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FREQUENTLY ASKED QUESTIONS

*****Please Refer to this Document Before Calling the Law Firm*****

1. COMMON QUESTIONS BEFORE YOUR CONSULTATION

❖ What will you need to know for the consultation?

- The consultation is scheduled for 30 minutes that will take place OVER THE PHONE. Most consultations will be completed in 10-15 minutes which gives you time for you to ask the attorney questions. *****Please note: the program provides one 30-minute consultation with a licensed attorney. If you wish to have an additional consultation with a licensed attorney, it will cost \$50 for an additional consultation with the attorney. The law firm does have paralegals available to answer a limited amount of questions after your consultation. You can call the law firm to speak with a paralegal that can answer any questions you may have that are not addressed in this FAQ's document.*****
- The attorney that is doing the consultation will call you promptly at the scheduled time.
- The attorney's will be calling on an unassigned phone number. So, the number may come across as unknown or blocked. If you have anything that blocks calls on your end, you will need to have that disabled for the call.
- *****Please note: Your consultation is with a licensed attorney. After we schedule your consultation, if you need to reschedule, you need to do so 24 hours in advance OTHERWISE THERE WILL BE A \$25 RESCHEDULE FEE*****

❖ What documents will the law firm prepare?

- A Revocable Living Trust (a joint trust if married or in a domestic partnership) ***Please see Section 2 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- A Certificate of Trust. ***Please see Section 1 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- A Durable Power of Attorney for Financial Decisions (one for each spouse or partner in a joint trust) ***Please see Section 4 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- A Health Care Durable Power of Attorney (one for each spouse or partner in a joint trust) ***Please see Section 5 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- A Pour-Over Will (one for each spouse or partner in a joint trust) ***Please see Section 6 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- Deeds for each property you want the law firm to prepare. (The preparation of the first deed is included. Additional deeds or Timeshares will have additional costs) ***Please see Section 7 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- Assignment of Personal Property (Form for allocating personal possessions) ***Please see Section 3 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***

- ❖ **What will you need to have for the consultation?**
 - The National Association for Family Services (NAFS) has provided you with a form entitled “HOMEWORK”. This is for you to complete and have with you during the consultation. PLEASE DO NOT SEND THIS TO OUR OFFICE, IT IS FOR YOUR USE ONLY. Also, please do not send us any unsolicited documents. We do request you send us a copy of your grant deed for each property, but please do not send us anything else unless asked to. There usually is a \$75 fee per document to review, to which most times is not necessary. Please also do not send us any originals unless asked to. We cannot be responsible for their return.
 - You will need to provide the legal names for yourself and spouse or partner. *****Please note: Your name needs to MATCH A PRIMARY FORM OF IDENTIFICATION (DRIVER’S LICENSE OR PASSPORT). Failure to provide proper legal versions of your names may result in potential reprinting fees. The notary will not notarize the documents if your names do not match a form of identification.*****
- ❖ **Will you have to list all of your children?**
 - You will need to provide the names of your children both living and deceased. *****Please note: if this is a blended family, you will need to indicate which spouse or partner the children belong to.**
 - Excluding the existence of a child can open the door for probate. So, you need to acknowledge the existence of all children for both Trustors. *****Please note: If you plan on disinheriting someone, you have to specifically provide that information to the attorney.*****
- ❖ **What if you have a trust already?**
 - This is not a problem. We will prepare what called a “Restatement”. A “Restatement” uses the original name of the prior trust *****Please note: The name of the trust must stay the same as the original. This allows assets already in the trust to remain in the trust.*****
 - A “Restatement” does not carry over the legal content of the prior trust. The trust is a new trust with current legal language. It is restating the prior trust in name only to maintain the current funding of assets.
- ❖ **What are the roles of the people named during the consultation?**
 - Successor Trustees and Beneficiaries are defined in section 3 of the FAQ’s
 - Durable Power of Attorney for Financial Decisions are defined in section 5 of the FAQ’s
 - Healthcare Power of Attorney is defined in section 6 of the FAQ’s
- ❖ **What assets should you include in the trust?**
 - *Please see Section 10 of the FAQ’s for details*

2. COMMON QUESTIONS AFTER YOUR CONSULTATION

- ❖ **What happens next after the phone consultation with the attorney?**
 - The attorney is going to prepare your documents based on the information gathered during the phone consultation.
 - Once the documents are ready, you will receive a summary document titled “ESTATE PLAN SUMMARY”. It will be emailed to you or mailed to you if you do not have an email account.
 - Once the “ESTATE PLAN SUMMARY” is sent, you will receive a follow up phone call to confirm that you have received the document.
- ❖ **What is the “ESTATE PLAN SUMMARY” for and why is it only one or two pages?**
 - The “ESTATE PLAN SUMMARY” is one of the most important pieces of correspondences that require your review. If seven days has passed, and you have not received the document, please contact the law firm right away to get one re-sent to you. Please allow ten days if you are receiving the document via standard U.S. Mail.
 - The document is a concise summary of the information that you provided to the attorney without having to sift through legal language. *****Please note: This is your chance to address changes or corrections. Any changes or corrections need to be addressed at this point to avoid additional charges.*****

- ❖ **How long do you have to respond to the “ESTATE PLAN SUMMARY”?**
 - **IF EMAILED**, you have **SEVEN CALENDAR DAYS** to respond with changes or corrections or the content of the “ESTATE PLAN SUMMARY” is assumed to be confirmed as correct. It will be printed and shipped after the passing of the seventh day.
 - **IF MAILED**, you have **TEN BUSINESS DAYS** to respond with changes or corrections or the content of the “ESTATE PLAN SUMMARY” is assumed to be confirmed as correct. It will be printed and shipped after the passing of the tenth business day.
- ❖ **How do you communicate changes or corrections to the “ESTATE PLAN SUMMARY”?**
 - All changes or corrections must be in the form of writing. You can send them as a response to the email sent to you. You can send them via fax, or by standard U.S. Mail. *****Please note: We cannot take change or corrections over the phone.*****
 - Once you have submitted your changes or corrections, depending on the volume of changes or corrections, we will send you an updated “ESTATE PLAN SUMMARY” document. In cases where there are minimal changes or corrections, the changes or corrections will be done, and the estate plan will be printed and shipped.
- ❖ **What do you do once you receive your estate plan binder?**
 - You can review the documents prior to scheduling the notary appointment. *****IT IS VERY IMPORTANT THAT YOU DO NOT FILL ANYTHING OUT OR SIGN ANYTHING IN THE ESTATE PLAN BINDER UNTIL THE NOTARY IS PRESENT.*****
- ❖ **How do you schedule the notary appointment?**
 - *Please see section 11 of the FAQ’s for details.*

3. REVOCABLE LIVING TRUST

- ❖ **What is the Revocable Living Trust?**
 - The Revocable Living Trust is an estate planning document that allows the assets in the trust to be distributed to your beneficiaries without having to utilize the formal proceedings involved with probate. The trust documents will be the documents in tab 2 of your estate plan binder. It will identify who is distributing the trust assets and who is getting distributions along with the amounts that you have indicated in your consultation with the attorney. ***Please see section 2 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- ❖ **What or who is the Successor Trustee(s)?**
 - The Successor Trustee(s) are very important for your trust to get executed properly upon your passing. They are the designated agents that will distribute the assets owned by the trust. They will take care of transferring your property to the correct beneficiaries and in the correct amounts based on your distribution schedule. This is an administrative role. You will want to name someone that you have a great deal of trust with. You are able to name two Successor Trustees in succession of one another. You can name three Successor Co-Trustees in each of the two spots, but only two groups of names will be allowed. They are named on in Article III Paragraph 3 in section 2 of your estate plan binder.
 - *****Please note: If you want to add additional backup Successor Trustees, there will be a \$25 charge to do so.*****
 - *****Please note: your Executor for the Will is always the same as your Successor Trustee. They share the same responsibilities.*** *Please see section 2 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- ❖ **What or who are the beneficiaries then?**
 - The beneficiaries are the people or entities that you are giving the trust assets to. They will be receiving the specified amounts detailed in your distribution schedule. They are named in Article IX Paragraph 22(A). This is also where you will find your distribution schedule.
- ❖ **What if the beneficiary is a minor at the time of distribution?**

- Beneficiaries are considered to be minor children when they are under 21 years of age by default for the purposes of distribution. They cannot take full distribution until they reach 21 years of age. Their share will be held in the trust and managed by the Successor Trustee until they reach the age of distribution.
- The trust that we prepared provides a Sprinkling Trust feature that allows the Successor Trustee to allocate funds to the minor child for educational expenses and necessary living expenses before they reach 21 years of age.
- ❖ **What if you want to disinherit someone from the trust?**
 - It is important that you specifically indicate that you are disinheriting a specific individual.
 - This will appear in the distribution schedule acknowledging that you have not provided for that specific person.
- ❖ **What is the distribution schedule?**
 - The distribution schedule is how you want the trust assets to be divided. You will indicate specific gift amounts for your beneficiaries in whole dollar amounts first, then you will allocate the remainder in percentages. *****Please note: you must name at least one person to receive the remainder and if there are multiple beneficiaries the percentages must equal 100%. Leaving trust assets unaccounted for can open the door for probate*****
 - The distribution schedule should address allocations of the assets owned by the trust. You can allocate personal possessions here, but it is not a requirement for the distribution schedule. There is a document in tab 7 of your estate plan binder titled “Directive to the Successor Trustee” that is utilized to indicate your wishes for your personal possessions. ***Please see section 7 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
 - The distribution schedule appears in Article IX Paragraph 22(A). You will find it in middle of section 2 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed).
- ❖ **What does “per stirpes” and “per capita” mean?**
 - **PER STIRPES** means that if a beneficiary predeceases you or both of you, then their share will be allocated to their children (blood related or legally adopted only). If there are no living children, then the share will be distributed equally to the surviving beneficiaries. It becomes per capita at that point.
 - **PER CAPITA** means that if a beneficiary predeceases you or both of you, then their share will be divided equally amongst the surviving beneficiaries
 - You can have specific direction for the predeceased beneficiary, but you must convey that to the attorney during the phone consultation, or in response to the “ESTATE PLAN SUMMARY”. So, if you want a predeceased beneficiary’s share to go to a specific alternate, we will need that information from you before we ship your estate plan.

4. CERTIFICATE OF TRUST

- ❖ **What is the Certificate of Trust?**
 - The Certificate of Trust is the document in tab 1 in your estate plan binder. This is the document that the notary will stamp with their official notary stamp. ***Please see section 1 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
 - You may want to have your bank accounts titled in the name of the trust to establish ownership of the account by the trust. You will take the **notarized** Certificate of Trust to your bank or credit union to have them take care of putting the accounts in the name of the trust.

5. DURABLE POWER OF ATTORNEY FOR FINANCIAL DECISIONS

- ❖ **What is the Durable Power of Attorney for Financial Decisions?**
 - The Durable Power of Attorney (DPOA) for Financial Decisions is a legal document that assign a trusted individual or individuals to make financial decisions for you in the event that you became mentally or physically incapacitated. This document will be in tab 4 of your estate plan binder. ***Please see section 4 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- ❖ **What about your spouse or partner?**
 - In a joint trust you and your spouse or partner are first DPOA options. You will be listed as primary DPOA's by default.
 - The people that are listed on the "ESTATE PLAN SUMMARY" and in the trust are the individuals you are nominating to be the DPOA when the spouse or partner is unavailable or not able to serve as DPOA.
- ❖ **How many DPOA's for Financial Decisions can I have?**
 - For a single estate plan, we allow you to name two people to serve in succession of one another.
 - For a joint estate plan, we allow for three people to be named in succession of one another, but the spouse is counted as one of the three people. It would be the spouse and two other names for a joint estate plan.
 - You can name three people to serve jointly in either format (single estate plan or joint estate plan)
 - *****Please note: If you want to add additional backup Durable Powers of Attorney for Financial Decisions, there will be a \$25 charge to do so.*****
 - In the case of a joint DPOA, there is language that allows for one DPOA to act as long as there is consensus with the other DPOA's.

6. HEALTH CARE DURABLE POWER OF ATTORNEY

- ❖ **What is the Durable Power of Attorney for Healthcare Decisions?**
 - The Durable Power of Attorney (DPOA) for Healthcare Decisions is a legal document that assign a trusted individual or individuals to make health care decisions for you in the event that you became mentally or physically incapacitated. This document will be in tab 5 of your estate plan binder. ***Please see section 5 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- ❖ **What about your spouse or partner?**
 - In a joint trust you and your spouse or partner are first DPOA options. You will be listed as primary DPOA's by default.
 - The people that are listed on the "ESTATE PLAN SUMMARY" and in the trust are the individuals you are nominating to be the DPOA when the spouse or partner is unavailable or not able to serve as DPOA.
- ❖ **How many DPOA's for Healthcare Decisions can I have?**
 - For a single estate plan, we allow you to name two people to serve in succession of one another. For a joint estate plan, we allow for three people to be named, but the spouse is counted as one of the three people. It would be the spouse and two other names for a joint estate plan
 - *****Please note: If you want to add additional backup Durable Powers of Attorney for Financial Decisions, there will be a \$25 charge to do so.*****
 - *****Please note: The DPOA for Healthcare Decisions CANNOT serve jointly. They must be one at a time and in succession of one another. This is the law and is non-negotiable*****
- ❖ **What about the Advanced Health Care Directive?**
 - We provide you with a California approved blank Advanced Health Care Directive. You will want to fill this document out to establish your wishes for healthcare in the event you are incapacitated. This gives your DPOA for Healthcare Decisions directions as to what your wishes are.

- The law firm **DOES NOT** need your selections from you in regard to the Advanced Healthcare Directive.

7. POUR-OVER WILL

❖ What is the Pour-Over Will?

- The goal of your estate planning is to avoid having your assets be subject to probate. The Revocable Living Trust is the legal document that will make that possible. The Pour-Over Will documents can be found in tab 6 of your estate plan binder. ***Please see section 6 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- The Pour-Over Will serves as a safety net for you in the event that you have an asset that is forced into being probated. It will direct the asset back to the trust after probate closes to be distributed according to your distribution schedule.
- The Pour-Over Will is not the same as the trust. Anytime a Will is involved with your estate being distributed, then probate is involved. *****Please note: The goal is to NOT have to use the Pour-Over Will. The trust addresses all of the estate distribution as long as the information provided to the law firm is accurate.*****

8. PROPERTY DEEDS AND TIMESHARE DEEDS

❖ What deed documents does the law firm prepare?

- In order to transfer your real property (real estate) to the trust, a deed must be recorded with the respective county that the property is located. The preparation of the first deed is included with the program. *****Please note: Additional Quitclaim Deed or Timeshare deeds will cost \$100 per deed.*****
- We utilize Quitclaim Deeds to transfer the property to the trust. *****Please note: We are not a title company. We do not research chain of title or specific ownership of the property. You are responsible for identifying who owns the property and what share of the property you own.*****
- If you are providing the copy of the deed, it must be a Grant Deed or a Quitclaim Deed. Deeds of Trust typically do not contain the information needed to prepare a new deed. You can either mail a copy, fax a copy (fax # 888-711-9861), or email them (beneficiallegal@gmail.com). This applies to any additional supporting documents that you are requested to provide.

❖ What is the Preliminary Change of Ownership Report for?

- This is a form that is required to be filed in most counties in California with the deed. We provide it as a courtesy. Its main purpose is to let the county know that the recording of the deed is an exempt transaction, no reassessment to raise your taxes. We fill in the basic information, which is usually sufficient for the county after you sign it. *****Please note: if the county requires additional information, you will have to fill the form with the requested information. You are responsible for the accuracy of the document being recorded.*****
- The Preliminary Change of Ownership Report is only applicable to California properties. If you are having us prepare an out of state deed, there will not be a Preliminary Change of Ownership Report with it.

❖ How do I go about recording my deeds?

- In your estate plan binder in tab 7, there are specific instructions as to the ways you can record your deed. There are instructions for recording the deeds yourself or having the law firm do it for you.
- You have only paid for the preparation of the deed documents to this point. The county recording fee is your responsibility. If you pay for the law firm to record the deeds, then the recording fees will be included in that cost. ***Please see section 7 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***

❖ **Which out of state deeds do you prepare?**

- We will prepare deeds for any state in the United States. We do require for you to provide copies of the current property deeds if it is a Hawaii based property. We cannot obtain a Hawaii deed for you.

❖ **What about the timeshare you own?**

- Timeshares are handled just like any other property. You will need to provide the deed from Timeshare to the law firm. We do not have anyway to obtain them for you. You may need to contact the Timeshare company to obtain the deed to provide the law firm.

❖ **What if there is a deceased spouse on the current deed?**

- In order to remove a deceased spouse from a current deed, there will need to be an “**AFFIDAVIT OF DEATH**” prepared and recorded with the county. We charge **\$100** to prepare this document, and like the deed, you are responsible for the county’s recording fees. You will have to provide the law firm with a copy of the deceased spouse’s or partner’s death certificate.

9. DISTRIBUTION OF PERSONAL PROPERTY

❖ **How do I allocate Personal Property to specific people?**

- There is a form called a “Directive to the Successor Trustee” in tab 7 of your estate plan binder. This is the form to indicate your wishes for the distribution of your personal property. You will fill out a form for each person receiving the personal possessions. It is advisable to make copies of the form if you have allocations for more than two individuals. ***Please see section 7 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***
- The “Directive to the Successor Trustee” can also be used to inform your Successor Trustee of assets held outside of the trust. The document is for the Successor Trustee’s reference. The document can be updated at any time and does not require a witness. There is no need to get this document notarized. ***Please see section 7 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***

10. ASSETS THAT WILL FUND THE TRUST

❖ **What does “Funding the Trust” mean?**

- After you notarize your trust, it becomes a legal entity. In order for the trust to protect your assets from being probated, the trust must own the asset. By “Funding the Trust” with an asset, you are transferring ownership of that asset to the notarized trust which is now a legal entity.

❖ **What assets get funded to the trust then?**

➤ **Real Estate**

- Your real estate property is the primary asset that will fund your trust with. The law firm will prepare the Quitclaim Deed to be notarized and recorded with the county. ***Please see section 7 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed) for instructions***

➤ **Bank Accounts (checking and savings)**

- You may want to have your bank accounts titled in the name of the trust to establish ownership of the account by the trust. You will take the **notarized** Certificate of Trust to your bank or credit union to have them take care of putting the accounts in the name of the trust. *****Please note: this can only be done after the estate plan is notarized*****
- Your financial institution may allow you to name a beneficiary through them. If that is the case, by naming a beneficiary, the account will not pass through probate. You may name the trust as the beneficiary to have the accounts distributed according to your distribution schedule.

- **401K's, IRA's, 457 Plans, Other Investment Accounts.**
 - You cannot place these accounts in your trust as they must be held by a custodian. However, just as the same as bank accounts, you can name beneficiaries through the account's provider. This will also ensure that the assets in the accounts do not have to be probated. Like bank accounts, you can name the trust as the beneficiary to have the accounts distributed according to your distribution schedule.
- **Vehicles**
 - In general, it is not recommended that you transfer your vehicle into your trust. California actually has a simplified transfer of death provision for motor vehicles. See https://www.dmv.ca.gov/portal/dmv/?1dmy&uril=wcm:path:/dmv_content_en/dmv/vr/cheklists/probate
- ❖ **Where do you list the assets that the trust owns?**
 - Any asset that the trust specifically owns and has been titled to the name of the trust will be listed on **SCHEDULE "A"** in tab 2 of your estate plan binder. ***Please see section 2 of your completed estate plan binder (This will be sent to you after your consultation and after your documents are completed)***

11. NOTARY APPOINTMENT INFORMATION

- ❖ **How do you schedule the notary appointment?**
 - When your estate plan is printed and shipped, NAFS will be contacting you to schedule the notary appointment. If you have not received a call from NAFS to schedule the notary appointment, feel free to reach out to them at 1-800-900-4403 or 1-800-909-4591.
- ❖ **What will I need for the Notary Appointment?**
 - You will need a valid ID, current, not expired (Driver's License, State ID, or Passport). You will also need to have one witness available at the same time the notary is there. This person may not be related to you by blood or marriage and must be over 18 years of age. You will also need to make sure the signature lines match the ID, otherwise the Notary may not agree to witness the signature. You will also need to make sure that all your documents are accurate, and in order, including the deeds. Make sure you call us before you schedule the notary appointment, so that we can address any issues. If the notary has to come back for ANY reason, there will be a \$40 fee.
- ❖ **What if I have difficulty finding a witness?**
 - The nice thing about this program is that the Notary will meet you wherever you wish. It does not have to be in your home. Because of this, you can meet at a friend's house or neighbors. You can go to a senior center, your workplace, even a friend or neighbor of your children. Some banks are willing to offer some assistance.
- ❖ **Will the Notary answer any legal questions, or questions about my documents?**
 - No, the notary is not an attorney, or will only be there for a 30-minute period. If you have questions, make sure you call or email our offices prior to the Notary appointment. There will be an additional charge if the Notary has to come back for any reason.

12. BUSINESS OWNERSHIP

- ❖ **What if I own a small business?**
 - **Sole Proprietorship**
 - If you (or you and your spouse) operate your business as a sole proprietorship, with all business assets held in your own name, you can simply transfer your business property to your living trust as you would any other property. You can also transfer the business's name itself: that transfers the customer goodwill associated with it. You will have to contact the county directly to do so.
 - **Partnership**

- If you operate your business with partners, you should be able to easily transfer your partnership share to your living trust. If there is a partnership ownership certificate, it must be changed to include the trust as owner of your share. It's not common, but a partnership agreement may limit or forbid transfers to a living trust. If yours does, you and your partners may want to see a lawyer before you make any changes.
- **Closely Held Corporations**
 - A closely held corporation is one that is not authorized to sell shares to the public. All its shares are owned by a few people (or just one) who are actively involved in running the business (or are relatives of people who are). Normally, you can use a living trust to transfer shares in a closely held corporation by listing the stock in the trust document and then having the stock certificates reissued in your name as trustee.
 - Check the corporation's bylaws and any shareholders' agreements, in case there are restrictions on your freedom to transfer your shares to a living trust. Also make sure that if you hold the shares in trust, you will still have voting rights in your capacity as trustee of the living trust; usually, this is not a problem. If it is, you and the other shareholders should be able to amend the corporation's bylaws to allow it.
 - One fairly common rule is that surviving shareholders (or the corporation itself) have the right to buy the shares of a deceased shareholder. In that case, you can use a living trust to transfer the shares, but the people who inherit them may have to sell them to the other shareholders.
- **Limited Liability Company**
 - If your small business is an LLC, you'll need the consent of a majority or all of the other owners (check your operating agreement) before you can transfer your interest to your living trust. Getting the other owners to agree shouldn't be a problem; they'll just want to know that you, as trustee of your own trust, will have authority to vote on LLC decisions. You may also want to modify your trust document to give the trustee (that's you) specific authority to participate in the limited liability company. Another way to address this concern would be to transfer your economic interest in the LLC, but not your right to vote. The transfer itself isn't hard—you can prepare your own form and call it an Assignment of Interest.

13. MISCELLANEOUS ITEMS

- ❖ **What about the Special Needs Trust??**
 - A Special Needs Trust is not included in the initial estate plan as part of the program. We will indicate that a beneficiary has special needs or is on some sort of state aid. When the trust distributes, the Successor Trustee is responsible for creating the Special Needs Trust at that time. But any additional trust will incur a fee.
- ❖ **Why do we not do the Special Needs Trust now?**
 - Special Needs Trusts are predicated on the current healthcare laws. There is a very good possibility that they will change between now and then. It does not make sense to establish a Special Needs Trust now that may not be valid or applicable at the time of distribution. Further, you may need the those assts that fund the trust during your lifetime. Note it is common practice to create such after you have passed away.
- ❖ **Where does the estate plan get filed or recorded?**
 - The notarized hard copy that is in the binder is the **ONLY** legal copy of the estate plan. It is crucial that you put in a safe place and notify your Successor Trustee where to find it. *****Please note: The law firm does not keep or maintain notarized copies of your estate plan. If your notarized hard copy gets lost or destroyed, you will have to start over with a new Restatement at our current price.*****