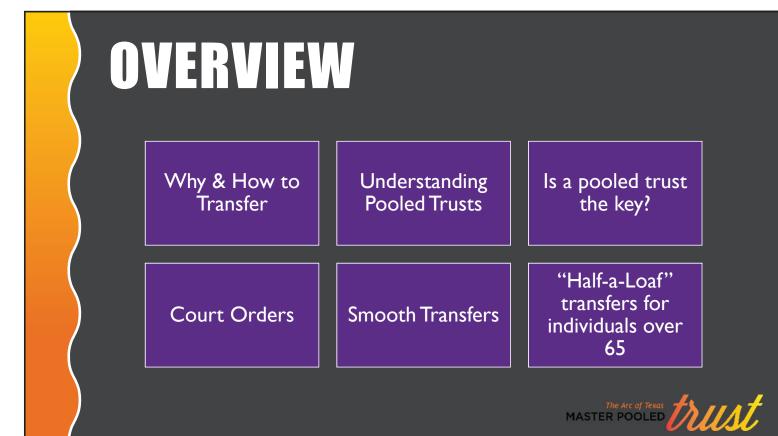
POOLED TRUSTS: your answer to transfers and over 65 strategies

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WHY & HOW TO TRANSFER

WHY

- Trustee is unable or unwilling to serve
- Economic feasibility
- Personality differences

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- Texas Estates Code Section 1301.202
- Texas Property Code Section 142.010
- Trust Language





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IS A POOLED TRUST THE KEY?

MASTER Documents

- Read the Trust document
- Not successor Trustee
- Cannot accept your individual Trust
- The Trust and/or Joinder cannot be amended for your Beneficiary

Court Authority

- Can establish sub-accounts
- Cannot amend the Trust, appoint or change the Trustee

POOLED assets

- Cash
- Assets that can be converted to cash BEFORE transfer.
- Stocks or other investments cannot be accepted in kind
- Some pooled trusts accept real estate or other noncash assets



QUESTIONS TO ANSWER

- Is the beneficiary disabled?
- Do they meet the Social Security Administration's (SSA) definition of a person with a disability?
 - 42 U.S. Code §1382c(a)(3)
 - Minor with children's Medicaid don't necessarily meet SSA's definition
- Where does the beneficiary live?
- What type of assets does the originating trust own?





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Title search: Pooled Trusts: Your Answer to Transfers and Over 65 Strategies

Also available as part of the eCourse <u>Answer Bar: Considering a Special Needs Trust</u>

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