

A Will or Revocable Trust? Which One Provides More Benefit for You & Your Family?

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Features Compared	Wills	Revocable Trusts
Effective for transferring assets to heirs on death?	Yes	Yes
Avoids Probate?	No. All Wills must be probated.	Yes. All assets held in the trust avoid probate—regardless where located.
Gives someone the authority to manage assets upon your incapacity?	No. A Will becomes effective only on death and is, therefore, ineffective during incapacity.	Yes. Trust assets can be managed by your successor trustee, whom you appoint.
Can be viewed by the public?	Yes. When probated, your Will and a list of what you own become public documents that can be viewed and copied by anyone.	No. Your Revocable Trust is a private agreement between you, your successor trustee and your heirs.
Eliminates reliance on a Power of Attorney for asset management during incapacity?	No. Since a Will does not become effective until death, a Power of Attorney (POA) is necessary to manage assets during incapacity. That POA must be recorded in the Registry of Deeds and becomes a public document.	Yes. If all assets have been transferred to your Revocable Trust, your successor trustee will be able to manage your affairs without relying on a Power of Attorney. The Revocable Trust never needs to be recorded and remains private.
Additional steps are required during lifetime to make the transfer of assets effective on death?	No. Your Personal Representative (Executor) is required to inventory and gather your assets as part of the probate of your estate.	Yes. You are in charge of creating an inventory of your assets and transferring them to your trust in order to avoid probate.
Provides an efficient means to transfer tax-deferred assets (IRAs, 401(k)s, etc) to minors and others?	No. Naming your estate as beneficiary of your tax-deferred accounts creates an immediate tax liability for your estate.	Yes. When properly done, tax-deferred accounts designated to go to a Revocable Trust (that becomes irrevocable upon death) can remain tax-deferred for the beneficiaries.
Creates a forum for creditors & disgruntled heirs to file claims against your estate?	Yes. Someone once said “probate is a lawsuit filed against yourself when you die.” Probate creates a forum for creditors and disgruntled heirs.	No. With a fully-funded Revocable Trust, no probate is required and, therefore, no forum is created for creditors or disgruntled heirs.
Eliminates claims against your estate if creditors do not file their claims within a specified period of time?	Yes. After a legal notice is published in your hometown newspaper and following a specified number of days, any unfiled claims of creditors are barred.	No. Although your assets do not have to be probated, a creditor can try to collect on a claim by initiating a lawsuit against your trustee.
Provides for efficient, cost-effective estate settlement in a timely fashion?	Generally, No. Most estates that enter probate are not completed for more than 2 years. Between court filing fees, administrative costs and attorney’s fees, probate can be expensive and time-consuming.	Yes. By taking the time to fund your trust and properly designating beneficiaries during your lifetime, you can reduce <i>substantially</i> the estate settlement burden left for your loved ones.