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FUNDING YOUR REVOCABLE LIVING TRUST

In order for a revocable living trust to accomplish the intended estate planning goals and to have assets avoid probate, it is necessary for the grantor to transfer title of his or her assets into the trust. Below are the general procedures that should be followed in order to properly fund a revocable living trust.

Taxpayer ID Number - You will not need to obtain a tax identification number for your revocable living trust or file separate tax returns for the trust during your lifetime. The grantor's social security number is used as the revocable living trust's taxpayer identification number during the lifetime of the grantor.

Bank and Brokerage Accounts - Contact your bank or brokerage company and inquire as to the process to re-title the account into your revocable trust. Generally, the process is as follows:

1. Write a Letter of Instruction - Write a letter of instruction to your institution which requests the re-titling of your account from your name into the name of your trust. Include your account number, the name of your trust, your Social Security Number, your mailing and email addresses and your phone number.
2. Complete and Return All Required Documents - Fill out and return all documents required by your institution. These documents could include new signature cards, new account forms, Trustee affidavits, and other trust account forms.
3. Confirm Transfer of the Account - Check your account statements to verify that the name of your trust has been properly listed in place of your individual name.

Stocks/Bonds Held in Brokerage Account - At the time of submitting a letter of instruction for re-titling the brokerage account with the broker, you should request that the broker re-title the stocks.

Stocks/Bonds Not in Brokerage Account - If you own stocks or bonds that are not held in an account, you should contact the investor relations department for the stock which you own for directions on transferring the stock to your revocable living trust.

Limited Partnership/Limited Liability Company Interests - an assignment will need to be prepared to transfer your interest to the trust. There may be restrictions to transfer of your interest in the entity's governing document (operating agreement or partnership agreement). You should consult the governing document before attempting to transfer the interest.

1. Limited Liability Company (LLC) - Other members and/or managers should be contacted and an assignment of your interest to your revocable living trust should be prepared by your attorney.
2. Limited Partnership - The general partner of the limited partnership should be contacted regarding the transfer of your interest. Your attorney or the general partner should prepare an assignment of your interest to your revocable living trust.

Real Property - A deed is required to transfer real property to the revocable living trust. It is especially important to consult with an attorney regarding the transfer of real property to a revocable living trust. This is especially true if the property is subject to a mortgage, is owned by husband and wife, or if the property is located in a different county.

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