

Revocable living trusts have become so popular in recent years that many people assume they need one instead of a will. Others see them as a costly fad designed to drum up additional legal fees for estate planning attorneys.

Neither of those views is correct. Revocable living trusts can be extremely valuable estate planning tools for many people, but they should be used in conjunction with wills, not instead of them. And while you incur some fees setting up a revocable living trust, those costs are offset by future savings for most people. Before a McKinney revocable trust lawyer can determine whether a living trust is right for your situation, it is helpful to review some basic information about your needs and the purposes served by a living trust.

How a Revocable Living Trust Operates

With a living trust, you typically would serve as the grantor, beneficiary, and trustee of the property placed in the trust. That means you control and use the property just as you did before the trust was created. In most other types of trusts, by contrast, the role of trustee is held by an agent and the beneficiary is a younger family member, charitable organization, or someone else you wish to support. With those trust situations, you lose control of and generally the benefit of the property as well.

A living trust won't change your day-to-day life much. However, if you become incapacitated, your trust can be set up to allow a successor trustee to manage your assets. When you pass away, your assets go directly to successor beneficiaries without the delays and expense of the probate process. This is the primary reason most people engage a McKinney revocable trust lawyer to create a living trust.

Will Probate Be an Issue in Your Case?

The first factor to evaluate when deciding whether you need a living trust is whether your estate is likely to be subject to full probate proceedings when you pass away. Each state has different rules and procedures. In Texas, courts use either a court-supervised dependent administration procedure or an independent probate procedure, which is generally less costly.

Full probate is required when someone leaves assets in their estate that are worth more than \$75,000. Some assets can pass to others without becoming part of your estate. These include property owned jointly with a right of survivorship. A McKinney revocable trust lawyer could help you determine what assets would be part of your estate and review probate options.

Evaluating the Benefits of Revocable Living Trusts

In addition to determining how the probate scenarios could play out, it is helpful to review the additional benefits of a revocable living trust to see how valuable those would be in your case. With a living trust:

Property passes through a revocable trust in private, unlike the public proceedings of probate

Couples with family from prior marriages can use revocable living trusts to ensure their assets go to the family members they choose

People who own real estate in more than one state can avoid multiple probate proceedings

A living trust can provide for decision-making if you become incapacitated

It is important to keep in mind that you need to transfer ownership of property into the trust for it to accomplish the key objectives.

Talk to a McKinney Revocable Trust Lawyer to Find Out Whether a Living Trust is Right for You

A revocable living trust can be changed or revoked at any time while you remain legally competent, so there are fewer risks with creating this type of trust than with certain other trusts. At The Nordhaus Firm, we help clients establish and fund living trusts so that they feel confident they are leaving their loved ones prepared for the future. To talk with an experienced McKinney revocable trust lawyer about the benefits a living trust could provide your family, contact us now for a complimentary consultation.