

# Creating a Revocable Living Trust

A Revocable Living Trust is a powerful estate planning tool that allows you to maintain control over your assets during your lifetime while ensuring a smooth transfer of those assets to your beneficiaries upon your passing. This comprehensive guide will walk you through the process of creating a Revocable Living Trust, tailored to your unique circumstances and goals.

Throughout this guide, you will provide essential information about your personal details, marital status, beneficiaries, and the structure of your trust. You will also have the opportunity to consider the well-being of your loved ones, including children and pets, and specify your preferences for the distribution of assets to your beneficiaries. Additionally, you will select trustees to manage your trust according to your wishes and express your preferences for final arrangements.

By following this step-by-step guide, you will create a comprehensive and legally sound Revocable Living Trust that reflects your unique needs and desires, providing you with peace of mind and ensuring that your legacy is protected for generations to come.

## Where do you live?

Your final documents will be tailored to your local state laws. This address should be your primary residence.

Address:

## What is your full legal name?

Your full legal name will be included in all your legal documents, so be sure to double-check spelling.

Full Legal Name:

## What do you want to name your Trust?

This will be the official name of the trust, for use in transferring any assets or property into the trust. It is common to use a personal/family name and a date. An example would be "John Smith 2024 Revocable Living Trust".

Trust Name:

## Do you have a spouse or partner?

Your current marital status will determine the type of documents for your situation and the specific legal language used to protect both you and your family.

Marital Status (choose one):

- ☐ Married
- ☐ Domestic Partnership
- ☐ Civil Union
- ☐ Single
- ☐ Other: \_\_\_\_\_

Spouse/Partner Name:

## Do you want a joint or individual trust?

Choosing between a Joint Trust or a pair of Individual Trusts depends on how you and your spouse generally own your assets, as well as the community property laws of your state.

Trust Type (choose one):

- ☐ Joint - You and your spouse will have a joint trust to handle your community property.
- ☐ Individual - You will have an individual trust and your spouse will have their own estate plan.

## Do you want a quitclaim deed for your trust?

When you create a Trust, you can "fund" the trust by transferring assets into the trust. We can create a quitclaim deed that you will be able to record with your county, transferring your rights to your home to the trust.

Quitclaim Deed:

- ☐ Yes, I want a Quitclaim Deed included with my Trust
- ☐ No, I don't want a Quitclaim Deed

## Do you have children?

Include a complete list of children, including all biological and adopted children, as well as any step-children that you wish to treat the same as your biological children in your plan.

Name

Birthday


## Do you have pets?

Pets are an important part of many families and can be protected in your estate plan. You'll be able to assign backup caretakers and include an optional pet stipend.

Name

Description


## Who are your beneficiaries?

Choosing your beneficiaries gives purpose to your whole plan. Consider who depends on you financially and who you would like your assets to support.

Beneficiary Structure:

- ☐ Standard (in order, surviving spouse, children, parents, siblings, next of kin)
- ☐ Custom Beneficiaries

Custom Beneficiaries (if selected above):

Name	Percentage

## Do you want to include a Spendthrift Provision?

A spendthrift provision is a clause that can be included in a trust to protect the trust's assets from being misused by the beneficiaries or claimed by their creditors.

Spendthrift Provision:

- ☐ Yes, include a Spendthrift Provision (default) - Your trustee will have discretion to manage trust assets prudently and in the best interest of the beneficiary, including protecting trust assets from the beneficiary's creditors and ensuring the beneficiary does not waste or misuse the funds.
- ☐ No, do not include a Spendthrift Provision - The trustee still has a fiduciary duty to manage the trust assets prudently, but may have less ability to protect the assets from the beneficiary's potential misuse or from the claims of the beneficiary's creditors.

## Do you want to include a Special Needs Provision?

A special needs provision is a clause that can be included in a trust to ensure that a beneficiary with disabilities can receive support without jeopardizing their eligibility for government benefits.

Special Needs Provision:

- ☐ Yes, include a Special Needs Provision - Include provisions that allow the trustee to manage and distribute trust assets in a way that preserves the beneficiary's eligibility for government benefits, if applicable. This can help ensure that trust distributions supplement rather than replace public assistance for beneficiaries with special needs.
- ☐ No, do not include a Spendthrift Provision (default) - The trust will not have specific provisions for beneficiaries with special needs. This may be appropriate if no beneficiaries have special needs or if you prefer the trustee to have more flexibility in distributions, even if it might affect government benefits eligibility.

## How should descendants receive their inheritance?

When deciding how your beneficiaries should receive their inheritance through your revocable living trust, you have two main options: age-based distribution and lump-sum distribution.

Distribution Preference:

- ☐ Lump-sum distribution (default) - The descendant receives the entire trust fund in a single, one-time payment. Once the distribution is made, the beneficiary has complete control over the funds, and the trust can be terminated.
- ☐ Age-based distribution - The descendant receives a portion of the trust funds upon reaching specific age milestones, with 1/3 available at age 25, 1/2 of the remaining at age 30, and all of the funds at age 35. This approach allows the beneficiary to receive funds at different stages of their life when they may be more mature and better equipped to handle the money responsibly.

## Do you want to give any specific gifts?

Gifts are an easy way to carve out specific personal items or small amounts of cash to give to friends, family, and charity.

Recipient Name	Relationship	Gift Description

## Who do you choose as trustees?

When picking a trustee for your Trust, choose someone trustworthy, responsible, and capable, ideally with some legal or financial knowledge, who understands your wishes and is willing to act in your best interests.

Trustee Name	Relationship

## Who do you choose as backup guardians?

*Required only if you have minor children*

When selecting backup guardians, choose individuals who share your values, are capable of providing a stable and loving environment, and are willing and able to take on the responsibility of caring for your children in your absence.

Guardian Name

Relationship

## Who do you choose as backup pet caretakers?

*Required only if you have pets*

When choosing a caretaker for your pet, select someone who is compassionate, responsible, familiar with your pet's needs, and willing to commit to providing love and care for your pet's remaining lifetime.

Pet Caretaker Name

Relationship

## Do you have preferences for final arrangements?

Your final arrangements are a highly personal topic and it is important to share your preferences with loved ones who can help to ensure your wishes are realized.

Final Arrangements:

- ☐ Let my executor decide - Your executor will have the discretion to make decisions around your final resting place and any funeral or memorial arrangements.
- ☐ I have specific wishes - You can lay out your preferences with burial vs. cremation, as well as specific plans for a funeral or memorial service.

Specific Wishes (if selected above):

Regarding my end of life ceremony, I direct that:

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Regarding my body and final resting place, I direct that:

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