

VOL. 18 | JUNE 2021

OUR BACKYARD

An agricultural newsletter by Hardin County AgriLife Extension



OVERVIEW:

- From the Agent
- Horticulture Corner
- Producers Coral

- Good Read
 - Ask an Ag Lawyer: Pros and Cons of Transferring Property Prior to Death
- Upcoming Programs
 - Hunter Education
 - T Budding and Grafting
 - Texas Master Naturalist
 - HCYPS
- Get Involved

From the Agent

Howdy!

Where did May go? It is so hard to believe that summer is already upon us! With how wet this spring has been everyone needs to make sure to watch/spray to make sure we don't have any fungal issues come up on our plants and trees!

Also, if anyone is interested in planting Beauty Berries from last months Native Texan, we have a community member that has rare White Beauty Berries that is more than willing to share! If you would like his contact information just call the office!

Katie A. Pace | Hardin County Extension Agent



HORTICULTURE Corner

In the Garden

Dead-head perennials and annuals to keep them compact, growing, and producing more flowers

As long as you can supply water, don't stress thinking it is too late to plant trees, shrubs, ground covers, or establish new lawns

Make sure to get a layer of mulch in your flower beds, this will help keep in moisture and keep those pesky weeds at bay

Native Texans

What should I plant this month?

Landscape Seed:

Zinnias

Bachelor Buttons

Portulaca (Moss Rose)

Landscape Transplant
(Full Sun):

Celosia

Periwinkle

Salvia

Marigold

Zinnias

Purslane

Landscape Transplant
(Part to Full Shade):

Nicotiana

Impatiens

Begonias

Caladiums

Salvia

Coleus



This month is a little different than normal and I am giving you two natives that actually like to grow together; Gulf Coast Penstemon and Yellow Columbine



Both plants are fantastic in our area, meaning they love the wet ground. They are both perennials that do well in beds and borders where they have room to freely reseed for the next growing season. Since they both have similar bloom periods and requirements, they will add a great pop of color to your landscape, and the pollinators love them!

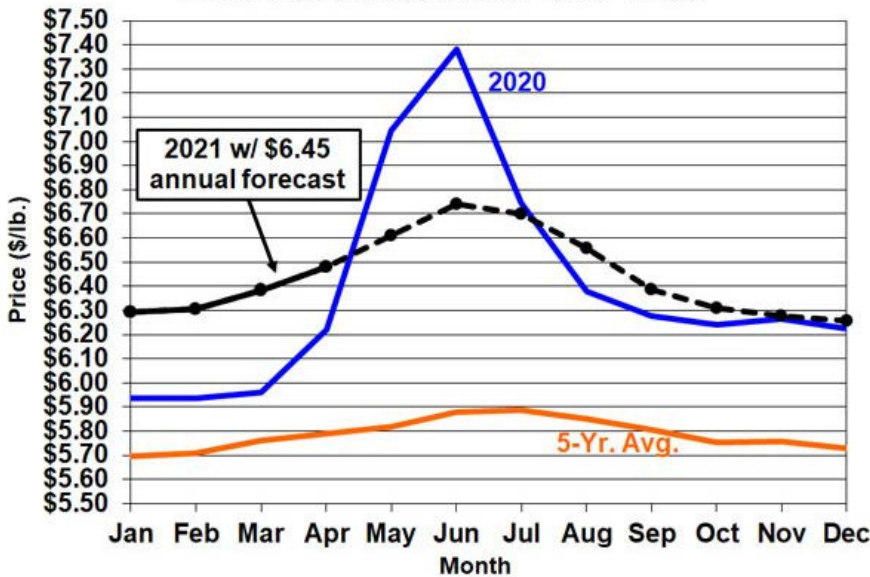
PRODUCERS

Coval

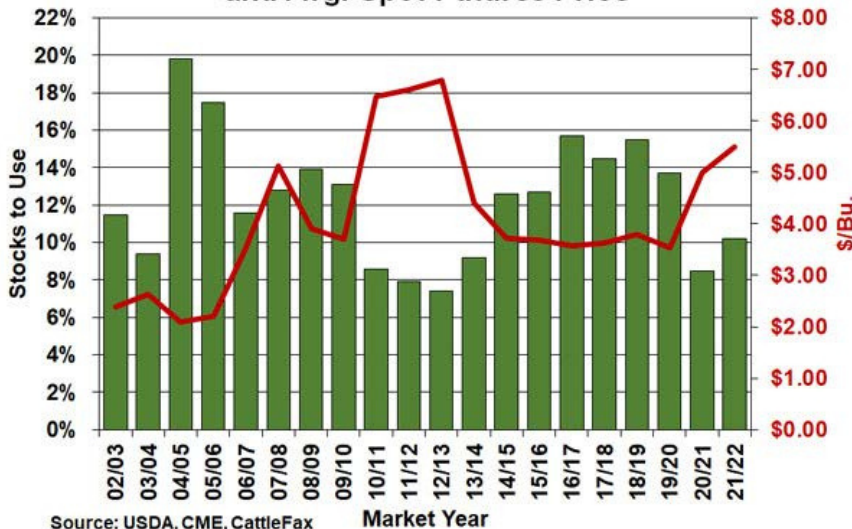


Cattle Market

USDA All Fresh Retail Beef Price



U.S. Corn Stocks to Use and Avg. Spot Futures Price



Source: USDA, CME, CattleFax

What to do with the herd this month?

Work cattle early in the morning to reduce heat stress

Start watching for pinkeye

Watch commodity prices and consider purchasing supplemental winter feed to store

Don't forget to vaccinate those spring calves for blackleg

When will she calve?

June 1-22 → March 10-31

June 23-30 → April 1-8

BQA Tip

The need to treat roundworms and number of treatments per year is dependent on: location, stocking rate, rainfall, age, and operation type. Work with your vet so as not to over-use, which could lead to treatment failure in the future.



Ask an Ag Lawyer: Pros and Cons of Transferring Property Prior to Death

By: *Tiffany Dowell Lashmet,*

Assistant Professor and Extension Specialist in Agriculture Law

I frequently field questions where a landowner is trying to decide whether it would be better to transfer property to the next generation (or their identified heir) while the landowner is still living, or wait until the landowner has passed away. I always try to outline the pros and cons, while highlighting two other options here in Texas that may allow a landowner to receive the benefits and avoid the negatives of a transfer prior to death.

PROS

There are certainly advantages to deeding property prior to one's death, rather than waiting for that property to pass by will. First, it is done and the landowner no longer has to worry about it. It can also allow the landowner the enjoyment of watching the next generation take over and begin operating the family farm or ranch.

Second, it allows the land to pass without going through the probate process. Even though the probate process here in Texas is not nearly as complex as some other states, it is a process that can take time, effort, and money to complete.

Third, this gets land out of the landowner's name. This may be important for several reasons, including qualifying for Medicaid and avoiding the Medicaid Estate Recovery Program. I would ensure that the asset involved would not be part of the landowner's taxable estate when calculating potential federal estate tax liability. It would also decrease certain expenses for the landowner, such as property taxes, since the land would no longer be in his or her name.

CONS

There are also downsides to deeding property to another person while the landowner is still living. First, once the property is deeded, the landowner has no more control, and the deed is irrevocable. This means if the landowner gets angry at the heir, the transfer cannot be taken back.

Similarly, if the heir decides that he or she wants to do something with the property that the landowner disapproves of- like selling the land, for example- the landowner has no say over the decision.

Second, there are tax implications of making this type of lifetime transfer. If property is deeded during a person's lifetime, that may have gift tax consequences and affect the landowner's lifetime exemption regarding estate taxes. It's critical landowners consult with a tax professional before deciding to gift while living.

Third, another potentially negative tax consequence of this type of lifetime transfer occurs as it relates to capital gains taxes. Generally, if property is passed by will, the heir receives a step up basis for capital gains tax purposes, likely decreasing the capital gains taxes that would be owed if the property is sold. If property is transferred prior to death, the heir will not receive this step up in basis.

Fourth, this type of transfer could cause several issues related to Medicaid. It could trigger the Medicaid Transfer penalty. When a person seeks to apply for Medicaid benefits, one question they will have to answer is whether or not they have transferred property for less than fair market value within the last five years. If they have, then they may be ineligible for Medicaid for a certain period. Additionally, the value of the property transferred within that five-year period would be counted towards the value of the person's assets for purposes of determining whether they qualify for Medicaid.

Fifth, since the land would be in the heir's name, it could potentially be subject to nay creditors or judgements against the heir.

ALTERNATIVES

In Texas, there are two alternative transfer methods that offer many of the benefits and avoid many of the disadvantages of lifetime transfers. As with anything in the law, there is no "one-size fits all," so I recommend consulting an attorney to determine if one of these options might be right for you.

These are the Transfer on Death Deed and the Enhanced Life Estate Deed (also known as the Lady Bird Deed). Although they differ in detail, they are similar in operation. Both allow the landowner to designate who property will be transferred to, and deeds are completed and filled during the landowner's lifetime.

For a Transfer on Death Deed, the transfer does not occur until the grantor's death. For a Lady Bird Deed, the grantor would retain a life estate in the property and transfer the remaining interest to the identified heirs, but would retain several "enhanced rights," including the right to revoke the Lady Bird Deed and the right to sell or encumber the property without the heirs' consent.

Both types of deeds offer the benefits of a lifetime transfer in that the land will not be subject to the probate process and it is out of the landowner's name for purposes of Medicaid. They also avoid many of the downsides of lifetime transfers.

These deeds are revocable. Meaning that if the land owner decides they want to "take back" the transfer, it can be done up until death. Second, these deeds do not trigger any gift tax liability. Likewise, these deeds will allow the recipient to obtain the stepped-up basis for capital gains taxes.

Third, these deeds were designed to avoid issues related to Medicaid, so they have the benefit of getting the property out of the owner's name to allow qualification. These deeds are not considered a transfer, which applies to the Medicaid Transfer Penalty. Additionally, since they are not technically part of the grantor's probate estate, the assets deeded by a Transfer on Death or Lady Bird Deed are not subject to the Medicaid Estate Recovery Program.

Lastly, these transfers will likely protect the property from the heirs' creditors. For a Transfer on Death Deed, since the transfer technically does not occur until after the landowner's death, the asset is not subject to claims of the heir. For a Lady Bird Deed, were there to be an issue with an heir's creditor seeking to claim the property, the deed could simply be revoked by the landowner during their lifetime.

CONCLUSION

With estate planning, there are pros and cons to almost every tool. It is important to think carefully about the tools that offer the most benefits and the least downsides when making and executing estate plans. I highly recommend working with an attorney licensed in your jurisdiction to help make the best decision for you and your family.

Upcoming Programs for *Hardin County*



TEXAS HUNTER EDUCATION COURSE

*Register
Now*

June 12, 2021

9:00 AM-3:00 PM

\$25 fee includes lunch

Hardin County Annex Building
1135 Redwood | Kountze | TX | 77625

For more information contact the Hardin County
Extension Office (409) 246-5128

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“T”-BUDDING AND GRAFTING WORKSHOP

SATURDAY, JUNE 5TH, 9AM – 12PM

Registration begins at 8:30 am

Extension Office Auditorium in Annex I of
the Jefferson County Courthouse

1225 Pearl Street, Suite 200, Downtown Beaumont

COST: \$10/PERSON

Numerous publications & DOOR PRIZES!!!

Budding/Grafting tape for sale \$5

Knives \$15



TO PRE-REGISTER PLEASE CALL:

(409) 835-8461 or (409) 727-2191;

EXT. 8461

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SERVICE & JEFFERSON COUNTY HORTICULTURE

COMMITTEE

Become a Texas Master Naturalist!

- Fall Initial Training starting soon!
- Introductory meeting: Thursday, July 22, 2021 at 6:30 p.m. in Beaumont
- Become certified and join a group of fun and knowledgeable nature-loving volunteers to help provide education, outreach, and service in our communities.



Scan and go directly to our website to register:

<https://txmn.org/sabine/>



T E X A S

Master
Naturalist™
Sabine Neches Chapter



For more information, contact Randy Beehn at beehner@att.net.

**JOIN THE
TEAM!**

**Hardin County Youth Project
Show is looking for team
members to help make the 2021
show better than ever for the
youth of Hardin County!**

COME SEE US!

Third Tuesday of every month at 6:30 PM
John Blair Pavilion
3677 Highway 326
Kountze, TX 77625

Get involved with Hardin County Extension

Please consider joining the Hardin County Agriculture Committee to provide leadership and suggestions for upcoming programming. You don't have to make a large time commitment, with as few as four meetings per year, but we would love to hear your ideas and for you to share input on your county!

Please contact the office to update your email address, or if you know someone that would like to be added to this list, at (409) 246-5128, or by email katie.pace@ag.tamu.edu. We also welcome suggestions for upcoming newsletters!

PO Box 610 | 1135 Redwood | Kountze, TX 77625

p: (409) 246-5128 | f: (409) 246-5201

<http://hardin.agrilife.org>

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