

Protect Your Home, Money and Family

The legal checklist everybody needs.

This checklist is for general educational purposes only and does not constitute legal advice.

PART 1

WHY THIS MATTERS NOW: Without a trust, all personal property, bank accounts, real estate may go through a court proceeding called **probate**. Without a plan, your family may face court.

01 FOUNDATION Your Estate Planning Documents

- You need a Revocable Living Trust
Avoids probate. "Small estates" can avoid probate but the threshold is LOW; as of 2026, any personal property over \$208,850 is subject to probate; real property over \$69,925; primary residence may enjoy a shortened proceeding.
- Your home must be **titled** in the name of your trust
⚠ Most common mistake — a trust with your home outside it does nothing.
- You need a Pour-Over Will (works alongside your trust)
*Catches any asset you forgot to transfer, **and names a guardian for minor children.***
- If you have children under 18, you need to nominate guardians.
Guardianship nominations apply if you are unable to care for your minor children (incapacitated or deceased); you may nominate guardians in your will (see above), or in a stand-alone document; nomination in a will is the standard.
- You need a Durable Power of Attorney for Finances
Without this, your family may need court involvement if you're incapacitated. This will avoid a conservatorship of the person (conservatorship regarding medical decisions).
- You need an Advance Health Care Directive
Specifies medical wishes and appoints a healthcare agent. This will avoid a conservatorship of the estate (conservatorship regarding financial decisions).

02

YOUR HOME

Real Estate Protection

- You need to consider an LLC or corporation if you have a rental property.
Limit your liability. If you get sued for something related to your rental property, and it is not owned by an LLC or Corp., they can go after your primary residence, your personal bank accounts, your personal assets. An LLC or corporation limits this as they could go over only the assets of the LLC/corporation, i.e. only that investment property.
- Your trust needs to own your property (transfer title to your trust); if you set up an LLC or corporation (see above), your trust needs to “own” that LLC or corporation.
⚠ This missed step is a top cause of a probate proceeding EVEN IF there was a trust.
- Periodically check your title.
An attorney can order a title report to confirm clear ownership, no liens, no clouds on title, no claims to ownership.
- If you own multiple properties, each is properly titled properly.
Each property requires its own deed transfer into your trust.

ALERT: Real estate goes through probate based on gross value, **not equity**. This means attorneys fees, administrator fees, whether the property is subject to probate does NOT depend on equity; it is based on FMV, i.e. fees are high!

03

YOUR MONEY

Beneficiary & Account Review

- Check that all beneficiary designations are up to date
Life insurance, retirement accounts, and bank accounts follow beneficiary forms, not your will or trust. Beneficiary designations override will/trust.
⚠ Outdated beneficiary designations are a top cause of inheritance disputes.

... AND MORE IS NEEDED.

SUBSCRIBE TO EMAILS AND FOLLOW FOR PART 2

Want to know where your plan stands?

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