OF COUNSEL

Darcy M. Hamilton

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OVERVIEW

Darcy Hamilton is an experienced trusts and estate lawyer who focuses her practice in the areas of estate planning, probate and estate administration, trust administration, preparation and filing of federal and Massachusetts estate tax returns, guardianship and conservatorship.

Darcy works closely with Trustees and Personal Representatives to assist them in navigating trust and estate administration. From the outset of an estate and/or trust administration, Darcy provides her clients with a clear step-by-step overview of the process, the duties and obligations of the fiduciary, and specific direction of action items throughout the course of administration. Darcy has extensive experience in real estate title issues related to transferring property from estates and trusts. Clients and colleagues often contact Darcy for assistance with the transfer of real estate.

Darcy's estate planning clients are often families with young children. Darcy enjoys getting to know her clients and utilizes her practical experience to assist them in making often difficult decisions regarding guardians for children, choosing appropriate persons to act as trustees, and crafting plans with a focus on probate avoidance and minimization of estate taxes. Such planning includes advice regarding proper trust funding to ensure liquidity throughout the administration.

Guardianship and conservatorship matters are also a specialty of Darcy's, where she helps her clients navigate the process of initial appointment as guardian and/or conservator of incapacitated adults, as well as completing annual reporting requirements.

Before Bowditch

Darcy has over a decade of experience as an attorney in the Boston area.

Besides Work

Outside of work, Darcy enjoys spending time with her family, attending her daughters' sporting events, and barre classes.

EXPERIENCE

Wait, who owns the house?

Real estate is often sold as part of an estate administration. Clients are regularly surprised to learn that the house that has been in the family forever, passing from generation to generation or family member to family member, is riddled with title

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issues, making it impossible to sell until clear title is obtained. Darcy regularly works with real estate attorneys and title counsel to clear title to real estate, lending her expertise in probate and land court in order to ensure the sale of real property.

Avoiding Conflict in Trust Administration

At the death of her mother, a client sought assistance with the administration of her mother's trust of which she and her two siblings were the beneficiaries. Her mother had made certain advancements to one child during her lifetime which had not been clearly documented. Darcy crafted a Non-Judicial Settlement Agreement that all children agreed to execute, avoiding conflict within the family and the efficient administration of the trust.

Appointing a Successor Guardian

The parents of an incapacitated adult child served as guardian of the child until their deaths. James, a sibling of the incapacitated person, was incorrectly advised that he had been appointed as successor guardian of the incapacitated person and held himself out as such for years. Upon meeting with James and discovering that he was not in fact appointed guardian, Darcy assisted James in properly petitioning the Court for appointment as guardian and advising him in connection with his ongoing obligations as such.

AFFILIATIONS

- Member, Board of Directors, MetroWest Legal Services
- Member, Boston Bar Association
- Member, Women's Bar Association
- Member, Massachusetts Bar Association

ARTICLES & TALKS

TALKS

- Presented to executives of publicly-traded retailer on estate planning. November 2, 2022

BAR ADMISSIONS

- Massachusetts

EDUCATION

- J.D., New England School of Law
- B.A., University of New Hampshire

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