers Comprehensive Data**

- Vehicle and property titles
- Real estate title documents
- Health, property and casualty, disability, and life insurance policies
- Long-term care insurance policy documents
- Employment or business partnership agreements with financial & tax records
- Estate planning documents
- Safe deposit box contents
- Frequent traveler points



# Pre-Divorce Planning

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## Help Clients Evaluate their Financial Situation

- Child Support and Custody Arrangements
- Alimony
- Dividing Debts, Financial Accounts and Retirement Accounts
- Maintaining Good Credit
- Housing During and Post-Divorce
- Tax Considerations
- Future Insurance Needs – Health, P&C, Life, Disability, Long Term Care
- Long Term Financial and Emotional Health

# Pre-Divorce Planning

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## Child Support

- Payments made by the non-custodial parent to help the custodial parent pay for costs to support children with a decreased post-divorce budget.
- Intended to cover costs of food, housing, clothing, medical bills, education, transportation, childcare, extracurricular activities.
- May be required even in cases of shared custody.
- Typically lasts until each child turns 18 or graduates high school - but may last until age 21 or 22.
- Might include contribution to college education.

# Pre-Divorce Planning

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## **Alimony (Spousal Support)**

It depends...may or may not be required. Factors include:

- The rules of your state
- Financial situation of each spouse
- Length of the marriage
- Lifestyle during the marriage
- Age of each spouse
- How long it would take for a former spouse to be able to support themselves

# Pre-Divorce Planning

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## Dividing Debts and Assets

- Joint debt vs. individual debt
- Joint bank and investment accounts
- Individual retirement accounts
  - ❖ Qualified Domestic Relations Order (QDRO) required for an ERISA plan (e.g., a 401(k) plan). Ideally rollover the QDRO to a qualified account to avoid income taxation.
  - ❖ IRAs can be divided according to divorce decree without a QDRO. No 10% penalty if under age 59 1/2.
- Must consider tax impact of division for each asset.

# Pre-Divorce Planning

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## Maintaining Good Credit

- Obtain a full credit report to ensure there are no surprises or errors. Equifax, Experian, and TransUnion provide free reports.
- If all of credit is in joint names, client should open one or two credit cards in their name solo.
- Protect credit score/ keep the credit score strong. Will need if renting, buying a new home or car, or taking out any loans.

# Pre-Divorce Planning

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## **Housing – If Renting**

- Who will stay in the rental and who moves out?
- Can the lease be broken?
- Will both spouses continue to contribute to the rent after one moves out?
- If there are children, where will they stay?

# Pre-Divorce Planning

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## Housing – If Own Home Together

### Options

- One spouse stays in the home and refinances mortgage.
- One spouse stays in the home for a certain period with current mortgage and then sells.
- Nesting – take turns living in the home (with the children).
- Couple sells the home now and split the earnings.

### Considerations

- Capital gains tax exclusion (\$250K vs. \$500K)
- Who pays the mortgage if home is kept?
- Refinancing expenses
- Cost of paying for two homes
- Potential loss on sale of home
- Attorney fees

# Pre-Divorce

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## Tax Considerations

- Filing Status during divorce process:
  - ❖ Married, Single or Head of Household
- Filing Status post-divorce:
  - ❖ Single or Head of Household
- Tax impact of asset division
- Tax impact of support paid or received



# Pre-Divorce Planning

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## Future Insurance Needs

### Health

- Able to stay on group health plan of former spouse?
- If working, considering enrolling in own employer plan.
- COBRA for temporary coverage up to 36 months.
- Affordable Care Act insurance.

### Property and Casualty Policies

- Home, Renters, Auto, Umbrella

### Disability Income and Life Insurance

# Pre-Divorce

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## Share With Your Clients

- Be Careful about All Communication, including Emails and Texting.
- Consider a separate email address for communication with attorney.
- Never Put Your Kids in the Middle.
- Do Not Try to Punish Your Spouse.
- Never Sign Anything Quickly or Without Knowing Your Rights.
- Do Not Delay Financial Planning Until After the Divorce is Final.
- Do Not Overlook Future Expenses.
- Do Not Forget about Tax Planning.
- Do Not Try to Devalue Assets Prior to Divorce, Drain Bank Accounts, or Hide Assets.
- Do Not Miss Meetings or Court Hearings or Ignore Court Orders.

# Pre-Divorce Planning

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## **FINANCIAL & EMOTIONAL HEALTH**

### **Encourage your Clients to:**

- Develop and Maintain a Solid Support System.
- Rely on their Professional Advisors.
- Practice Self Care during the Divorce Process AND After the Divorce is Finalized.
- Visualize a Positive Future.

# What is Mortgage Planning?



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***Licensed in Multiple States – Ask as needed.***



## 4 Phases of Divorce Mortgage Planning



A different perspective. A better solution.

## ***Challenges in Divorce Mortgage Planning...*** **Qualified Income**



### **Employment Income**

- Gaps in Employment
- Part/Full Time

### **Support Income**

- Alimony/Maintenance/Child Support
- Documentation/Receipt 6/36 Rule

### **Lump Sum Payment**

- No Monthly Income
- Assets as Income/Trust Income



## *Challenges in Divorce Mortgage Planning...*

# **Marital Debt**

### Court Ordered Assignment of Debt

- Omitted from other party's liabilities for a mortgage application
- Verbiage is Key in the orders

### Sharing Joint Debt – Student Loans

- Specific as to how paid and % otherwise....
- Could be looked at 100% debt obligation for both parties

### Marital Home – Equity Buy Out vs. Purchase

- Rate and Term Refinance/Cash out Refinance
- Terms of the new mortgage and % of equity that can be accessed

## Client Scenario

- Divorcing Couple in their mid 40's
- \$1,250,000 Home – 550k 1st Mortgage
- HELOC of \$95,000 (Husbands business)
- Wife has 71K Student loans
- Husband not working/business has failed
- \$300,000 needed to buy out equity

## Client Goals

- Wife would like to keep home for stability
- Husband wants a lump sum
- Wife cannot afford a mortgage to buy out equity
- Husband will leave title with an agreement
- They are at odds over who owes the HELOC and Student loans

## Client Plan

- Refinance to an amount she can afford and qualify for
- The refinance includes the HELOC and Student loans
- Overall cashflow savings of \$491/mo
- She provides him a smaller lump sum in exchange for taking the HELOC and Student loan debt
- They defer a promissory note for balance to be paid to him at sale or payments beginning in three years

## Client Results

We had to start with the end in mind to arrive at a mortgage amount that also improved cash flow. Both parties had to settle for less than they wanted or face a protracted court ordered settlement process. Mediation worked well in this case.

### Key Results:

- Improved cash flow with debt consolidation
- Wife was able to keep the home for family stability
- Husband was able to get out of debt and get an initial settlement to move on, while deferring additional funding to a later date.



## The Divorce Maximizer™

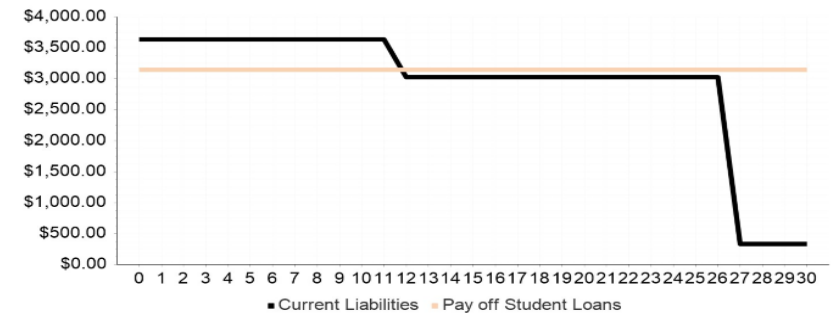
### A Case Study



#### Monthly Payment Impact – Does This Make Sense Monthly?

	Pay off Student Loans	
<b>Rate Comparison</b>		
Total Borrowing:	\$713,417	\$723,000
Rate:	3.587%	3.250%
Rate Difference:		-0.337%
<b>Payment Comparison</b>		
Interest Payment:	\$2,133	\$1,958
+ Principal Payment:	\$1,505	\$1,189
= Net Payment:	\$3,638	\$3,147
Payment Difference:		\$491

#### Minimum Payments Over Time

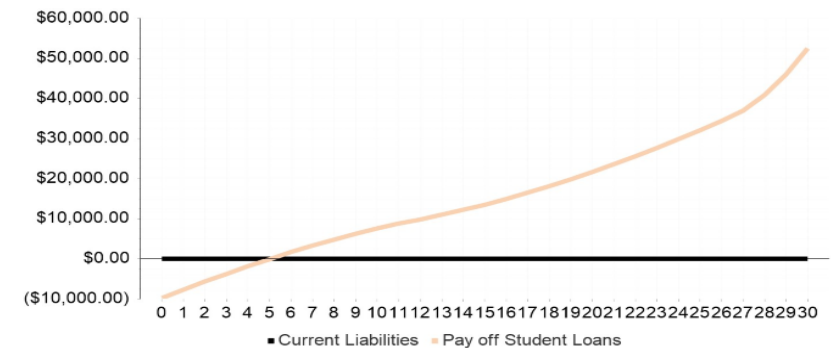


#### Wealth Impact After 10 Years – Does This Make Sense Over Time?

Property Appreciation Rate: 2 % / After-Tax Savings Rate: 2 %

	Pay off Student Loans	
<b>Minimum Payments:</b>	\$3,638	\$3,147
<b>Additional Payments:</b>		+ \$491 Monthly
<b>Annual Comparison</b>		
Payments:	\$436,559	\$436,505
House Value:	\$1,563,135	\$1,563,135
- Mortgage Liabilities:	\$485,194	\$554,754
- Other Liabilities:	\$12,079	\$0
+ Savings Balance:	\$0	\$65,165
= Equity:	\$1,065,862	\$1,073,547
<b>Cash Needed To Close</b>		\$180
<b>Equity - Payments - Cash To Close =</b>	\$629,303	\$636,862
<b>Wealth Impact:</b>	\$0	\$7,559

#### Wealth Impact Over Time



## CDLP™ Divorce Mortgage Planning and Real Property Report

Prepared for Jane Smith  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

Attorney/Financial Planner/Mediator Connie Walsh, CDFA  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_



Prepared by Jody Bruns, CDLP  
 Phone 720-692-7241  
 Email jody@divorcelendingassoc.com  
 NMLS ID 831033

Date Prepared 4/22/2021

### Subject Property

Street Address 123 Main Street  
 City, State Zip Santa Cruz, CA  
 County Santa Cruz  
 Property Type Single Family  
 Lis Pendens Yes  
 ATROs Released

### Property Ownership

Owner(s) of Record John and Jane Smith  
 Tenancy Type Joint Tenancy w/ Right of Survivorship  
 Deed Type or Other Conveyance Warranty Deed  
 Date of Deed 12/15/2015  
 Owner's Title Insurance Policy \_\_\_\_\_  
 Financing Spouse on Title > 12 Months Yes ←  
 Specialty Lien Information \_\_\_\_\_  
 Legal Description: \_\_\_\_\_

### Property Valuation

Valuation Method Licensed Appraiser  
 Opinion of Value \$700,000.00  
 Contact Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_  
 Copy of Report \_\_\_\_\_  
 Estimated Property Equity \$223,000.00  
 Current Loan to Value (LTV) 50%  
 Equity Buy-Out Amount or % of Equity \$111,500

### Property Tax Information

Annual Property Tax \$ \$8,000.00  
 Status Current

### Homeowner Association

Management Company \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_  
 HOA Monthly Payment \_\_\_\_\_  
 HOA Annual Payment \_\_\_\_\_

### Property Insurance Information

Annual Premium \$3,600.00  
 Copy of Dec Page \_\_\_\_\_  
 Copy of Policy \_\_\_\_\_  
 Named Insured(s) John Smith  
 Insurance Company GEICO  
 Agent Name \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

www.DivorceLendingAssociation.com

# Mortgage Planner Designations

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# Post-Divorce Planning

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**"YES, THERE ARE TWO PATHS YOU CAN GO BY BUT IN THE LONG RUN, THERE'S STILL TIME TO CHANGE THE ROAD YOU'RE ON."**





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# Post-Divorce Planning

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- **IMPORTANCE OF POST-DIVORCE PLANNING**

- Critical steps are almost always missed in the divorce process itself.
- The follow up list might touch every aspect of your life: financial planning, investments, insurance, legal, estate, etc.
- Legal counsel often do not always address the myriad of ancillary issues in the divorce process itself.
- Failure to follow up on post-divorce loose-ends can undermine your financial security, retirement goals, and much more.
- Being in a place of abundance instead of scarcity.
- Lastly, post divorce planning enhances your relationship with your client and increases the opportunities for referrals



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# Post-Divorce Planning

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- **WHY ADDRESSING THESE ISSUES ARE USUALLY NOT COMPLETED**
  - Divorce is often a difficult, costly and an unpleasant process. Many recently divorced simply do not have the desire or strength to deal with more issues once the divorce is finalized.
  - Many don't understand the importance of post-divorce issues and therefore fail to understand how important the “clean up” process to the success of their post-divorce lives.



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- **REVIEW YOUR DIVORCE DOCUMENTS**

- General Caveat: This is critical as one should not make any changes that aren't in compliance with their divorce decree
- Consider a Modification of the Divorce Documents if needed
- Bear in mind, this means additional legal expense but may be worth it



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# Post-Divorce Planning

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- **THE FAMILY HOME**

- Affordability
- Home ownership issues. i.e. repairs
- Capital Gains tax exclusion 250k/500k





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# Post-Divorce Planning

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## THE 7 STEPS





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# Post-Divorce Planning

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- **STEP 1. CREATE A BUDGET**

- Divorce changes every aspect of financial planning. Budgets change radically. Living separately is more expensive than living together. What are the new numbers?
- Assets are often divided in divorce. Sometimes these division of assets create a drop in income.
- One needs to create a post-divorce budget that reflects new economic realities.
- Do This Today. Its imperative one has a good handle on this.



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- **STEP 2. A NEW ESTATE PLAN**

- Revise, all estate planning documents to reflect the divorce.
- Revocable trust, Will, removing ex-spouse and family members as fiduciaries or beneficiaries, etc.
- Medical directive or healthcare power of attorney
- Powers of attorney. Attempt to collect any original powers the ex-spouse holds for destruction. You should sign new powers naming new agents.
- Reconsider gift strategies and other provisions in light of your new financial realities.
- Review ALL beneficiary titles on all accounts and life insurance
- Don't forget TOD registration accounts
- Don't forget your retirement plan at work and employer life insurance



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- **STEP 3. REVIEW YOUR RETIREMENT AND INVESTMENT PLAN**

- 529 College Savings Plans. Bear in mind, the owner can change the beneficiary or remove all funds
- Remove ex spouse from all jointly held accounts
- Remove ex spouse from deed if client received house (Be mindful of the 500k exclusion)
- Remove ex spouse from any TOD accounts
- Rerun retirement projections to see if your client is still on course



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- **STEP 3. REVIEW YOUR RETIREMENT AND INVESTMENT PLAN (CONTINUED)**

- Make sure client's tolerance for risk is in line with their accounts
- Be mindful changes in non-retirement accounts could have tax implications
- Beneficiaries
- Check on automatic deposits into exes accounts
- Remove ex as authorized signer on all accounts including credit cards.



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- **STEP 4. INSURANCE**

- Life insurance. Review beneficiaries (workplace as well) and reevaluate the amount of coverage. Bear in mind, your decree may require you to continue coverage. This also applies to disability coverage.
- If the ex is required to have life insurance, try to obtain notification from the insurance company if it's about to lapse.
- See if client can be added to receive a statement annually showing the current beneficiary.



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- **STEP 4. INSURANCE (CONTINUED)**

- Health Insurance. Find out if your client can remain on their ex's policy. Help client explore other options if needed.
- Long Term Care insurance. Lapse notices, spousal discount shared care.
- Update property, casualty, and liability insurance to reflect changes. i.e. boat was sold or jewelry rider or ex was given a car.



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# Post-Divorce Planning

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- **STEP 5. CREDIT**

- Have client obtain credit if they don't have any. If still married, use household income
- Remove ex-spouse from any credit cards
- Once removed, obtain new cards
- Check your credit reports by going to <https://www.annualcreditreport.com>
- Freeze credit if not obtaining a loan soon





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## • STEP 6 SECURITY

- Change access codes and passwords, for all accounts.
- Web or app that holds passwords (e.g., Keeper Security or LastPass).
- Web based access (e.g., bank, brokerage)
- Credit, debit and ATM Cards
- Frequent flyer accounts.
- Email accounts or Social Media accounts.
- Personal safe.
- Alarm and security codes for properties such as residence, vacation home, public storage facility.
- Change locks



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- **STEP 7. CHILDREN**

- Kid's should always be top of mind
- A great resource is JoAnne Pedro-Carroll's "Putting Children First: Proven Parenting Strategies for Helping Children Thrive through Divorce." "The Divorce Talk: How To Tell the Kids" by Vikki Stark is also very good.





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# Post-Divorce Planning

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- **CASE STUDY TEST**
- **SALE OF PRIMARY RESIDENCE**
  - Monica receives the home in the settlement in 2024
  - She has lived there with her ex for the last 19 years
  - She sells the house in 2025
  - She has a capital gain of 425k
  - Does she or her ex have to pay capital gains tax on the sale?



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# Post-Divorce Planning

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- **CASE STUDY TEST**
- **WHAT IS THE MOST IMPORTANT ITEM FOR YOUR CLIENTS TO CONSIDER POST DIVORCE?**
  - Having a budget
  - Updating all accounts to the correct beneficiary
  - Updating their estate plan
  - Seeking guidance from a good therapist if struggling emotionally



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# Post-Divorce Planning

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- **RICK'S TIPS**

- Ensure deposits from Zelle, Venmo etc. go to correct account
- Update direct deposits if needed
- Remove ex as signer on accounts
- Monitor HELOC if still open
- One can no longer use alimony to qualify for IRA contributions
- Manage streaming services like Netflix
- HSA balances should be discussed with ex



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- **TRIVIA QUESTION**

- Name a famous celebrity that divorced at least 6 times.





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- **CHRISTIE BRINKLEY - 4**
- **JERRY LEE LEWIS - 4**
- **JOAN COLLINS - 4**
- **LIZA MINELLI - 4**
- **MARTIN SCORSESE - 4**
- **BILLY BOB THORTON - 5**
- **ROBERT EVANS - 6**
- **LARRY KING - 6**
- **ZSA ZSA GABOR - 7**
- **MICKEY ROONEY - 7**
- **ELIZABETH TAYLOR - 7**
- **LANA TURNER - 8**



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