

Basic Estate Planning - for non-married individuals



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The documents you should consider are:

1. *Wills/Revocable "living" Trust (Trust is optional - see below for purpose):*

Simple Will: Leaving all property to your beneficiaries, or "pour-over" into a Revocable Trust. The Trust would be set up if you decide to avoid probate (see attached summary on "Avoidance of Probate/The Funded Revocable Trust") but in that case you must transfer your assets into this trust during your lifetime (however you lose **no** control by doing this). You would also consider this type of trust if you have children (minor or adults) and you want your property to continue to be held for your children until they reach a certain specified age (later than age 18).

Your Will would name an Executor (to administer your estate) and successor Guardians for your minor children (if any), and you should also consider naming an alternate executor and guardian as well.

If you decide on the Revocable Trust, you would be the current Trustee (you would continue to manage the property as you would normally do). You would also need to name at least one successor Trustee - this would be the person who would hold the property upon your death.

The Trust would also provide for distribution to your beneficiaries either outright upon your death, or held until a later age. However, if you choose for the beneficiaries to receive the property at a later age, before that time, the Trustee would be able to give money to your beneficiaries in the Trustee's discretion for their needs (i.e. health, education, support, etc.)

If you are setting up the Revocable Trust to provide for later ages of distribution to your children or other beneficiaries, then after the Trust is signed, you must change the beneficiary of your life insurance and retirement plans to the name of this Trust, so that these assets (with everything else) passes to the Trust and gets held until the specified ages, rather than passing outright to those individuals.

2. Durable Power of Attorney, Health Care Proxy (as explained on the separate summary of "Related Documents").

Please note that the Revocable Trust avoids probate but does not reduce your estate taxes, which would be due if the total value of your assets exceeds \$1 million (MA estate tax cutoff point) . Therefore, if your estate is greater than that, you should consider other estate planning techniques to reduce your taxable estate, such as an Irrevocable Life Insurance Trust ("ILIT") (see separate summary), and/or making annual "gifts" to gradually reduce your taxable estate (annual gifts should be limited to the annual gift tax "exclusion" – currently \$13,000 per "donee", per calendar year).