

# POOLED TRUSTS:

## YOUR ANSWER TO TRANSFERS AND OVER 65 STRATEGIES

HALEY GREER, JD  
DIRECTOR, MASTER POOLED TRUST  
THE ARC OF TEXAS

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## OVERVIEW

Why & How to  
Transfer

Understanding  
Pooled Trusts

Is a pooled trust  
the key?

Court Orders

Smooth Transfers

“Half-a-Loaf”  
transfers for  
individuals over  
65

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# WHY & HOW TO TRANSFER

## WHY

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

## HOW

- 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

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# 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

[Special Needs Trusts Basics and Best Practices \(2021\)](#)

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