1

# POOLED TRUSTS:

## YOUR ANSWER TO TRANSFERS AND OVER 65 STRATEGIES

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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



### **WHY & HOW TO TRANSFER**

#### WHY

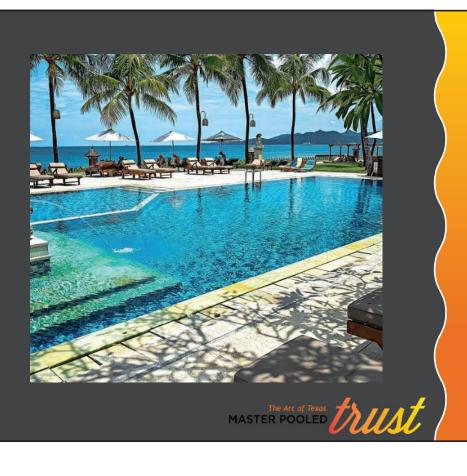
- Trustee is unable or unwilling to serve
- Economic feasibility
- Personality differences

### HOW

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



3



### POOLED TRUSTS

#### 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>Special Needs Trusts Basics and Best Practices (2021)</u>

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