

## ADVANTAGES OF A LIVING TRUST

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Are you interested in creating a revocable trust (commonly referred to as a "Living Trust") that will minimize both the delays of probating your estate and the expense attributable thereto, as well as serves as an asset management vehicle in the event of your incapacity? Let us help you do a 'cost-benefit' analysis to ascertain if Wills are adequate for your family situation or if a Living Trust has merit!

### A Living Trust Avoids Probate!

1. It eliminates a living probate, i.e., guardianship in the event of incapacity.
2. It eliminates a death probate.
3. It eliminates the executor's or personal representative's fee.
4. It eliminates the attorney's probate fees. It will not, however, eliminate attorney's fees associated with tax advice, preparation of tax returns, or services necessary to terminate a trust.
5. It eliminates the delays and frustrations of probate. It eliminates the waiting period required for notice to creditors, the time consumed in preparing and submitting petitions and reports to the court, and the time consumed in waiting for approval by the court of the petitions and reports after they have been submitted.
6. It eliminates docket fees and other court costs associated with probate.
7. It eliminates months or years of probate delay in getting assets to loved ones.
8. It eliminates the necessity of court-appointed conservators for the property of minors or incompetents.
9. It prevents information about the trustmaker's assets, liabilities, and provisions for his or her beneficiaries from becoming public information.
10. It eliminates the need for periodic trust accounts to the court.
11. It eliminates the need and expense of additional probate proceedings in other states where the trustmaker owns real estate.



## With a Living Trust You Can:

12. Provide for your care and that of your loved ones in the event of your disability.
13. Leave a complete set of instructions that will allow you to give what you have to whom you want, the way you want, and when you want after your death.
14. Select the law of any state which you would like to govern its validity and interpretation.
15. Evaluate the performance of your trustee during your lifetime.
16. Terminate your trustees and name new ones at any time.
17. Name the persons or institutions you wish to serve as successor trustees on your disability or death without the need of court intervention.
18. Reduce the vulnerability of your instructions to the attack of creditors and disgruntled heirs.
19. Control all of your property, including insurance proceeds and pension benefits.
20. Keep all of your affairs private.

## A Living Trust:

21. Is easy to create and maintain.
22. Is easily changed or cancelled at any time.
23. Does not require you to change how you file your income tax returns during your lifetime.
24. Presents no adverse income tax consequences during your lifetime.
25. Allows you to provide continuity in the handling of your affairs.
26. Allows you to take full advantage of federal estate tax planning.
27. Is good in every state.
28. Enables your businesses to continue without interruption after your disability or death.
29. Enables your family's income and investments to continue without interruption after your disability or death.
30. Enables its trustees to sell its assets earlier than is possible with a Will.



31. Allows its trustees to buy and sell securities at any time and thus takes advantage of favorable markets. (During probate an executor can only invest in government bonds.)
32. Can help to creditor-proof your beneficiaries' assets.
33. Can be made tamper-proof by assuring that your property will eventually pass to your children and grandchildren, regardless of the subsequent marriage and planning of your spouse.

Your Living Trust can do all of these things because it puts the control over your property in your hands rather than in the hands of others!

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## ESTATE PLANNING ALTERNATIVES

Planning Alternatives	Avoids Probate at Death of First Spouse	Avoids Probate at Death of Second Spouse	Provides Maximum Tax Savings	Avoids Need for Conser-vatorship	Provides Family Privacy	Establishes Trust for Beneficiaries	Allows Maker to Pre-Test Administration During Own Lifetime	Prevents Attachment of Beneficiary's Assets
INTESTATE SUCCESSION (NO WILL)	NO	NO	NO	NO	NO	NO	NO	NO
JOINT TENANCY	YES	NO	NO	NO	NO	NO	NO	NO
LIFE INSURANCE	? <sup>1</sup>	NO <sup>2</sup>	NO	NO	?	NO	NO	NO
SIMPLE WILL	NO	NO	NO	NO	NO	NO	NO	NO
TESTAMENTARY TRUST	NO	? <sup>3</sup>	? <sup>4</sup>	NO	NO	YES	NO	? <sup>5</sup>
REVOCABLE UNFUNDED LIVING TRUST	NO	? <sup>3</sup>	? <sup>4</sup>	NO	NO	?	NO	? <sup>5</sup>
REVOCABLE FUNDED LIVING TRUST	YES	? <sup>3</sup>	? <sup>4</sup>	YES	YES	? <sup>4</sup>	NO	? <sup>5</sup>
IRREVOCABLE FUNDED LIVING TRUST	YES	YES	YES	YES	YES	YES	YES	YES

- 1 Not if payable to the estate or the executor
- 2 Not unless owned by a trust or other appropriate owner/beneficiary
- 3 Yes - if in trust for spouse for life
- 4 Yes - if properly established
- 5 Depends on spendthrift clause

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Sol is a Director in the Dallas office, with over 30 years' experience in trusts and estate planning law. He counsels clients on estate planning, with a philosophy that estate planning is a process of planning for the accumulation, conservation and distribution of wealth between the generations. He is admitted to the U.S. Tax Court.

Sol has received the designation as an Accredited Estate Planner from the National Association of Estate Planners, 1995, and was selected to "5-Star" Wealth Manager in 2010-2017 and to the Texas Super Lawyers list in 2011-2017.

### *Admitted*

- Texas, 1980
- U.S. Tax Court

### *Education*

- LL.M. Estate Planning, 1982, University of Miami in Miami, Florida
- J.D., 1980, Southwestern University
- B.A., *cum laude*, 1974, The University of Texas

### *Affiliations*

- Dallas Bar Association
- American Bar Association
- Dallas Estate Planning Council
- National Association of Estate Planners

### *Honors and Awards*

- Accredited Estate Planner
- Named to the Texas Super Lawyer list in the area of Trusts and Estates, 2011-2017
- Selected as a "5 Star" Wealth Manager, 2010-2017



### *Publications and Presentations*

- “Auld Lang Syne for Professional Personal Service Corporations,” State Bar of Texas, Texas Bar Journal (May 1983)
- “Section 401(k) Plans-An Alternative to an IRA,” Warren, Gorham & Lamont, The Review of Taxation of Individuals (Spring 1985)
- “The Foreign Sales Corporation-An Analysis of Its Impact, Attributes and Planning Opportunities after the 1984 Tax Reform Act,” Prentice-Hall, Tax Ideas (Fall 1985)
- “Choosing a FSC Jurisdiction,” Prentice-Hall, U.S. Taxation of International Operations (September 25, 1985)
- “Structural Considerations for a FSC,” Prentice-Hall, U.S. Taxation of International Operations (October 9, 1985)
- “Are Living Trusts for You,” T.A.L.S. Docket (March 1991)

### *Activities*

- Adjunct Professor in Estate Planning, School of Business, University of Texas-Dallas (2015-present)
- Estate Planning Instructor, SMU Certificate Program for Financial Planning, 2010-present
- Estate Planning Instructor, Graduate School of Business at the University of Dallas, 1995-2010
- Professional Development Institute at the University of North Texas (May 1993-June 2010)
- Southeastern Paralegal Institute (June 1992 – May 1998).
- Judicial Law Clerk for Judge Jack Swink in the Probate Court of Los Angeles (1979)