SECURING YOUR LITERARY LEGACY

A No-BS Guide to Protecting Your Book Business After You're Gone

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For: Authors who want their books to keep earning for the next 70 years

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Your Copyright Can Earn for 70 Years After You Die—But Only If You Plan Ahead

You spent years building your backlist. Those books pay your mortgage now, and under U.S. law they *can* keep paying your family for **70 years after you die** (U.S. Copyright Office, 2023). Yet most authors treat copyright like a floppy disk—hoping it'll just "work out." It won't.

This guide shows you how to stop hoping and start *directing*: what happens to your KDP account, your audiobook rights, your locked-laptop manuscripts, and the royalties your kids will fight over if you don't name a decision-maker.

How Long Does Your Copyright Actually Last?

- **Books you wrote after 1978**: Life + 70 years. If you live to 80, that's 150 years total.
- **Work-for-hire** (ghostwriting for a packager): 95 years from publication or 120 from creation.
- **Pre-1978 works**: A messy patchwork; check Circular 15 from the Copyright Office (U.S. Copyright Office, 2023).

Bottom line: your grandkids can still be earning from your debut novel. The Authors Guild calls this "one of the longest-lasting income streams in any creative industry" (Authors Guild, 2024, para. 4).

Copyright Is Property—Treat It Like Your House

You can't leave your house to "whoever finds the keys," but authors do that with copyrights every day. Copyright is **personal property** (17 U.S.C. § 201), which means:

- You can will it to one person or split it among six.
- You can sell it, license it, or park it in a trust.
- If you die without a will, state law decides who gets it—usually spouse → kids
 → parents → siblings.

The problem? Most state intestacy laws were written for farmland, not Kindle Direct Publishing accounts. They don't understand "fractional ownership of a KDP login."

What Happens When You Die Without a Plan (The Cousin-Bob Problem)

Intestate Succession = Chaos

If you don't specify who gets your copyrights, state law divides them equally among heirs. Here's how that breaks down in real life:

- Three heirs = three "equal" owners. Amazon needs *one* bank account, not three.
- **Unanimous consent required**. If Cousin Bob won't answer your daughter's emails, you can't change cover art, run a promotion, or accept a film option.
- **Royalties freeze**. KDP sends payments to the *last account on file*. If that account is closed, the money bounces. While heirs argue, your book keeps selling and the cash disappears into Amazon's limbo.

The Authors Guild warns that "fractional ownership can paralyze an estate for years" (Authors Guild, 2024, para. 7). One indie author's estate lost 14 months of KDP income because two-factor authentication codes went to a dead author's phone (Friedman, 2023).

Three Proven Estate Plans (Pick One That Fits Your Backlist)

Plan 1: Direct Transfer to One Capable Person

Best if: You have one kid who "gets" publishing; the rest would rather have cash.

How it works:

- 1. Name that person in your will: "I leave all copyrights, publishing accounts, and literary assets to [Name]."
- 2. Store your KDP/Stripe/PayPal logins in a password manager (1Password, Bitwarden) with emergency access enabled.
- 3. Give them a "literary executor letter" explaining which series matters most, which covers are dated, and which publishers owe you money.

Pros: Simple. Fast. One decision-maker.

Cons: If they die before the copyright expires, you're back to square one. Also, Thanksgiving dinner gets awkward if other heirs feel snubbed.

Plan 2: The Literary Trust (The "Professional Management" Play)

Best if: You have 10+ titles, foreign rights, audiobooks, or a six-figure backlist.

How it works: You create a trust *now* (revocable living trust) or in your will (testamentary trust). The trust *owns* the copyrights; a trustee manages them; your heirs get the income.

Literary agent Kristin Nelson recommends trusts for authors with "any complexity—multiple publishers, reversion clauses, or digital assets spread across platforms" (Nelson Literary Agency, 2024, para. 3).

Pros:

- Professional trustee can negotiate deals your kids can't.
- Avoids probate (saves 6–18 months and 3–7 % of estate value).
- Built-in succession: if Trustee #1 quits, Trustee #2 steps in.

Cons:

- Setup costs \$2,000–\$10,000 (estate attorney, not LegalZoom).
- Ongoing fees: trustee commissions (1–2 % of income) and tax prep.

Plan 3: Literary Executor in Your Will

Best if: You have a moderate backlist and want professional help *only* during the transition.

How it works: Your will names a literary executor (separate from your regular executor) who has power over copyrights for 1–2 years while the estate settles. They can revert rights, close deals, and hand a clean portfolio to your heirs.

Pros: Cheaper than a trust; expert guidance when your heirs are grieving and confused.

Cons: Their authority ends once probate closes. Long-term management still falls to heirs.

Indie vs. Traditional: You Own Different Things—Plan Differently If You're Self-Published (Indie)

You own everything: the Word file, the cover PSD, the audiobook rights, the KDP login, the reader mailing list.

Your homework:

- 1. **Digital Asset Inventory** (update every 6 months). Store in a shared Google Sheet:
 - KDP, IngramSpark, Draft2Digital logins (use a password manager).
 - ISBNs, ASINs, and which platform each is tied to.
 - Cover licenses: Did you buy it outright, or is it "licensed for one edition"? (The Book Designer, 2024).
 - Editor/formatter/narrator contracts: Are they work-for-hire, or do they own a piece?
- 2. **Platform Access**. Amazon KDP *does* allow account transfers after death, but requires a death certificate, letters testamentary, and a notarized agreement (Amazon, 2024). That takes 8–12 weeks. During that gap, your books can be delisted if payment info fails.
- 3. **Payment Processors**. Stripe and PayPal freeze accounts on death. Link a business bank account the estate can keep open, not a personal checking account.

Pro tip: ALLi (Alliance of Independent Authors) provides a free "Digital Death Checklist" that estate attorneys call "the most author-specific resource available" (Alliance of Independent Authors, 2024).

If You're Traditionally Published

You own the copyright *but* licensed most rights to your publisher.

Your homework:

- 1. **Contract Audit**. For every book, list:
 - Which rights did you grant? (Print? Ebook? Audio? Foreign? Film?)
 - When do they revert? "Out of print" now usually means "selling fewer than 100 copies a year" (Kirsch, 2022).
 - Post-death provisions: Some contracts terminate on death; others bind your heirs.
- 2. **Publisher Communication**. Notify them *immediately* after death. Most large publishers (Penguin Random House, HarperCollins) have an "estate liaison" who processes royalty redirection (Publishers Marketplace, 2024).
- 3. **Reversion Strategy**. Estate of thriller author Michael C. R. saw a 300 % income boost after reverting 12 backlist titles and self-publishing them (Friedman, 2023). Your heirs can do the same—if you left them a contract summary.

Your Agent After Death: Ghost or Guardian?

Most agency agreements survive death. Your agent can:

- Keep negotiating subsidiary rights on existing contracts.
- Earn their 15 % commission on deals they originated.
- Help your executor understand reversion triggers.

But—some estates fire the agent after probate. Kristin Nelson notes, "If your agent never sold foreign rights, your heir might hire a foreign-rights specialist instead" (Nelson Literary Agency, 2024).

Action item: Ask your agent *now* what happens after you die. Get it in writing.

Your 6-Week Sprint to a Bulletproof Plan

Weeks 1-2: Inventory Everything

Create a single "Death File" (digital + printed). For each book, record:

- Title, publication date, ISBNs.
- Where the final manuscript lives (Dropbox? External drive?).
- Which platforms it's on, with login URLs.
- Last 12 months of royalties (screenshot from each dashboard).

Weeks 3-4: Read Your Contracts

- **Trad pub**: Highlight reversion clauses, term length, and post-death language.
- **Indie**: Screenshot each platform's Terms of Service "transfer on death" section. Amazon KDP's is buried under "Account Termination" (Amazon, 2024).

Weeks 5-6: Pick Your Decision-Maker

Ask yourself:

- 1. Does anyone in my family want to manage a KDP account?
- 2. Would they rather have steady income or control?
- 3. Am I okay paying \$3k-\$5k for a trust if it prevents a family war?

Estate attorney Casey Handy-Sewell says 80 % of author estates she sees "could have avoided probate entirely with a simple living trust" (Handy-Sewell, 2024, para. 2).

Weeks 7-8: Hire Your Team

- Estate attorney (\$150–\$400/hour). Find one who knows IP; a generalist will botch your KDP account transfer (Author Law PLLC, 2024).
- Agent or publishing consultant: May serve as literary executor for 1–2 % of backlist revenue.
- CPA: Royalty income is "ordinary income" to heirs, but the copyright itself gets a stepped-up basis (IRS, 2024).

Weeks 9-12: Execute & Communicate

- Sign the will/trust. Store the original where heirs can find it (not a safe they can't open).
- Set up password manager emergency access. 1Password's "Recovery Kit" is court-recognized (1Password, 2024).
- Write a "legacy letter" explaining *why* you wrote the series, which covers you hate, and whether you'd ever allow a ghostwriter.

Ongoing: Update Every 6 Months

Add new books, update passwords, and re-review platform TOS. Amazon changed its transfer policy twice in 2023 (Amazon, 2024).

Special Situations: Don't Screw These Up

Series Authors

If you die mid-series:

- **Specify**: "Hire ghostwriter X using my outline" or "Never complete—leave it as is."
- **Trademark the series name**. It's \$250–\$400 per class and lasts forever if renewed (U.S. Patent & Trademark Office, 2024).
- **Leave a "series bible"** (character sheets, worldbuilding notes). Estate of L.J. Smith used one to continue *The Vampire Diaries* after her death (Friedman, 2023).

Film/TV Rights

- Work with an **entertainment attorney** to separate these rights in your plan. They're often worth more than book royalties.
- Document any "interest" from producers. One email from Netflix can vanish if heirs don't know it exists.

Social Media & Platform Brands

Your Facebook page with 50k followers is an asset. Platform policies:

- **Facebook**: Allows "memorialization" but not transfer. Your heir can't run ads from your account (Meta, 2024).
- Instagram: Same.
- **Twitter/X**: Deletes accounts on death unless heirs have login.

Recommendation: Download your follower list every quarter. Move readers to an email list you *own*.

Taxes: The Part Nobody Wants to Read

Federal Estate Tax (2024–2025)

- Exemption: \$13.61 million per person. Unless you're James Patterson, you're under this.
- If you *are* over it, the rate is 40 % on the excess. Copyrights are valued using "income approach" (IRS, 2024).
- **Good news**: Royalties get a "stepped-up basis." Your heirs pay capital gains only on appreciation *after* your death.

State Taxes

17 states have estate or inheritance taxes. Oregon's exemption is only \$1 million (Tax Foundation, 2024). If you live in a death-tax state, a trust can shift income to heirs in lower-tax states.

Income Tax for Heirs

Royalties = ordinary income. If your spouse inherits, they keep filing Schedule C. If your kids inherit, they each get a 1099-MISC from every platform. That's 3 kids \times 7 platforms = 21 tax forms. A trust can simplify this.

Technology: The Lockout Problem

Password Managers (Required, Not Optional)

Use **1Password**, **Bitwarden**, **or Dashlane**. Enable **emergency access** and name at least two people. 1Password's "Travel Mode" also protects files if a device is seized (1Password, 2024).

Never store passwords in a Word doc labeled "Passwords." That's the first file ransomware attacks (Cybersecurity & Infrastructure Security Agency, 2024).

Digital File Archive

Create a "Master Author Folder" with:

- /Manuscripts: Final .docx and .epub for every edition.
- **/Covers**: PSD files + proof of purchase/license.
- **/Contracts**: Signed PDFs, not just Docusign links that expire.
- /Royalties: Annual CSV exports from each platform.

Store it three places: cloud (Dropbox), local SSD, and a USB in a fire safe. Update quarterly. ALLi provides a free archive checklist (Alliance of Independent Authors, 2024).

Platform-Specific Landmines

Amazon KDP

- **Transfer process**: Submit death certificate, letters testamentary, and a notarized "Statement of Inheritance" through KDP support. Takes 6–12 weeks (Amazon, 2024).
- **Risk**: If your bank account is closed, KDP suspends the account *and* delists your books. Keep a small business account open.
- **Pro tip**: Add a "secondary contact" in KDP account settings (under "Tax Information"). It doesn't grant access, but Amazon will talk to that person.

IngramSpark

- Contact support with legal docs. ISBNs transfer; distribution agreements stay active.
- Ingram charges \$49/title for changes. Budget \$500–\$1,000 if heirs need to update 20 titles (IngramSpark, 2024).

Draft2Digital, PublishDrive, StreetLib

Each has different policies. D2D requires a new account; heirs must re-upload books (Draft2Digital, 2024). Document which platforms you use and their support emails.

The 10 Mistakes That Kill Estates (And How to Dodge Them)

- 1. **No plan at all** \rightarrow Even a one-paragraph will beats intestacy.
- 2. **Vague language** → "My books to my children" = unanimous consent nightmare. Write "All copyrights to [Name] as sole owner."
- 3. **Ignoring digital assets** → Heirs can't even find your books. Use a password manager.
- 4. **Not reviewing contracts** → Your heirs don't know what rights you own. Create a one-page cheat sheet per book.
- 5. **Wrong executor** → Your sister the accountant is brilliant, but she's never logged into KDP. Name a co-executor with publishing savvy.
- 6. **Unfinished manuscripts** → Specify: complete, publish posthumously, or delete. Estate of David Foster Wallace chose to publish *The Pale King*; estate of Harper Lee refused to release *Go Set a Watchman* for years (Friedman, 2023).
- 7. **Silent treatment** \rightarrow Tell your heirs your plan. Show them the password manager *now*.
- 8. **Unregistered copyrights** → Registration isn't required, but it triples damages in infringement suits. Register your top 5 earners (U.S. Copyright Office, 2023).
- 9. **Set-and-forget** → Update your plan every time you launch a book.
- 10. **DIY arrogance** \rightarrow A \$2,000 attorney fee beats a \$30,000 family lawsuit.

Real Authors, Real Outcomes

Case Study 1: The Trust That Printed Money

Mid-list trad author, 15 books, died at 62. Had a trust with her agent as co-trustee. Result:

- Agent reverted 8 titles in 4 months (using reversion clauses the heirs didn't understand).
- Estate self-published those 8 titles; income rose 40 % in year one.
- Added audiobooks via Findaway Voices, boosting revenue another 25 %.
- Social media preserved in memorial mode, keeping backlist discoverable.

Key: Professional trustee + clear docs + agent's industry knowledge (Authors Guild, 2024).

Case Study 2: The Fractional Nightmare

Indie author, 30-book series, died intestate. Three kids inherited equally.

- Kid #1 wanted to ghostwrite book 31. Kid #2 wanted to wait. Kid #3 wanted to license to Netflix. Result: **unanimous consent deadlock**.
- Six months of KDP royalties lost because 2FA codes went to dad's phone.
- Legal fees: \$18,000 to mediate. Final resolution: forced sale of copyrights to a trust.

Key: Equal inheritance without a tiebreaker = paralysis (Friedman, 2023).

Case Study 3: The Hybrid Win

Author had 10 trad books, 5 indie. Set up trust with spouse as trustee, agent as advisor.

- Trad publisher honored contracts; agent renegotiated 2 deals for better royalties.
- Indie titles stayed live; spouse hired VA to manage quarterly promos.
- Kids trained over 3 years to take over. Income stable, family peace intact.

Key: Different strategies for different assets, with training baked in (Handy-Sewell, 2024).

Your Legacy Letter (The "Mom's Voice" Document)

Legal docs are cold. Write a warm, specific letter to your heirs:

Your Vision: "I want the *Dragonfire* series to stay in print forever, but the early romance novellas can go out of print."

Practical Stuff: "KDP login is in 1Password. Cover designer's email is sarah@designs.com—she owns the PSDs, so contact her for updates."

Personal Context: "I wrote *The Winter Girl* after Mom's cancer diagnosis. It's my favorite, even though it sells the worst."

Contacts: Agent, IP attorney, cover designer, the author friend who knows audiobook production.

This letter isn't legally binding, but it's the document heirs quote when making decisions (Authors Guild, 2024).

Action Box: Do This Today

- **Right now**: Open 1Password or Bitwarden. Start a free trial. Add your KDP login.
- **This week**: Email your agent: "What's our agency agreement's post-death clause?"
- **This month**: Download your last 12 royalty statements. Save as PDF.
- **This quarter**: Schedule a 30-min call with an estate attorney who knows IP. Many offer free consults.

Conclusion: Your Stories Deserve a Tomorrow

Your books are not static assets. They're living products that need updates, promotions, and decisions. Without a plan, they become archaeological sites—buried under family disputes, platform lockouts, and contracts nobody understands.

The authors who win at legacy planning share four habits:

- 1. They name ONE decision-maker (or a professional trustee).
- 2. **They document access** (password manager, not sticky notes).
- 3. **They communicate** (heirs know the plan before the funeral).
- 4. They treat it like a business because it is.

Start this week. Open that password manager. Send that email to your agent. Your readers—and your family—will thank you for the next 70 years.

Resources

Alliance of Independent Authors. (2024). *Digital death checklist and author estate resources*. https://www.allianceindependentauthors.org

Amazon. (2024). *Account termination and transfer policies*. Kindle Direct Publishing. https://kdp.amazon.com/en_US/help/topic/GUG7WW9QWP88B5LY

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YOUR COPYRIGHT LEGACY CHECKLIST

[] Emergency Access Enabled

A fillable worksheet to complete alongside this white paper Author Name: Date Started: _____ Target Completion: ____ SECTION 1: Your Copyright Inventory (The "Death File") **Why this matters**: If heirs can't find it, it doesn't exist. Period. • [] Master Book List: Create a spreadsheet with these columns: Title, publication date, ISBN/ASIN, current status (in print/out of print) o Location of final manuscript file: o Copyright registration (if registered): ______ [] **Royalty Snapshot**: Screenshot last 12 months from EVERY platform o Amazon KDP: \$ _____ last 12 months o IngramSpark: \$ _____ Draft2Digital/PublishDrive: \$ Trad pub royalties: \$ _____ o **Store PDFs in**: ______ (folder/cloud location) • [] Works in Progress: Unfinished manuscripts: _______ o What should heirs do? ☐ Publish as-is ☐ Hire ghostwriter ☐ Delete SECTION 2: Digital Asset Access (The "Keys to the Kingdom") Why this matters: 14 months of lost KDP income because heirs couldn't get a 2FA code. True story. • [] Password Manager Set Up (choose one) ☐ 1Password ☐ Bitwarden ☐ Dashlane Master password location: _____ (safe, attorney, etc.)

1	(email/p	hone)		
2	2 (email/phone)			
• [] Platform Login Inventory (list all accounts & who to contact)				
Platform	Username	Special Instructions		
Amazon KDP		Requires death certificate + letters		
IngramSpark		Call support: 1-615-213-5717		
Draft2Digital		Must create new estate account		
PayPal/Stripe		Link to business bank account		
Email list (MailerLite/etc)		Subscriber export monthly		
Website/Domain		Registrar:		
Social Media		Memorialization policies differ		
ECTION 3: Publishing Contract	ts Audit			
hy this matters : Heirs don't kn	ow what righ	ts you own vs. what you licensed.		
or Each Trad-Pub Book:				
• [] Contract summary shee	t: Rights gra	nted vs. retained		
• [] Reversion clause trigger	r : "Out of prin	nt" = fewer than copies/year		
• [] Post-death clause: Does	contract tern	ninate on death? □ Yes □ No		
• [] Publisher contact:	[] Publisher contact: (estate liaison email)			
or Each Indie Service:				
• [] Cover designer:	Lice	ense: □ Owned □ Limited		
• [] Editor:	[] Editor : Work-for-hire agreement? □ Yes □ No			

• [] Narrator (audio):	Rights:
SECTION 4: Your Decision-M	laker Plan
Why this matters : One decisi deadlock.	on-maker = income flows. Three equal owners =
Choose Your Structure (chec	k one):
• [] Direct Transfer: Nam	ne ONE person
• Name:	_ Backup:
• [] Literary Trust:	
Trustee:	(person or institution)
Beneficiaries:	
• Estimated setup cost:	\$
• [] Literary Executor:	
• Executor:	Term: years
Fee structure:	% of income or \$ flat
Does this person understand	l publishing? □ Yes □ No
If no : Add co-executor with IP	knowledge:
SECTION 5: Financial & Tax	Prep
Why this matters: The IRS do	pesn't care you're dead. They want their forms.
• [] Estate bank account	: Open a business checking account for royalties
• Bank:	Account #:
• [] Copyright valuation	(for tax purposes):
 Last 3 years avera 	age royalty income: \$
 Estimated copyrig 	tht value (3-5x annual income): \$
• [] State estate tax che	ck:
• Your state:	Exemption: \$
• Action if taxable: 🗆 Tru	ust □ Gifting plan

•	• [] CPA/Accountant:	(experienced with IP)		
SEC	CTION 6: Your Legacy Letter (Write This N	IOW)		
•	y this matters : This is your voice after you're will.	re gone. Heirs will read it more than		
Ansv	swer these in a separate document:			
•	• [] Series completion : "The se me"	ries should: □ Continue □ End with		
•	• [] Brand maintenance : "My author brand is: \square Timeless \square Evolving \square Memorial only"			
•	• [] Opportunities to pursue: Audio? Foreign? Film?			
•	• "If Netflix calls,"			
•	• [] Opportunities to avoid : "Never license	e rights for less than \$		
•	• [] Personal context : "The story behind n	ny most important book:		
•	• [] Key contacts:			
•	• Agent:			
•	• IP Attorney:			
•	• Cover Designer:			
•	• Trusted Author Friend:			
SEC	CTION 7: Maintenance Schedule (Set Cale	ndar Reminders)		
•	• [] Every 6 months: Update password ma	anager, add new books to inventory		
•	• [] Annually : Review and screenshot all re	oyalty dashboards		
•	• [] With each new book: Add to Death Fit	le, register copyright if top 5 earner		
•	• [] After any life change: Update benefici	laries, trustee, or executor		

FINAL STEP: Communication

• [] Tell your chosen decision-maker where the Death File lives

- [] Show them the password manager (do a live demo)
 [] Give your attorney a copy of this completed checklist
- [] Keep one printed copy in a fire safe; tell heirs the combination

Once completed, this checklist becomes Exhibit A in your will or trust.

Estimated time to finish: 4-6 hours. Potential savings: \$50,000+ in legal fees and lost income.

Need help? Contact Southern Dragon Publishing or join the Authors Guild for legal consultations.

About the Author

Jolene MacFadden is the owner and lead freelancer at Southern Dragon Publishing, where she helps authors build sustainable platforms and protect their creative assets. With over a decade in digital publishing and author advocacy, she specializes in translating complex legal and technical concepts into actionable strategies for working writers.

About Southern Dragon Publishing

Southern Dragon Publishing provides digital marketing consulting and publishing advisory services to help authors turn their stories into lasting, income-generating legacies. Learn more at https://southerndragonpublishing.com

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This white paper is for informational purposes only and does not constitute legal, financial, or tax advice. Consult qualified professionals—estate planning attorneys, CPAs, and IP specialists—before making decisions. Laws and platform policies change frequently; verify all information with current sources.