



Revocable Trusts in Estate Planning

An increasing number of people are utilizing the revocable living trust as the primary document in their estate plans. A revocable living trust is an entity created during lifetime in which an individual (called a trustee) holds legal title to property on behalf of a beneficiary, who is typically the individual establishing the trust (or the grantor).

It is a revocable trust because the grantor, at all times and for any reason, retains the absolute power and right to revoke the trust, or to otherwise amend or change the trust terms in any fashion. In addition, the grantor may withdraw the trust assets at anytime by taking the properties back into his or her individual name.

The living trust is beneficial because it permits an individual to transfer title of his or her assets now, but that transfer is not to the individual's beneficiaries, but rather to the trust entity. In fact, the re-titling of assets during lifetime is generally considered to be the revocable trust's principal advantage since assets held by the trust will not be subject to court supervision. Furthermore, the grantor typically serves as initial trustee so as to maintain complete control over the management of the assets.

In the event of an incapacity or illness, a successor takes over as trustee to manage the trust and otherwise provide for the grantor, without the necessity of seeking the appointment of a legal guardian to take title to his or her assets.

Upon death, the successor trustee would be in charge of the assets without the necessity for probate proceedings. If probate were required, delays in transferring the properties to one's family and the potential for additional legal, accounting and court costs could result. Without court involvement, the trustee can expeditiously transfer the assets in accordance with the grantor's wishes, which will remain private, as a trust agreement need not be deposited with the probate court at death.



The trust will often contain significant tax planning provisions as well as terms of ongoing trusts for the grantor's family. This arrangement could permit the grantor's assets to be kept together in one piece for the family's benefit for a period of years. In addition, the trust could also provide for the protection of the properties from creditors or claims against the family.

While the revocable trust will, in effect, take the place of a Last Will and Testament, in that the trust will provide for the disposition of the grantor's assets at death, a Will is nonetheless a necessary instrument in every estate plan. If a trust is established, but one's assets are not properly transferred to the trust during lifetime, a Will would be required to direct the disposition of assets at death. In an estate plan that includes a revocable trust, a Will could merely provide that any assets that might be titled in a grantor's individual name pass to the trust to be held by the successor trustee under the general provisions of the grantor's estate plan. Moreover, a Will would name a guardian for any minor children.

Notwithstanding the advantages of the revocable living trust, it is not appropriate or necessary in every instance. Therefore, any person interested in exploring the applicability of a revocable trust in their estate plan is welcomed to contact our firm to discuss this planning in more detail.



Joshua T. Keleske, P.L. serves families in the Tampa Bay area with their estate planning, estate and trust administration, and business planning needs. If you have questions regarding how we can be of assistance to you and your family, please contact us at anytime at 813-254-0044. We are happy to answer your questions and arrange for an appointment to speak with you.

Please also visit www.trustedcounselors.com to learn more about Joshua T. Keleske, P.L.



Serving Families in the Bay Area
Joshua T. Keleske, P.L. • Attorney & Counselor at Law
3333 W. Kennedy Blvd. • Suite 204 • Tampa, Florida 33609

Questions or comments?

Please email us at: jkeleske@trustedcounselors.com

or call (813) 254-0044 • *Visit us at:* www.trustedcounselors.com