

W&M Newsletter



Salutations from the Wright & Moore team!

It feels as though 2025 has come and gone in a flash. From client preparations to client meetings, conferences to lunch-and-learns, consistent internal improvements to retreats, our crew doesn't slow down.

Recently, we had our 2025 annual firm retreat at KD Guest Ranch, where we spent two days as a team going through an extensive agenda. Every year, we use this time to discuss important topics, such as system improvements, policy changes, and goals for both our team members and the firm to achieve in the coming year. Importantly, we also use this time to come together, build relationships with each other, and go through team building activities. This year, we got into groups of three and penned cows while on horseback!

We have had some changes since our spring newsletter, as well as others that are upcoming that we wanted to share with you:

Team Promotions

We have had a few team members who received most deserving promotions.



Johnathon (Johnny) Cottingim, our farm succession junior associate, was promoted to farm succession associate. From joining the firm as an intern to today,

Johnny has stepped into each position with the goal in mind to absorb and learn everything he can, and to be one of the best farm attorneys for his clients.



Heather Luce, our Client Relations Coordinator, was recently promoted to the newly created role of Client Relations Director. She will continue working with each new and seasoned client to bring them a smooth and seamless client experience.



Katie Miner, our Office Operations Coordinator, was promoted to the newly created role of Chief Operations Officer (COO). She will continue to oversee firm-wide projects and events, as well as assist leadership in implementing policies and procedures.

We are thrilled to celebrate the accomplishments of these individuals and to continue watching their success. Along with those mentioned, we have had a few other additions to our team that we are delighted to introduce to you throughout this newsletter, as well as articles, tips, and topics we believe you will find valuable.

Meet Our New Staff!



Chase Rodemann *Paralegal*

Chase Rodemann joined Wright & Moore Law Co. in April 2025, joining the Farm Succession & Legacy Preservation team as a paralegal. Having previously worked in finance as well as estate planning and elder law, Chase brings a unique perspective to our planning process, ensuring that our clients are properly equipped to protect what means the most to them and feel confident doing so.

Chase graduated from The Ohio State University in 2021 with a degree in French and minors in Psychology and International Studies. He also completed his Post-Baccalaureate Certificate in Law & Paralegal Studies at the University of Cincinnati, finishing in August 2025. Growing up spending time at his grandma's farm in Union County, he is grateful to have the opportunity to help farming families protect their legacy.

In his free time, Chase enjoys spending time outside – whether it be golf, hiking, exercising, or going on long walks with his partner, Cassie.

Amber Moreland *Legal Assistant*

Amber joined the Wright & Moore family in July 2025 as Legal Assistant for Landowner Advocacy and Rural Development. Her extensive background in real estate and community engagement brings a valuable perspective to her role, where she supports clients navigating complex land use matters and helps champion the interests of Ohio's rural communities.

Amber offers nearly three decades of experience in

real estate and community-focused administration. Her career began in 1995 at a small title company owned by her mother, where she developed a deep understanding of property transactions. Eager to expand her knowledge, Amber transitioned into other roles within the real estate field.



After nearly 20 years in the real estate industry, she embraced a new opportunity that aligned with both her professional skills and community values. This role allowed her to remain rooted in her community while taking on meaningful initiatives. She was instrumental in managing financial assistance programs, overseeing youth outreach efforts such as Junior Fair and scholarship programs, and supporting local governance. Additionally, Amber played a key role in advancing strategic initiatives and organizational objectives, helping to align internal operations with long-term goals and community needs.

Amber is also an active civic leader, having served on several boards including the United Way of Morrow County, the Morrow County Chamber of Commerce, and The Tomorrow Center.

At the heart of Amber's life is her family. She is the proud mother of Brock and Kelly and shares a close bond with her extended family, including nieces she considers her own. Outside of work, Amber enjoys shopping, diving into true crime podcasts and documentaries, reading psychological thrillers, and spending time with friends—her “bonus family”—at weekly trivia nights and social gatherings.

Elizabeth Fisher Junior Associate

Elizabeth joined Wright & Moore in July 2025 as Junior Associate on the Farm Succession and Legacy

Preservation team, with a focus on estate and business planning.



Elizabeth grew up on a beef cattle farm in Jackson, Ohio and was active in Pike County 4-H: showing cattle, hogs, sheep, goats, and rabbits, and being a member of the Junior Fairboard and Livestock Judging Team. She graduated from Waverly High School, where she was active in sports and band, as well as local community groups. Elizabeth attended The Ohio State University and graduated with a Bachelor of Science in Sports Industry. After five years in the sports and entertainment world, Elizabeth attended Capital University Law School, where she graduated with degree concentration areas in transactional and regulatory law.

Prior to joining Wright & Moore, Elizabeth worked at the Ohio Department of Taxation as an Attorney Hearing Officer, with a focus on sales and use tax appeals. She is excited to get back to her roots and serve the agricultural community in Ohio.

Outside of work, Elizabeth enjoys spending time with family, friends, and her blue heeler, Callie, attending sporting events, traveling, reading, kayaking, cooking and baking, and spending time outdoors.

Policy Changes

Changes to our “Terms of Representation” will come with all new and updated Fee Agreements as of January 1, 2026:

Updates: Invoicing & Payment Procedures

- Wright & Moore can invoice monthly if desired or provide an annual invoice for tax purposes.
- Wright & Moore aims to provide copies of

invoices to you at least twice before they are past due. If a balance is unpaid or not on a payment plan 180 days after the invoice date, you will be charged a collection fee of 20% of the outstanding balance to reimburse Wright & Moore for the utilization of a third-party collection agency. You agree that if Wright & Moore is not paid within 180 days of the original invoice due date and the balance is referred to a third-party collection agency, you will pay the collection fee in addition to the original balance due.

If you believe interest charges were levied in error, please contact our team to discuss the issue. If your invoice has accumulated a monthly interest charge and such charges are not paid in full along with the principal, we will not automatically discharge the accrued interest. If you would like Wright & Moore to waive the accrued interest, you may submit a request in writing, which Wright & Moore may approve or deny at its discretion. If denied, or if no request to waive interest is submitted, your accrued interest may be billed separately to you until paid in full or be applied to future projects.

Frequent late payments on different project invoices, creation of an exceptionally late balance (180 days or more past due), or initiation of collections efforts against you are all grounds for termination of the attorney-client relationship. At any time during the course of representation, if Wright & Moore determines that you are habitually late in paying your invoices, we may provide a notice of warning to you or, at our discretion, provide a notice of termination and return your file.

Additions: Engagement (by present or new clients)

- Wright & Moore does not provide free consults. We will use our reasonable discretion in staffing fees, administrative costs, legal research solutions, and selection of attorneys to provide services in the most efficient and economical manner to you. Additional meetings, neglecting proper intake, or not completing client-responsible tasks will drive up those costs. Upon request, we can normally provide a good faith estimate of your fees at the first meeting or call.

At the onset of engagement, our team will work with you to acquire important documents, information, and details crucial to your project. This intake process is essential to successful representation. Please help us help you by providing the requested items in a timely fashion before the meeting. Failure to do so may result in Wright & Moore cancelling or rescheduling your meeting due to insufficient information.

Our firm currently operates on a waitlist system for new business due to existing client volume, high referral numbers from clients and partners, and low supply of farm and land attorneys in rural areas. We are often scheduling 2-4 months ahead at any given time, so, it is very important that you keep scheduled meetings and calls. We understand that issues arise at work, home, and on the farm, but please notify us as soon as possible if something comes up. We will do our best to accommodate changes, which may include holding a phone or video call.

Please note that attempts to reschedule may postpone your project for several months. If you frequently reschedule the same meeting, no-show for a meeting, fail to complete the intake process, or cancel at the last-minute, it may result in a fee of up to \$300 per cancellation on your project invoice.

A Note to Our Valued Clients

We want to share that Nicole Steiner has left Wright & Moore effective August 28, 2025 and is pursuing a new opportunity with the Ohio Attorney General's Office. We thank her for her contributions to our firm, and we wish her all the best in this next chapter.

If you are a client who worked directly with Nicole, you have the right to decide who you would like to handle your legal matters. You may choose to stay with Wright & Moore, or select another attorney of your choosing.

Whatever you decide, our goal is to make this transition as smooth as possible for you. Please don't hesitate to reach out to us at (740) 990-0750 — we're here to answer any questions and help ensure your needs are met without interruption.

Big News at Wright & Moore!

We're thrilled to announce a change that has been in the works for some time — Wright & Moore is moving from sole ownership under Ryan Conklin for the past 4 years to a partnership! What has previously been a single endeavor with the incredible assistance of a fabulous team is now a trio of talent, teamwork,

and trust. The addition of Evin & Andy reflects our collaborative spirit, commitment to agricultural law, and the shared vision that keeps our firm strong.

Congratulations Andrew Wecker & Evin Bachelor! Welcome to the Wright & Moore Ownership Group!



Ensuring a Smooth Onboarding & Intake Process

By: Heather Luce, Client Relations Director

Estate planning is an important step for every family, but for farmers, it carries extra weight. Your land, equipment, and business represent not only your livelihood, but also your legacy. At Wright & Moore, we understand that the first steps in working together—what we call the onboarding and intake process—set the tone for your entire planning experience. When this process is organized and clear, it saves time, eases stress, and ensures your family's goals are fully understood.

To help things go smoothly, here are a few tips to keep in mind as you get started:

Know What to Expect

The first few conversations can feel overwhelming, especially when discussing farm succession and estate planning, but knowing what to expect can help. Although every family's situation is unique, there are three key phases to every estate planning project:

1. **Information Gathering (Intake Phase)** — We start by collecting background details, family information, and key documents.
2. **Planning Phase** — This is where we will be working with you to develop and review strategies tailored to your goals.
3. **Document Finalization** — The last step is a final review and signing the legal documents that will put your plan in place.

Understanding these steps ahead of time can make the process less stressful and help you feel confident about moving forward.

Review Your Welcome Materials

When you begin working with us, you'll receive a welcome packet that includes an engagement letter, a guide to the estate planning process, and a Family and Asset Information Packet for you to complete

and return. These materials are designed to answer common questions, outline what to expect, and help you get organized before your first meeting.

Complete the Information Packet

We know paperwork isn't anyone's favorite task, but it's one of the most important parts of getting started. Our intake forms are designed specifically for farm families, capturing essential details about land ownership, equipment, business entities, and succession goals—not just basic financial information.

You can complete the packet electronically or on paper, whichever method you prefer. Taking time to fill it out thoroughly ensures we have the full picture of your operation and can provide the best possible advice.

Gather Key Documents Early

One of the biggest causes of delays in estate planning is missing or incomplete information. To help things move efficiently, gather important records before your first planning meeting. This might include:

- Property deeds
- Partnership or business agreements
- Loan and debt documents
- Account and insurance statements
- Prior wills or trusts

Having everything ready from the start allows us to dive into planning right away and prevents unnecessary back-and-forth later.

Take Advantage of Flexible Communication

We know farm life doesn't always follow a 9-to-5 schedule. That's why we offer flexible ways to stay in touch—by phone, email, online client portal, or in

person—so you can connect in the way that's most convenient for you. Our staff is readily available to help answer your questions, ensuring you always have a reliable point of contact.

Balance Efficiency and Understanding

Estate planning isn't just about legal documents—it's about people, relationships, and long-term family goals. We recognize that these conversations can bring up sensitive topics, especially when it comes to dividing assets or planning for the next generation. During intake, we take the time to listen and understand your priorities, so you feel comfortable sharing what matters most to you.

Continuing to Improve the Process

We're always looking for ways to make onboarding easier and more efficient. Client feedback helps us refine our forms, communication tools, and educational materials, ensuring that each new client experience is even better than the last.

At the end of the day, onboarding and intake are about much more than forms and documents—they're about building trust and setting the stage for a lasting partnership. When the process is simple, clear, and compassionate, it allows us to focus on what truly matters: protecting **your farm, your family, and your legacy**.



Keeping the Farm on Solid Ground: Why It Pays to Update Your Business Documents

By Johnathon Cottingim, Attorney

While running your farm, you are considering what is best for the crops, the cattle, and even the equipment. Beyond those day-to-day operations, it's

also important to consider what is best for the long-term health of your businesses. Most farms now operate as LLCs, partnerships, corporations, or some

combination of all three. These setups often come with “rule books” such as operating agreements, bylaws, and partnership agreements that spell out how to run the business. But here’s the thing: just like fences and machinery, those documents need maintenance too. If they’re not reviewed and updated from time to time, they can create problems that cost far more than a few hours of paperwork. Failing to keep these documents up-to-date can lead to inefficiency, confusion, and even costly legal disputes. Here’s why periodic updates are essential.

1. Laws and Regulations Change—Your Documents Should Too

Agriculture is affected by changing tax laws and business regulations just like most other industries. What worked when you formed your LLC or partnership may not fit today’s requirements. Outdated documents could mean you’re not following current laws or even missing out on better protections or treatments that new laws allow. For example, recent legislation has changed several definitions in the Farm Service Agency (FSA) handbook. One of the changes now allows an LLC to receive the same treatment as a partnership for FSA payment limitation purposes. A legal review every few years can make sure your business stays compliant and well-protected.

2. Your Farm Operation Evolves Over Time

Maybe new family members have joined the business. Maybe ownership has shifted, or you’ve diversified into new areas like agritourism or custom harvesting. If your documents don’t reflect these changes, you could be setting yourself up for confusion later, especially when it comes to decision-making, profit sharing, or succession. Keeping your paperwork current ensures everyone knows where they stand and how the business operates today—not ten years ago. It can also provide security for the next generation by outlining where they are going.

3. Clear Roles Prevent Family Disputes

Many farm businesses involve multiple generations or family partners. Without clear, up-to-date documents, misunderstandings about who’s in charge or who is responsible for what tasks will lead to conflict. We do not recommend going to the governing documents for every decision, but when big decisions are being made, it is important to consider the rule book. Revisiting your agreements gives everyone a chance to

clarify roles, responsibilities, and expectations before problems arise.

4. Planning for Growth, Loans, or Transitions

If you’re expanding, borrowing money, or preparing to transition the farm to the next generation, lenders and advisors will look closely at your legal documents. Outdated or inconsistent paperwork can raise red flags and slow down financing. They can also wreak havoc with an estate plan if the old documents do not allow the estate plan to function properly. Having clean, current records shows you run a professional operation and helps everything move more smoothly.

5. A Little Maintenance Now Prevents Big Problems Later

Too often as a firm we see clients forced to go through a buyout with impractical terms because documents were not reviewed. Twenty years ago, a 5 year buyout period on a land owning LLC might have made sense. Today, for most families that period needs to be closer to 20 years because of the increase in land value. Some old documents even require a buyout to be funded by a life insurance policy solely. More often than not, that policy is no longer sufficient to cover the value of the buyout.

Think of your governing documents like your farm’s insurance policy for decision-making and buyouts. You may not think about them every day, but when something unexpected happens, like a partner leaving, a death in the family, or a new opportunity, you’ll be glad they’re current and clear. Regular updates help you avoid confusion, costly legal disputes, and unnecessary stress. The worst time to try and make updates is when another stressful event is going on.

6. How Often Should You Review Them?

Just like estate plans, a good rule of thumb is to review your governing documents every 3-5 years, or any time there’s a major change in ownership, leadership, or farm structure. This allows Wright & Moore to stay up to date with your business and to make sure everything lines up with your goals and current laws.

Your farm has likely changed over the years; your paperwork should too. Keeping your governing documents up to date is a simple but powerful way to protect your family, your farm, and your legacy for future generations.

Deeds? TODs? Affidavits? Making Sense of Real Estate Transfers from the Paralegal Lounge

By Chase Rodemann & Paul Hansen, Paralegals

Working as legal assistants for the firm comes with extensive efforts in the real estate department. Alongside Danielle and Amber, we process all property transfers executed as part of a farm succession or rural development plan. As with any real estate transfer, there are a plethora of deed “types” to select from when determining how to most effectively convey property in alignment with the plan’s goals. Below we discuss a few of the more common real estate documents, how they’re used, and provide example circumstances where each type of document might make the most sense.

Quitclaim Deeds are among the most common documents we use for real estate transfers. The term “quitclaim” comes from the idea that the Grantor—the current property owner(s)—“quits” (releases) any claim to the property, transferring whatever interest they may have to the Grantee, the person(s) receiving it. We typically see quitclaim deeds in transfers between family members or when transferring property into an LLC. In the majority of these transfers, no money is exchanged.

Unlike other types of deeds, such as warranty deeds, quitclaim deeds make no promises about the status of the title. In other words, the Grantee takes the property ‘as-is,’ without assurances against lien or ownership disputes. For that reason, they’re rarely used in arm’s-length transactions with strangers, such as purchasing a new house from an unfamiliar seller. When greater assurance about the title status is preferred, we seek a more suitable document.

Warranty Deeds are the opposite of quitclaim deeds, providing the most title protection for a buyer. This means that the Grantee on a warranty deed is receiving a guarantee that the title is free of any ownership conflicts throughout the property’s history. Depending on the type of warranty deed, this assurance can be provided on the entire history of the property or just during the Grantor’s period of ownership. There are two types of Warranty Deeds:

- **General Warranty Deeds** provide the highest level of protection. The Grantor guarantees that the property’s title is clear of any defects or claims throughout the entire history of the property, not just during their tenure as owner. This means the Grantor is legally responsible for any title issues that may arise due to the previous chain of ownership.
- **Limited (Special) Warranty Deeds**, on the other hand, only guarantee that the title was free of defects during the Grantor’s period of ownership. If a title problem should arise from a previous owner, the Grantee would bear that responsibility.

A **Fiduciary Deed** is used when the Grantor is transferring property in a fiduciary capacity. The most common example of this is moving real estate out of a trust. In this case, the Grantor of the deed is usually a trustee acting on behalf of the trust. A fiduciary deed guarantees that the Grantor is acting on behalf of their duties as a fiduciary, or, in other words, that the trustee is allowed to convey the property on behalf of the trust. While fiduciary deeds are similar to quitclaim deeds in that they do not offer a heightened level of title guarantee, we use them frequently for estate plans that involve trust planning.

Survivorship Deeds are best-used to put a property into survivorship, allowing it to pass to the surviving Grantee upon the first Grantee’s death. If real estate is owned jointly, it doesn’t always mean it’s in survivorship. If the property isn’t in survivorship, probate may be needed to execute a transfer of the deceased grantee’s interest to the surviving grantee. A survivorship deed ensures that this process can occur outside of the court’s involvement, just by filing a separate document: an **Affidavit of Survivorship**.

As mentioned above, the **Affidavit of Survivorship** is a document most commonly filed after a survivorship-deed-grantee passes away. This document notifies the county that the grantee has passed away, and that now the full, vested interest is under the name of the

surviving grantee. A death certificate must be included with this document when it is submitted for recording.

The last document we'll cover is a **Transfer-On-Death Designation Affidavit**, commonly referred to as a **TOD**. This Affidavit allows our clients to notify the county of who they'd like to receive the property upon their passing. While filing this document does not initiate a transfer of ownership, it puts a beneficiary on the property - ensuring it will pass to the named individual outside of the probate process. A TOD can be filed for any real estate you own, regardless of which document above was used to originally convey the property to you.

No matter the circumstances, you can rest assured that Wright & Moore's team of legal assistants are ready to prepare whatever real estate documents may be needed. Thanks for stopping by the Paralegal Lounge to learn a little more about real estate. Until next time!

Asset Protection: Can an LLC protect you from the unexpected?

By Elizabeth Fisher, Attorney

Imagine you're driving down the road and your phone starts ringing. You look away from the road to pick up the call and by doing so, lose control of the vehicle and cause an accident that results in the death of another person. This scenario was all too real for a rancher in Wyoming. But as a rancher with thousands of acres, the decedent's estate decided to skip on the insurance payout and tried to go after the rancher's land believing that the payout from obtaining that land would be greater than any payout the insurance company was willing to give.

You may be wondering what happened to the rancher's land. Well, the good news is that the rancher had the land in a Limited Liability Company (LLC) prior to the accident. The LLC provided the necessary protection to keep the decedent's estate from touching the rancher's land and allowed the land to be preserved for future generations. But, in general, there are plenty of farms within our state that operate with a



farm name when the farm actually doesn't receive the protection an LLC can provide.

As a general note, LLCs are utilized as another form of asset protection that can be coupled with estate planning to secure your assets from many forms of creditors. At Wright & Moore, we typically utilize two different types of LLCs depending on the client's goals: operating and land. An operating LLC is where machinery, livestock, and any assets that can move are housed, while the land LLC is reserved for real estate and land improvements. The distinction between the two is based on the risk of assets. Due to their mobility, machinery and livestock are considered high risk assets and carry a higher probability of being involved in an accident, whereas land and the improvements on it are less likely to be involved in an accident. Separating the high and low risk assets provides further protection for the land because it prevents any type of creditor from reaching the ground, which is difficult to replace should it be lost.

There are also some tax benefits that come with setting up LLCs. Operationally, if you set up both an operating and land LLC, we typically set up the LLCs so that the operating LLC leases the land from the land LLC. This effectively reclassifies the income from earned income to unearned income due to the rent payment, which can reduce your self-employment tax. Furthermore, if your operation is currently only run by a single person, no tax return needs to be filed for the LLC as a single-member LLC doesn't require its own tax return. However, with this said, most operations we see are operated by more than one person, so those would require an individual tax return for the LLC prior to any individual tax return each member would personally file. As with most tax matters though, it's always a good idea to discuss changes in your farm financials with your tax professional.

In preparation for your next meeting with your estate planning team, if you're interested in exploring setting

up LLCs, there are a few things for you to consider. First, LLCs can take some time to get up and running. Each farmer is used to running their operation as they do on a day-to-day basis. However, once registered with the Secretary of State, one of the main documents that will accompany your new entity paperwork is an operating agreement that lays out guidelines and rules to how the LLC should run. This agreement can oftentimes require more formal processes that aren't considered in operational processes, such as recording meeting minutes and tracking membership interests.

Secondly, if you're planning on having multiple managing members, you'll need to think about what membership percentage you want each member to have. We typically include membership certificates that lay out how much business interest each member owns, which in turn also works with the operating agreement in restricting the ability for those business interests to move outside of the members of the LLC. Those certificates can also include a transfer-on-death designation, so you can decide how your business interests move following your death.

Moreover, you should consider how those interests are valued to begin the operation of the LLC. Each member will make contributions to the LLC, which can take the form of cash, land, or crop inputs to fund the LLC's operation. Figuring out how much and when these contributions will occur is an important part in setting up the LLC. Lastly, a major consideration is the members' ability to work together. Sometimes adding a business entity to a familial relationship causes unneeded stress and can lead to poor relations down the road. So, as you consider adding LLCs to govern your operation, evaluate how current operators work together and whether adding formal operating guidelines could heighten the chance of conflict.

In short, LLCs can provide essential asset protection for you and your farming operation. While tax benefits are possible depending on the setup, there are quite a few considerations that go into the planning and setting up of the entities. We suggest talking through the setup and operation process with your attorney to see if LLCs are the right estate planning tool for your farming operation.

Tax Basis Planning: Ways to Achieve a Stepped Up Tax Basis in Farm Succession

By: Evin Bachelor, Attorney

The stepped up basis is typically good for farm families, but how do we get it?

The short and sweet answer is that a stepped up basis is received when an asset is part of a decedent's taxable estate at his or her passing. The basis in the asset is "stepped up" to the fair market value on the date of the decedent's death.

The primary ways farm families receive a stepped up basis are through actual ownership, retained interests, and granted interests.

First, actual ownership of an asset by a decedent accomplishes a stepped up tax basis as to that portion of the asset owned by the decedent at death (except for married couples in community property states). This is true regardless of whether the asset passes through the decedent's probate estate or is pay on death or transfer

on death to an heir.

Second, a retained interest in an asset previously owned by the decedent can accomplish a stepped up tax basis when the transfer was made subject to certain reserved rights for the decedent's life. Common examples include life estates and irrevocable grantor trusts.

A life estate is where an owner transfers title to another but reserves the present use and enjoyment of the asset for life.

An irrevocable grantor trust is where an owner (the Grantor) transfers title to a trustee with the instruction to hold onto the asset for the Grantor's lifetime. To be included in the Grantor's taxable estate, the Grantor commonly reserves a limited power of appointment to change beneficiaries of the trust among specific

classes of individuals (often family) and the right to receive the income of the trust.

Third, a granted interest accomplishes a stepped up basis when the decedent never actually owned the asset but a third party granted the decedent certain rights to or powers over the asset. Common examples are “QTIP” assets and General Power of Appointment assets.

A spouse may create and fund a trust with assets that, upon their death, benefits their surviving spouse for life, but then ultimately will be distributed to beneficiaries selected by the spouse who created the trust. By default, the asset would not be owned by the surviving spouse and therefore not included in the surviving spouse’s taxable estate. However, a trust can permit a tax election to include these assets in the surviving spouse’s taxable estate. We call this a “Qualified Terminal Interest Property” election, or “QTIP” election.

A General Power of Appointment is when the actual owner of an asset gives a third party the ability to determine what happens to the asset without necessarily giving the asset to the third party. The IRS considers this power to be so strong that it deems the asset included in the third party’s taxable estate.



When Do We Not Want the Stepped Up Basis in Farm Succession?

Believe it or not, some farm succession planning goals are best achieved through giving up the stepped-up tax basis.

Farm families who want simple nursing home asset protection, next generation collateral acquisition, or estate tax mitigation may consider foregoing this popular tax advantage.

In all three cases, the gift giver makes a completed

gift of the asset to one or more gift recipients. Because the gift giver cannot be considered the owner for tax purposes when they die, no stepped-up tax basis is received by the gift recipient.

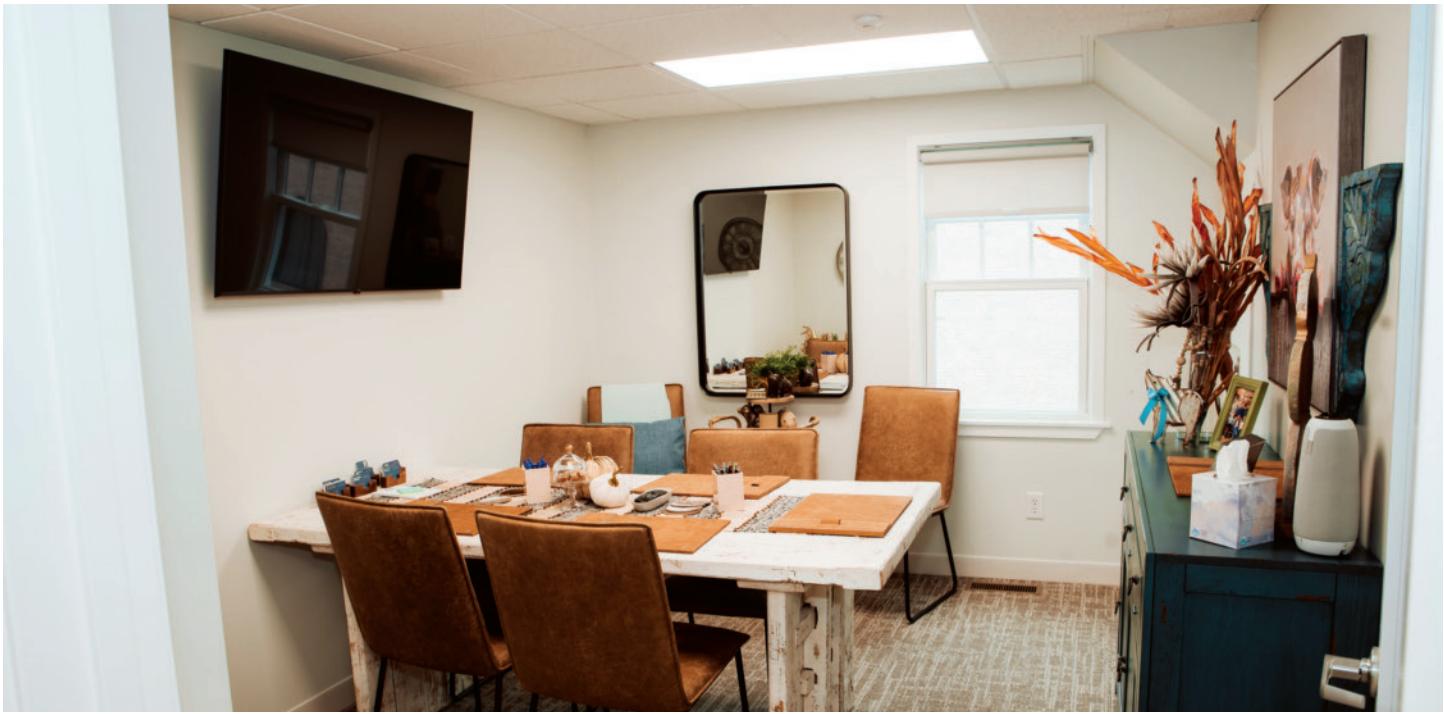
First, many nursing home asset protection strategies achieve a stepped-up tax basis via a retained interest in a gifted asset, meaning that the gift is not completed for tax purposes. However, a family that cannot afford an expensive Medicaid Asset Protection Trust or does not want to risk a retained life estate being subject to a Medicaid spenddown or estate recovery (which are risks in Ohio) may choose to give away 100% of an asset.

By entirely removing the gift giver’s name from the title, all the asset is considered the gift recipient’s and no longer subject to the gift giver’s creditors (save for the 5-year look back and fraudulent transfers). This can be achieved simply by signing a deed or car title over to a child. When there are multiple children, transferring assets to a Limited Liability Company and then gifting the membership in the Limited Liability Company can provide guardrails for the children to own and manage the assets together.

Second, the next generation may need collateral in order to expand a farming operation, but the older generation does not want to be on the loan. Some parents gift assets they no longer need to their children or complete the transfer as an advance on an intended inheritance.

Third, giving away assets expected to increase in value may help mitigate estate taxes for the heirs of a person with a high net worth. To illustrate, a person owns a \$12 million farm that is expected to be worth \$20 million in 10 years. She gifts the farm to her children now. She must report the \$12 million gift to the IRS, which uses up much of her estate tax/unified credit exemption of \$13.99 million (2025). When she dies, the \$10 million increase is not included in her estate and therefore not subject to estate tax. Her children are better off paying a 20% capital gains tax on the appreciation without a stepped-up tax basis than a 40% estate tax on the same appreciation with a stepped-up tax basis.

While the stepped up tax basis is often viewed as a positive goal in farm succession, we as your attorneys in coordination with your accountant may advise that other goals need to override the stepped-up tax basis in your farm succession plan.



Cell Towers, 4 Million More People (?!?) and Lake Erie

By Andrew Wecker, Attorney

We're going to cover 3 things here. First, from just a quarter acre, a cell tower can mean 5-figure annual rents and 6-figure sales while bringing better coverage to you and your neighbors. Next, we'll take a step back to consider two things relating to our entire state as far as smarter growth to better protect our agricultural green fields and heartland.

Navigating Cell Towers on Your Ohio Farm: Key Considerations for Landowners

Ohio farmers are increasingly approached by telecom carriers seeking to lease land – or buyout leases – for cell towers and wireless infrastructure. These long-term agreements — often spanning 25 years or more — can provide valuable supplemental income, with monthly rents ranging from \$800 and up, depending on location, carrier demand, and site specifics. Buyouts using perpetual wireless specific easements can be monetized into IRC § 1031 replacement properties.

Yet, amid the promise of steady revenue, these leases and buyouts pose pitfalls. Low escalators (now

averaging 2% annually instead of rate of inflation), exclusive access easements, buyout offers that undervalue future income, and rights of first refusal can potentially cost hundreds of thousands over the lease term. Consider co-location clauses, which boost rents when multiple carriers share the tower.

At Wright & Moore, we help clients review leases and buyout offers to weigh pros (e.g., quality income streams and improved rural connectivity) against cons, from tax implications to decommissioning obligations.

Ramaswamy's Vision for Ohio: 4 Million More People??

Gubernatorial candidate Vivek Ramaswamy declared that Ohio's current 11 million residents—and declining—could swell to 15 million and growing under his leadership as governor, as reported by the Dayton Daily News in August.

He may well have some good things to say about his ideas for education reform, energy abundance, and economic incentives to retain and attract residents.

But 4 million additional people in Ohio? Where does he want to put them? When did he last talk with young people entering the housing market - or farmers hard-pressed by development? Is he thinking in terms of redeveloping within our existing big cities and small towns? If not, where will the housing, roads, and utilities go? Can we really afford to maintain and redevelop older communities while we build new ones?

As observed recently by Prof. Gabriel Lade at The Ohio State University:

"In total, between 2000 and 2020, Ohio saw around 625 square miles of Census-designated areas change from rural to urban. Total land area in the state is around 44,773 square miles, so this represents about 1.4% of the state's area."

"While small on a percentage basis, this area adds up. Columbus has a land area of around 220 square miles, so we're talking about an area nearly three times the size of the state's largest city being converted to urban use over these twenty years."

As advocates for Ohio's agricultural heartland, we at Wright & Moore acknowledge that Ohio's future prosperity hinges on balancing growth with preservation. We're here to help clients navigate these policy shifts—whether through estate planning for expanding families or advocating for agriculture.

Unify Ohio Under 1 Corps of Engineers Office to Promote Redevelopment and Protect Heartland and Groundwater

Ohio is currently fragmented across 3 different U.S. Army Corps of Engineers (USACE) districts: the portion of Ohio that drains to Lake Erie is covered by the Buffalo Corps District, while the portion of Ohio that drains to the Ohio River is handled by the Huntington and Pittsburgh Corps Districts.

The Buffalo Corps District's regulatory program has long been notoriously slow and challenging. Permit applicants that have projects in other portions of Ohio have long recognized this.

Economic development projects that might take place on urban and inner suburb sites in Northern Ohio are often passed by because sites contain poor quality wetlands (many times dominated by non-native invasive wetland plant communities) and are avoided in favor of rural greenfield sites that have little or no regulatory challenges. The unintended consequences of these actions result in the need to build additional infrastructure and utilities. This challenges rural communities, schools and emergency services. Meanwhile, the environmentally challenged sites that are avoided remain in poor condition and often continue to deteriorate.

Large scale economic development projects in the Lake Erie Basin have faced regulatory challenges as well, even those proposed in outlying rural areas. Ohio counties in the Lake Erie watershed are blessed with a bounty of natural resources, and large development sites often include possible impacts to natural resources that require permits from the USACE. The slow and often indeterminate permitting process in the watershed has resulted in large scale economic development projects selecting sites located outside the Lake Erie basin, whether to other parts of Ohio or different states.

Leadership within the USACE has long been aware of the ineffective regulatory program in the Buffalo District but have failed to achieve meaningful and sustained improvement. Due to the inability of the USACE to change the culture of the Buffalo District regulatory program, many believe that the USACE regulatory program in Ohio should be consolidated into a single statewide regulatory program operated by the Huntington District in West Virginia.

Shifting oversight of the Corps regulatory program for the entire state to the Huntington District could be transformative for the Lake Erie Basin in Ohio. A unified approach would streamline permitting and funding, prioritizing brownfield redevelopment in cities like Cleveland and Toledo over sprawling suburbs located inland. This fosters sustainable growth by revitalizing contaminated sites, upgrading water infrastructure, and boosting economic vitality through enhanced ports and tourism.

Consolidation makes sense in many ways for permit applicants as well as environmental fiscal considerations. The federal budget is in dire straits and now is the time to streamline the USACE regulatory program (in Ohio and across the nation) to achieve better efficiencies and better environmental outcomes.

Environmentally, consolidation will lead to cleanup of degraded sites and help conserve rural lands by reducing impediments to redevelopment of degraded land. In turn, this win-win scenario can reduce habitat loss and help improve water quality in Lake Erie. For Ohio, this means stronger communities, job creation, and a more balanced future—proving that integrated management under Huntington isn't just efficient; it's essential for the resurgence of the Lake Erie Basin economically and environmentally.

Christmas in July: The Gift of the One Big Beautiful Bill Act

By: The Farm Succession and Legacy Preservation Team

Over the past five years, the Wright & Moore team has drafted countless articles and advertorials about the impending tax sunset. For years, the end of 2025 marked the demise of several pieces of the Tax Cuts and Jobs Act of 2017. Income tax brackets, estate taxes, depreciation, and other areas were all marked for a reset.

Well, Christmas came early this year. President Trump and Congress enacted the One Big Beautiful Bill Act of 2025 (OBBBA) on July 4. This new law brought much-needed relief to America's farmers, ranchers, and landowners, many of whom were facing difficult decisions if the sunset came to pass.

Instead, as 2025 comes to a close, Ohio farmers and landowners will see the effects of the OBBBA play out next year. After attending several estate and tax conferences these last few months, the farm succession team is ready to pass along its findings to our clients and discuss some planning strategies.

Quick hit summary

As with any major piece of legislation, there is plenty of detail and complexity. The OBBBA is no different, clocking in at 900 pages. Let's explore some highlights of the new law. Of course, if you need more context on specific changes, contact our office or talk with your tax professional.

Income Taxes

- The income tax rates and brackets from the Tax Cuts and Jobs Act of 2017 are "permanently" (more on that later) extended.
- The standard deduction permanently increased.
- Bonus depreciation is permanently installed in the Internal Revenue Code (IRC).
- The OBBBA increased the Section 179 depreciation deduction to \$2,500,000, indexed for inflation, with a phaseout beginning at \$4,000,000.
- Beginning in tax year 2026, the 1099-MISC and 1099-NEC payment amount increases to \$2,000.
- The 50% deduction for meals for employers ends at the end of 2025.

- Deductions for seniors, child tax credits (including other dependents), carbon sequestration, and clean vehicle credits were all modified.

Estate Taxes

- The OBBBA adopted a permanent reset of the estate tax exemption amount.
- Starting January 1, 2026, the lifetime credit for each person is \$15 million, adjusted annually for inflation.

Farm Programs

- The OBBBA featured several modifications to traditional farm bill rules.
- Crop insurance premium support subsidies are set to increase by 3-5%, with added benefits for beginning farmers and ranchers.
- For commodities, the OBBBA increased all statutory reference prices, and those prices will automatically adjust each year starting in 2031.
- The 2026 crop year offers a one-time voluntary opportunity to submit new base acres, but the total across the country cannot exceed 30 million acres.
- ARC, PLC, and DMC programs were all reauthorized until 2031, at which point pricing will start to adjust.
- OBBBA relaxed the rules regarding payment limitations for LLCs and S-corporations, allowing actively engaged members or shareholders to be eligible for additional payment limitations.
- Payment limitation amounts increased from \$125,000 to \$155,000, and this provision carries an annual inflation adjustment.
- Adjusted gross income (AGI) rules are also more farmer-friendly.

Other Farm-Specific Provisions

- Taxpayers can elect to pay capital gains from the sale or exchange of farmland to qualified farmers over four years.
- The sale must include a deed restriction requiring the property to be farmed for ten years after the sale.

Can the OBBBA provisions change?

In our summary above, you saw the word “permanent” a few times. The changes in tax code or farm rules are permanent until they are changed by Congress and the president. Neither a president nor Congress can unilaterally change these rules.

So, we are confident that the rules will remain intact until at least 2029. Even if the midterm election results in massive changes in Congress, President Trump would most likely veto any bill that modifies his signature legislation. The next pinch point could come in the 2028 general election since it is the next opportunity for the White House to change hands.

What does the OBBBA mean for your succession plan and businesses?

Estate tax management and sunset planning served as the focal point for the farm succession team for eight years. It posed such a threat to our clients that we had to divert most of our attention to that one issue.

Now, the OBBBA allows us to move our efforts to new subjects. The farm succession team assembled a list of focus areas for you and your plans going into 2026:

- First, if your net worth is around \$25 million (married) or \$12 million (single), estate taxes are still a concern for you. Appreciation of farm assets faster than overall inflation means that high net worth landowners will continue to face estate tax risk. Make sure to keep accurate financials that show full value of assets, watch appreciation of cash and land, and talk to your professional team about estate tax management strategies.
- We are very excited to break into “offensive basis planning.” This is a form of tax planning that, when executed properly, maximizes the tax basis benefits, depreciation, and positive income tax outcomes for farmers and landowners. Offensive basis planning is going to be an exciting field to examine for our clients in the coming years.
- Johnny prepared a great piece about updating business documents. Many buyout provisions in operating agreements or buy-sells are outdated, and this is a window to update those forms based on current farm or land conditions.
- Next, we want to target “good ol’ fashioned farm

succession.” This includes farmer retirement, onboarding the next generation to the farm, merging operations across different family units, and other farm succession subjects. Transitioning a farm to the next generation remains a herculean task, and we are excited to continue to help our clients in our main practice area.

- Long-term care planning continues to be a concern in almost every client meeting. Recent conferences in estate planning describe an incoming “silver tsunami” as a reference to the aging population who will need care in the coming years. For farm families and landowners, long-term care planning presents a special challenge that requires very careful strategies. Remember, the more time you give us to plan, the better.
- Tax planning has been and continues to be a priority in our office. As we outlined above, income tax changes from the OBBBA are plentiful. We strongly advise engaging your tax professional early in the tax year to examine the OBBBA impact on your personal and business returns.
- Lastly, optimizing your Farm Service Agency payments, program participation, and contracts should be on the agenda for 2026 and beyond. The OBBBA represents a “diet Farm Bill,” with sweeping changes made to some programs. We want to ensure clients maximize their chances for federal dollars to help on the farm.

While our focus is on the above subjects, we will keep an eye out for new ways to improve clients plans that emerge from the OBBBA.

The gift that keeps on giving

As the real Christmas season approaches, we hope this piece provided a nice review of the Christmas gift that came in July. For several team members, the OBBBA represents the first major piece of legislation they have encountered in their careers. The team is excited to sink their teeth into the subjects outlined above and improve plans for our clients. We truly believe the OBBBA will be a gift that keeps giving to farmers and landowners for years to come.





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Merry Christmas

We hope everyone had a successful harvest. The holidays are upon us and as always, we are so thankful for all of our clients and partners. Your faith and commitment mean the world to us.