



Sidney Kess

P R E S E N T S

THE SIXTH ANNUAL

Ultimate Estate, Retirement & Financial Planning Conference

Includes
a session on the
NEW IRS Circular 230
and the impact on
tax practitioners
and estate planners



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October 20-21, 2005

PLUS five optional pre-conference sessions on October 19, 2005

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PROFESSIONAL EDUCATION SYSTEMS INSTITUTE, LLC



Sidney Kess brings you the experts!

Dear Colleague,

I am pleased to tell you about our Sixth Annual "Ultimate Estate, Retirement & Financial Planning Conference," sponsored by Professional Education Systems Institute, LLC. The 2005 conference will provide the latest developments in the field of estate planning, retirement planning, income tax planning and more. Joining us this year is a distinguished "all star" faculty for a conference which promises to provide you with cutting-edge information and strategies and the latest legislative developments. This program should prove to be a professionally rewarding and personally enjoyable educational experience.

I am looking forward to seeing you there.

Sincerely,

Sid Kess
Sidney Kess

PROGRAM CHAIR – Sidney Kess, Esq., CPA, JD, LL.M.,

is a nationally renowned tax expert and author/coauthor of hundreds of tax books on financial and estate planning. Having lectured to more than 710,000 practitioners on tax, financial and estate planning, he is one of the nation's best known lecturers in continuing professional education. Mr. Kess is consulting editor of *CCH Incorporated's Financial and Estate Planning Reporter*, and consultant for the *CCH Estate Planning Guide*. He is chairman of the advisory board of *Tax Hotline* and is a member of the PPC Tax Action Panel. Mr. Kess has edited a column on "Tax Tips" for the *New York Law Journal* for the past 36 years. He has also written several AICPA tax workshops, audio and video programs, and is the recipient of the AICPA Distinguished Lecturer Award. Mr. Kess is often quoted in *The Wall Street Journal*, *The New York Times* and other national publications. He was included in *Accounting Today's* "100 Most Influential CPAs in the U.S." for several years as well as *CPA Magazine's* 2004 "100 Most Influential CPAs in the U.S." He is the recipient of the AICPA's Special Recognition Award for his many years of contributions to the AICPA's continuing professional education program and the National Association of Estate Planners & Councils' Distinguished Accredited Estate Planner Award for his distinguished service to the field of estate planning.

Donna R. Bashaw practices elder law at the Elder Law Center in Laguna Hills, California, and is a certified elder law specialist. She is a frequent presenter for California Education of the Bar, the National Academy of Elder Law Attorneys and California Advocates for Nursing Home Reform. Mrs. Bashaw is on the national executive board for NAELA serving as president-elect and is also the immediate past chair of the exam writing committee for national certification of elder law attorneys. She is co-author of *California Durable Powers of Attorney*, a CEB publication, and *California Guide to Tax, Estate & Financial Planning for the Elderly*, a Matthew Bender/Lexis-Nexis publication. For her pro bono service and for her pioneering work in elder law, Mrs. Bashaw received the California Women Lawyers' Fay Stender Award in 1997, the Teresa Foundation Award in 1998, was named to the Hall of Fame at Western State University in 1999, received the OCBA Harmon G. Scoville Award in 2000, and received the Orange County J. Reuben Clark Award in 2003. She graduated from Western State University College of Law in 1987 (editor in chief, law review) where she is a periodic adjunct professor.

David S. De Jong is an attorney, certified public accountant and certified valuation analyst. A principal in the Rockville, Maryland, law firm of Stein, Sperling, Bennett, De Jong, Driscoll & Greenfeig, Mr. De Jong is a frequent lecturer and expert witness on tax, estate, valuation and business topics. He has taught tax and business management at four universities and served 20 years as an adjunct professor of taxation in the Kogod School of Business at American University in Washington, DC. Mr. De Jong is a director of the American Association of Attorney-Certified Public Accountants and served as its president in 2003-04. He is a member of the Estate Planning Council of Suburban Maryland (secretary) and the Tax Section Council of the Maryland State Bar

Association, and vice president of the Maryland-DC Chapter of the National Association of Certified Valuation Analysts. Mr. De Jong is also a past treasurer and chair of the Tax Section Montgomery County Bar Association. He is a recipient of PESI's Excellence in Education Award.

Barry S. Engel is the founding principal of Engel & Reiman pc, a Denver-based law firm established in 1983. He is the lead author of the *Asset Protection Planning Guide: A State-of-the-Art Approach to Integrated Estate Planning*, published by CCH Incorporated. Mr. Engel is a Senior Fellow of The Estate and Wealth Strategies Institute at Michigan State University and a Fellow of the National Network of Estate Planning Attorneys. He is also the designated specialist for the professional section on asset protection planning for FindLaw.com. Mr. Engel has been cited repeatedly by other professionals in their writings, and the U.S. Ninth Circuit Court of Appeals has cited him as an authority on foreign trusts. From 1992 to 1997, he was President of the Isle of Man, British Isles-based Offshore Institute, an organization of professionals engaged in offshore and international planning. He is a member of the International Law Association; the International, American and Colorado bar associations; and several local bar associations. He is a member of the Asset Protection Committee of the American Bar Association's Section of Real Property, Probate and Trust Law. Over the past 12 years Mr. Engel has chaired or otherwise addressed hundreds of professional and client conferences worldwide on integrated estate planning, asset protection planning and related subjects. In September of 1998, he was presented with the Excellence in Education Award by Professional Education Systems Institute, LLC — a distinction bestowed on less than 2% of the 1,000+ speakers PESI works with each year.

Martin S. Finn is an attorney, certified public accountant, and founding partner of Lavelle & Finn, LLP, Attorneys at Law, in Latham, New York. He counsels clients on estate, financial, tax, business and elder law issues including personal and corporate tax planning, business counseling, structuring of business transactions, estate administration, and estate and business succession planning. He is a frequent lecturer and, with his partner John H. Lavelle, is author of *The Complete Trust Guide* (PESI ©2005) and *Estate Planning on the Edge: What's Left for the Average Client?* (PESI ©2005). Mr. Finn is a member of the American, New York State, Albany County and Schenectady County bar associations; the National Academy of Elder Law Attorneys, Inc.; the American Institute of Certified Public Accountants; the New York State Society of Certified Public Accountants; Estate Planning Council of Eastern New York, Inc. (treasurer, board of directors); Schenectady County Industrial Development Agency (vice chairman); Schenectady Economic Development Corporation (board of directors); and the Chamber of Schenectady County (chair-elect, board of directors). Mr. Finn is also an adjunct professor at the University of Albany. He is a 1998 recipient of PESI's Excellence in Education Award and the 2001 recipient of the Schenectady County Bar Association's Lawyer in Service to the Community award.

Faculty Continued . . .

Stephen J. Krass is a senior partner in the law firm of Krass, Snow & Schmutter, PC, in New York. A frequent lecturer on estate and retirement planning, he is author of *The Pension Answer Book*, and a contributing author to *Proceedings of the NYU Institute on Federal Taxation*, *The Journal of Taxation of Estates and Trusts*, *Estate Planning*, *Taxes — The Tax Magazine*, *Journal of The Institute of Certified Financial Planners*, *The Practical Accountant*, *CLU Journal*, *CCH Financial and Estate Planning Reporter*, *The Journal of Financial Planning*, *Journal of Pension Planning & Compliance*, *Taxation for Accountants and Taxation for Lawyers*. Mr. Krass is a member of the American (Taxation; Real Property, Probate and Trust Law sections) and New York State (Trusts and Estates; Taxation sections) bar associations. He is a charter fellow of the American College of Employee Benefits Counsel and a member of the Estate Planning Council of New York City (president 1999-2000, board of directors 1989-92). Mr. Krass is on the advisory boards of *NYU Institute on Federal Taxation*, *CCH Financial and Estate Planning Reporter*, *The Journal of Pension Planning and Compliance*, and *Tax Hotline*.

Michael E. Mares has been a member of Witt Mares since 1980. With more than 30 years as a CPA, he has earned a reputation for expertise in partnership and individual taxation, S corporations and estate planning. Mr. Mares has served as a special court-appointed receiver for estates. He is a member of the Virginia Society of CPAs, Tidewater Peninsula Chapter, and the American Institute of CPAs (former member, board of directors; Professional Ethics Executive Committee; Business Valuations Standards Task Force; past chair, Executive Committee, Tax Division; former member, Task Force on Tax Specialization; former chair, Liaison with State Society Tax Committees Subcommittee; former member, Federal Tax Forms Subcommittee). Mr. Mares is a former vice chair of the IRS Advisory Council and past president of the Peninsula Estate Planning Council. He is also a member of the American Bar Association, the Virginia State Bar, the Newport News Bar, Polaris International (former chair, Tax Standards Committee; chair, Litigation Support Committee) and the Virginia Conference on Federal Taxation (Planning Committee). Mr. Mares has testified many times before Congress on tax matters. As an author and instructor, he is recognized nationally as an authority on tax law and, as a result, has co-authored or contributed to several industry-related publications including *IRS Practice and Procedures*, *Limited Liability Companies*, *Practitioner's 1065 Deskbook*, *Individual Case Studies in Tax Planning*, *Industry Tax Guide* and the *Guide to Real Estate Taxation*. He has been named five times as one of the "100 Most Influential CPAs in the U.S."

Richard A. Oshins is a shareholder of the Las Vegas law firm of Oshins & Associates, where he concentrates in tax and estate planning with a substantial emphasis on multi-generational wealth planning particularly with regard to closely held businesses. Mr. Oshins has been listed in *The Best Lawyers in America* and Martindale-Hubbell's *Bar Register of Preeminent Lawyers* from their inception. Previously he served as a law clerk for the U.S. Court of Claims in Washington, DC, and as an attorney-advisor in the Office of Tax Legislative Counsel, U.S. Treasury Department, in Washington, DC. Mr. Oshins is on the Advisory Board of the NYU Institute on Federal Taxation, the Editorial Board of *Estate Planning Magazine* and the Attorney Advisory Board for Merrill Lynch Trust. He has lectured extensively on innovative tax and estate planning strategies and is the author or co-author of many articles published in the *Journal of Taxation*, *Trusts and Estates*, *The Tax Executive*, *Estate Planning*, *CLU Journal*, *Real Property, Probate & Trust Journal*, *NYU Institute on Federal Taxation*, *Southern California Institute on Federal Taxation*, *CCH Financial and Estate Planning*, *Community Property Journal*, and *Tax Notes*.

John W. Porter is a partner in the Houston office of the law firm of Baker Botts, LLP. He is a board-certified specialist in probate, trust and estate law (Texas Board of Legal Specialization), a regent and fellow of the American College of Trust and Estate Counsel, and the supervisory council member and former chairman of the Tax Litigation and Controversy Committee of the Real Property, Probate and Trust Law Section of the American Bar Association. Mr. Porter is also a certified public accountant licensed in Texas. He specializes in gift, estate and income tax litigation and in controversy work (including disputes and litigation involving the valuation of business interests) and fiduciary litigation, representing corporate and individual fiduciaries regarding breach of fiduciary duty claims and issues. Mr. Porter has been named a "Texas Super Lawyer" in tax law by *Texas Monthly* and *Law & Politics Magazine*, November 2003, 2004 and 2005.

Conrad Teitell is a principal in the Connecticut- and Florida-based law firm of Cummings & Lockwood, resident in the Stamford, Connecticut office. He chairs the firm's Charitable Planning and Exempt Organizations Group. Mr. Teitell is an adjunct visiting professor at the University of Miami Law School and is also director of the Philanthropy Tax Institute, where he lectures on taxes, philanthropy and estate planning. He was profiled in *Bloomberg Personal Finance* as one of the nation's lawyers who has reshaped estate planning by helping clients protect wealth, avoid taxes and benefit charities. Mr. Teitell is the author of the five-volume treatise *Philanthropy and Taxation*. He writes the monthly newsletter *Taxwise Giving*, and his column "Estate Planning and Philanthropy" appears in the *New York Law Journal*. Mr. Teitell is a contributing editor of *Trusts and Estates* magazine and is listed in *The Best Lawyers in America*. He is the recipient of the American Law Institute/American Bar Association's Harrison Tweed Award for Special Merit in Continuing Legal Education.

E. Diane Thompson is a principal in the law firm of Williams, Mullen, Hofheimer, Nusbaum, PC, in Norfolk where she practices in federal estate and gift taxation, trust and estate administration, fiduciary income taxation, and estate planning. She does extensive work in the area of disclaimers. The Virginia Society of CPAs has recognized her as an Outstanding Discussion Leader (1990-94). From 1988 until 1996 Ms. Thompson taught courses in advanced estate planning and federal taxation of estates, gifts and trusts at Marshall-Wythe School of Law, College of William and Mary, Williamsburg, Virginia. She is a frequent lecturer. Ms. Thompson has written many articles on disclaimers for the *Trust and Estates Newsletter* of the Virginia State Bar Trusts and Estates Section, and for the *Probate Practice Reporter*. She is a member of the Virginia and Washington state bars and Norfolk-Portsmouth, Virginia and American (Taxation Section and Real Property, Probate and Trust Law sections) bar associations, and is a fellow of the American College of Trusts and Estates Counsel. Ms. Thompson has appeared in each edition of *The Best Lawyers in America* since the 1991-92 edition.

M. Howard Vigderman is a partner in, and chair of, the Trusts and Estates Section at Montgomery, McCracken, Walker and Rhoads, LLP, a firm with offices in Philadelphia and Berwyn, Pennsylvania; Cherry Hill, New Jersey; and Wilmington, Delaware. He is a member of the Pennsylvania and New Jersey bars, and is admitted to practice before the U.S. Courts for the Eastern District of Pennsylvania and the District of New Jersey. Mr. Vigderman is chair of the Public Service Committee and past chair of the Legislative Committee of the Probate and Trust Law Section of the Philadelphia Bar Association, and is a member of that section's executive committee. He has been a contributor to the section's newsletter on issues involving legislative developments and insurance planning for closely-held-business owners. Mr. Vigderman is a frequent lecturer on estate planning and administration for professional and lay organizations. Mr. Vigderman is listed in the 2003-04 edition of *The Best Lawyers in America*, and as a Pennsylvania Super Lawyer in the trusts and estates category in the June 2004 issue of *Philadelphia Magazine*. He received PESI's award for excellence in education in 1997.

Conference Schedule

This is your opportunity to learn from the best! Our experts will provide in-depth analysis and practical planning strategies you can put to use immediately for yourself and your clients!

Day 1: Thursday, October 20, 2005

8:00-8:10 a.m. *Sidney Kess*

Conference Overview and Introduction of Topics

8:10-9:50 a.m. *Conrad Teitell*

Charitable Remainder Trust Strategies

- Choosing Wisely Among the Various CRTs
- The Latest Rulings, Cases and Regulations
- Collapsing Existing CRTs by a Charitable Gift or Division of Assets
- Planning Under the Shadow of EGTRRA '01
- Gathering Windfalls and Avoiding Pitfalls

9:50-10:00 a.m. *Break*

10:00-11:15 a.m. *Martin S. Finn*

Estate Planning on the Edge: What's Left for the Average Client?

- Planning for Incapacity
- Planning for Disposition of Assets
- Planning for Estate Reduction
- Gifts to Children and Grandchildren
- Life Insurance Policies

11:15-11:25 a.m. *Break*

11:25 a.m.-12:30 p.m. *Michael E. Mares*

IRS Circular 230

- Update on Revised Circular 230 Rules
- Pointers on Tax Practice Management to Comply with New Rules
- Analysis of Covered Opinion Requirements

12:30-1:30 p.m. *Lunch*

1:30-2:45 p.m. *Barry S. Engel*

Asset Protection Through Integrated Estate Planning

- The Asset Protection Component of Integrated Estate Planning
- Threats to Wealth: The U.S. Liability Crisis
- Using Trusts for Asset Protection
 - An overview of a model asset protection trust
 - Comparison of domestic and foreign trusts
- U.S. Tax Considerations and Compliance
- Recent Trends and Developments
- Recent Enhancement Through Integrated Estate Planning

2:45-3:00 p.m. *Break*

3:00-4:30 p.m. *David S. De Jong*

50 Quick-and-Useful Tax Planning Ideas

- Placing a Spouse on the Payroll to Allow Reimbursement of Family Medical Expenses
- Making Disability Income Tax Free Through Smart Planning
- Smart Planning for a Like-Kind Exchange Under Section 1031
- Using "Discounting" in Estate Planning to Maximize Gifting

"Excellent practice-building suggestions!"

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Day 2: Friday, October 21, 2005

7:30-7:40 a.m. *Sidney Kess*

Overview and Introduction of Topics

7:40-9:00 a.m. *E. Diane Thompson*

Disclaimers: When, Why and How to Say "No" to an Inheritance

- General Background
- Summary of Requirements
- Uses and Non-Uses of Disclaimers
- Problem Areas

9:00-9:10 a.m. *Break*

9:10-10:10 a.m. *Michael E. Mares*

Federal Income Tax Update: Catching Up on What's Important

- Update on American Jobs Creation Act
- Update on The Working Family Tax Relief Act
- Recent Rulings, Regulations and Cases from the Past Year

10:10-10:20 a.m. *Break*

10:20-11:30 p.m. *Stephen J. Krass*

Planning for Distributions from Qualified Retirement Plans and IRAs

- Taxation of Net Unrealized Appreciation
- Avoiding the 10% Early Withdrawal Penalty Tax
- Rollovers and Waivers
- Required Minimum Distributions Update

11:30 a.m.-12:30 p.m. *Lunch*

12:30-1:45 p.m. *John W. Porter*

Current Issues Regarding Family Limited Partnerships and LLCs

- IRS Positions Regarding Family Limited Partnerships and LLCs and Defenses to Those Arguments
- Recent Case Law, Including *Schutt*, *Bongard*, and *Strangi*
- Defined Value or Formula Transfer Issues
- Various Valuation Issues
- Privileges in the Estate Planning Context

1:45-1:55 p.m. *Break*

1:55-3:10 p.m. *M. Howard Vigdeman*

Income and Estate and Gift Tax Returns — A Potpourri

- Choosing Where to Deduct "Swing" Expenses
- Deciding Whether or Not to Make a QTIP Election
- Maximizing Use of Deductions on 1041s
- Preparing Generation-Skipping Tax Schedules

3:10-3:20 p.m. *Break*

3:20-4:20 p.m. *Donna R. Bashaw*

What's New for You in Elder Law

- Medicaid Changes at the Federal and State Levels
- Housing the Elderly — New Trends
- Using Special Needs Trusts for the Disabled of All Ages
- Developing Hot Topics

4:20-4:30 p.m. *Sidney Kess*

Wrap-Up and Evaluation

5 Optional Pre-Conference Sessions

Wednesday, October 19, 2005

Pay for 3 Pre-Conference Sessions & Receive 2 Free!

1

12:00-1:00 p.m. *David S. De Jong*

Current Tax Issues of Pass-Through and Disregarded Entities

Reasonable Compensation for S-Corporation Owner-Employees — Is the Clock Ticking?
Single Owner LLCs — When Are They Disregarded and When Are They Regarded?
Interaction of the S-Corporation and Bankruptcy Laws — The *Mourad* and *Williams* cases
Section 754 Elections After the American Jobs Creation Act of 2004

2

1:10-2:10 p.m. *Richard A. Oshins*

Cutting-Edge Planning Strategies for Life Insurance in the Uncertain Transfer Tax Environment — The Good, the Bad and the Ugly

Funding of Large Policies — Integrating Other Estate Planning Strategies with Life Insurance
Premium Financing Arrangements Including Exit Strategies
Annuity Arbitrage
Planning with Cash Value Life Insurance
Life Settlements

3

2:20-3:20 p.m. *Martin S. Finn*

Estate and Financial Planning for Disabled Individuals and Their Families

Discussion of Estate, Tax, Asset Protection and Financial Planning Issues Facing Disabled Individuals and Their Families
Review Basics of Governmental Programs Including Medicare, Medicaid, Supplemental Security Income and Social Security Disability
In-Depth Discussion of Supplemental Needs Trusts
Review Decision-Making Issues Including Powers of Attorney and Healthcare Proxies
Tax Aspects of Planning Options

4

3:30-4:30 p.m. *E. Diane Thompson*

Generation-Skipping Transfer Taxes: Short Course

Terminology and Special Rules Associated with Generation-Skipping Transfer Tax (GST)
When and How to Allocate GST Exemption, Including a Late Allocation
Proper and Wise Allocation of the GST Exemption

5

4:40-5:40 p.m. *Barry S. Engel*

Protecting Your Client's Wealth — A Primer

History and Development of Modern-Day Asset Protection Concepts
An Overview and Analysis of Available Planning Tools
Integration of an Asset Protection Component with the Estate Plan
Practical Applications for You and Your Client
The Impact of the 2005 Bankruptcy Act

FREE!

6:00-7:00 p.m.

CCH Product Showcase

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TUITION:

**October 19, 2005 • Pre-Conference Sessions
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\$69 per person, per session

October 20-21, 2005 • Regular Session

Tuition includes book(s), continental breakfasts and lunches.

Standard: \$799 per person.

Early Registration: \$749 per person when registering by September 19, 2005.

If registering within one week of conference, call 800-826-7155, M-F 8:00-5:00 CT, or e-mail us at customerservice@pesi.com for space availability. Walk-ins are welcome but admission cannot be guaranteed.

CONFERENCE REGISTRATION:

Wednesday, October 19, 2005: 11a.m.-7 p.m.

SCHEDULE:

**Wednesday, October 19, 2005 •
Pre-conference Sessions**

**Current Tax Issues of Pass-Through
and Disregarded Entities**

12:00 p.m. Program begins
1:00 p.m. Program ends

**Cutting-Edge Planning Strategies for Life Insurance
in the Uncertain Transfer Tax Environment —
The Good, the Bad and the Ugly**

1:10 p.m. Program begins
2:10 p.m. Program ends

**Estate and Financial Planning for Disabled
Individuals and Their Families**

2:20 p.m. Program begins
3:20 p.m. Program ends

Generation-Skipping Transfer Taxes: Short Course

3:30 p.m. Program begins
4:30 p.m. Program ends

Protecting Your Client's Wealth — A Primer

4:40 p.m. Program begins
5:40 p.m. Program ends

CCH Product Showcase

6:00-7:00 p.m. Free Event

Thursday, October 20, 2005 • Regular Session

7:00 a.m. Registration continues

8:00 a.m. Program begins

12:30-1:30 p.m. Lunch (included)

4:30 p.m. Program ends for the day

Friday, October 21, 2005 • Regular Session

7:30 a.m. Program begins

11:30-12:30 p.m. Lunch (included)

4:30 p.m. Program ends

Check Tuition: *Tuition includes book(s), continental breakfasts and lunches.*

Regular Session: October 20-21, 2005 009657-LVE

- Standard **\$799** per person
- Early Registration **\$749** per person when registering by Sept. 19, 2005.

Optional Pre-Conference Sessions: October 19, 2005

Pay for 3 Pre-Conference Sessions & Receive 2 FREE!

Session 1: Current Tax Issues of Pass-Through and Disregarded Entities

- \$69** per person 009658-LVE

Session 2: Cutting-Edge Planning Strategies for Life Insurance

- \$69** per person 009839-LVE

Session 3: Estate & Financial Planning for Disabled Individuals and Their Families

- \$69** per person 009836-LVE

Session 4: Generation-Skipping Transfer Taxes: Short Course

- \$69** per person 009837-LVE
- FREE** session when paying for 3 preconference sessions

Session 5: Protecting Your Client's Wealth — A Primer

- \$69** per person 009838-LVE
- FREE** session when paying for 3 preconference sessions



Please check here if you need an ADA accommodation. We will contact you.

Conference Cancellation, Refund and

Substitution Policy: If you contact us before Sept. 19, 2005, a refund less a \$20 service charge will be granted. After this date, a refund less a \$100 cancellation fee will be granted. Substitutions permitted at any time. No refund after conference commences. Occasionally changes in conference are made due to speaker availability, participant demand or unforeseen circumstances. While PESI will do everything possible to ensure participant satisfaction, PESI's liability is limited to the registration fee only. Contact PESI at 800-826-7155 for more information.

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Current Tax Issues of Pass-Through and Disregarded Entities

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