KEY COMPONENTS OF A TRUST BASED ESTATE PLAN

During Your Lifetime ⟷ After Your Lifetime

Explanation of How a Trust Based Estate Plan Can Avoid Probate: Dead people do not have property rights and thus cannot hold title to assets. When someone dies with property in their name, a probate estate is needed to transfer those assets. However, if a deceased person arranged for property to pass through beneficiary designation or transferred title to a trust before their death, probate can be avoided. Without a probate court order the trustee will have control of assets presently funded into the trust.

Financial Power of Attorney

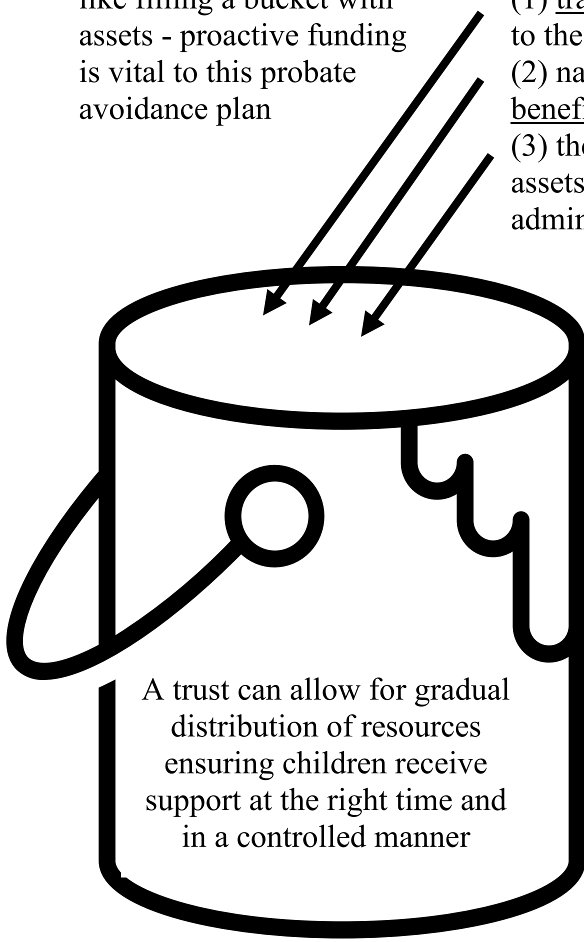
- You nominate a substitute decision maker to make financial/legal decisions on your behalf if you are unable to do so yourself (personal decisions as opposed to trustee decisions)
- **Goal:** Avoid probate conservatorship

Patient Advocate Designation

- **Explanation:** You nominate a substitute decision maker to make healthcare decisions on your behalf if you are unable to do so yourself
- **Goal:** Avoid probate guardianship

Funding Your Trust: It's like filling a bucket with assets - proactive funding is vital to this probate avoidance plan

You can do it in three ways: (1) transfer ownership of assets to the trust, (2) name the trust as the beneficiary of assets, or (3) the pour-over will directs assets remaining after a probate administration into the trust



Three Main Trust Roles:
Settlor: Creates the trust and can make changes to the trust (*you will be the only grantor*)
Trustee: Responsible for managing the trust's assets and carrying out its terms (*you will be the initial trustee*)
Beneficiary: Receives benefit from the resources in the trust (*you will be the initial beneficiary*)

Pour Over Will

- Nominates guardians for minor children
- Nominates personal representative
- Acts as a safety net, transferring any assets left in the deceased person's name into their Trust. Wills are letters to the probate court, so using a Pour Over Will does not avoid probate court

Funeral Representative Designation

- **Explanation:** Choose someone to handle your physical remains after your death, typically the same person you appoint in your Patient Advocate Designation
- **Goal:** Avoid probate fight

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