

## **Specific Asset Funding Guide**

(How to Fund Specific Assets into Your Revocable Living Trust)

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## **Instructions for How to Transfer an Aircraft to Your Living Trust**

To transfer an aircraft to your living trust complete the following steps:

1. Contact the Federal Aviation Administration (FAA) for information, instructions and necessary forms to register your aircraft into your living trust.
2. Follow the instructions received from the FAA. Normally, the FAA requires that you submit the following:
  - An affidavit showing that each beneficiary under the trust is either a U.S. Citizen or a resident alien. This includes each person whose security interest in the aircraft is incorporated in the trust. If any beneficiary under the trust is not a U.S. Citizen or a resident alien, the trustee or trustees must provide an affidavit stating the trustee is not aware of any reason, situation, or relationship that would give the non-citizen a share of control greater than 25 percent to influence or limit the exercise of the trustee's authority.
  - A certified true copy of the complete trust instrument
  - An ink-signed bill of sale from the present registered owner to the trustee(s)
  - A completed application for registration showing the trustee(s) as applicant, signed in ink by the trustee(s)
  - The registration fee. Make checks payable to: Federal Aviation Administration.

Note: A trustee should always show the title "trustee" following their name wherever the bill of sale or application documents show it. The applicant trustee or trustees must also type or print their names below their signature on the application for registration form.

Note: Federal law prohibits registration with the FAA used as evidence in a title dispute. However, there is no other regulatory body that registers aircraft and without registration with the FAA an airplane cannot legally fly.

## **How to Transfer an Annuity to Your Living Trust**

Annuity contracts have a named beneficiary. Upon death, an asset with a named beneficiary passes outside probate to whoever is named as the beneficiary. Ownership of your annuity is not changed to your living trust, but rather the beneficiary designations are changed to reflect the existence of the trust. Typically, your revocable trust is made the final contingent beneficiary of the annuity.

To add your trust as a beneficiary to your annuity complete the following steps:

1. Complete a "[Change of Beneficiary Request](#)" letter (form found at the end of this document).
2. Send the Change of Beneficiary Request letter to the insurance company that issued the annuity.
3. Follow the instructions that you receive from the insurance company. Normally, the insurance company will require:
  - You complete the insurance company's internal change of beneficiary form.
  - Sometimes the insurance company will require an affidavit confirming the validity of the trust from the attorney who prepared the trust.

## **Instructions on How to Transfer an Automobile into Your Living Trust**

As a general rule it is not necessary or advisable to transfer title to automobiles or trucks to the name of the trust. Many insurance companies will not insure automobiles owned by a trust. Check with your insurance carrier before you transfer title on your vehicles.

However, if you have expensive cars, to transfer a car into your living trust complete the following steps:

1. Contact the state Department of Motor Vehicles (DMV) for information, instructions and the necessary forms to transfer your vehicle into your living trust.
2. Follow the instructions you receive from the DMV.

Note: Even though the trust may now be the legal owner of the vehicle, the trustee is still responsible for paying for and keeping the vehicle's registration and licenses up to date. The trustee is also responsible for maintaining insurance on the vehicle in accordance with state regulations.

## **Instructions for How to Transfer a Boat into Your Living Trust**

If the boat exceeds 5 tons (referring to its internal carrying capacity not the vessel's weight) or if it is used for commercial use it must be registered with the U.S. Coast Guard and is considered a "documented vessel".

If the boat is a pleasure craft, the boat may or may not be registered as a documented vessel with the U.S. Coast Guard. Registration of a pleasure craft as a documented vessel is optional and up to the owner. Every boat that is not registered as a documented vessel is considered undocumented and identified by a registration number issued by the state Department of Motor Vehicles.

To transfer your boat/vessel into your living trust complete the following steps:

1. Determine if your boat is documented (i.e., registered with the U.S. Coast Guard) or undocumented (i.e., registered only with the state DMV).
2. Contact the U.S. Coast Guard or the DMV accordingly for information, instructions and necessary forms to transfer your boat or vessel into your living trust.
3. Follow the instructions you receive from the U. S. Coast Guard or the DMV.

Normally you will have to submit the following:

- Completed bill of sale to the trustee.
- A copy of the Certification of Trust.
- Check for the current transfer fee.

## **Instructions for How to Transfer Brokerage Accounts into Your Living Trust**

Most banks and financial institutions have their own internal forms that they require to change ownership of an account to your trust. To transfer a brokerage account into your trust, do the following:

1. Contact the financial institution and request whatever Change of Ownership form they require.
2. Complete the form they provide.
3. Send the completed form to the brokerage firm that handles your account.

Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust".

4. Send whatever additional documentation they request as well.

### **Instructions for How to Transfer Burial Plot into Your Living Trust**

To transfer your burial plot to your living trust complete the following steps:

1. Contact the company that manages your burial plot and request whatever change of ownership form they require.
2. Complete the form they provide.
3. In addition, they may request additional documentation on your trust. Provide whatever they request.

Note: Numerous states have very stringent laws that restrict transfers of burial plots, including transfers to living trusts, once someone has been buried in any portion of the plot. If this is your situation, it may be impossible to transfer your burial plot to your living trust.

### **Instructions for How to Transfer a Certificate of Deposit to Your Living Trust**

Most banks and financial institutions have their own internal forms that they require to change ownership of an account to your trust. To transfer a Certificate of Deposit account into your trust, do the following:

1. Contact the financial institution and request whatever change of ownership form they require.
2. Complete the form they provide.
3. Send the completed form to the financial institution that handles your account.

Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust".

4. Send whatever additional documentation they request as well.

## **Instructions for How to Transfer a Checking Account to Your Living Trust**

Most banks and financial institutions have their own internal forms that they require to change ownership of an account to your trust. To transfer a checking account into your trust, do the following:

1. Contact the financial institution and request whatever change of ownership form they require.
2. Complete the form they provide.
3. Send the completed form to the brokerage firm that handles your account.

Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust".

4. Send whatever additional documentation they request as well.

Note: You should not need a new account number. The fact that your checking account is in your trust should be transparent. You should not need new checks. The name of the trust need not appear on your checks. You do not need to sign your checks any differently.

FDIC insurance is not affected in any way because you own your checking account as trustee of your living trust.

The more you can make the branch aware of you personally and your account the better. For example, it is helpful to talk directly with the branch manager when you transfer your accounts into the trust. If it is possible, it is a good idea to introduce your successor trustee to the branch manager.

## **Instructions for How to Transfer Closely Held Stock into Your Living Trust**

To transfer an interest in a closely held incorporated business into your trust complete the following steps:

1. Complete assignment form on the back of the stock certificates, if one exists.
2. Complete an [Asset Assignment](#) form, located at the end of this document.
3. Sign corporate resolution reflecting that your stock has been assigned to your living trust and file the resolution as part of your normal “minutes of the corporation”.
4. Send the notification letter to each of the stockholders that your interest in the corporation has been assigned to your trust.
5. Confirm that there is not language in any corporate redemption, buy-sell or other agreements that prohibit transfer or assignment of stock. If any restrictions apply contact your corporate lawyer and make amendments to the restrictive clause. (Corporate documents are normally not a problem. Restrictions on transfers are usually applied in order to keep outsiders from becoming shareholders without approval by other stockholders.)
6. Store the completed assignment form with your estate planning documents, the corporate resolution and copies of any stockholder notification letters in the corporate minutes, and any amendments to ancillary corporate documents with the original respectively.

## **Consent to Take a Corporate Action Without a Board of Director’s Meeting**

### **Corporate Resolution**

Pursuant to the corporate by-laws of \_\_\_\_\_ (name of corporation) \_\_\_\_\_, notice is hereby given that all shares belonging to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ have been assigned to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ trustee of the \_\_\_\_\_ (name of Revocable Trust) \_\_\_\_\_ dated \_\_\_\_\_ (date trust was executed) \_\_\_\_\_.

The action is hereby ratified and approved and the corporate secretary is authorized and directed to enter this “Consent to take a Corporate Action without a Board of Director’s Meeting” into the official minutes of the corporation.

Notice of said transfer has been or will be provided in a timely manner, to all other stockholders.

Accepted

\_\_\_\_\_ (stockholder/grantor name), \_\_\_\_\_ (title or office held in corporation) \_\_\_\_\_

Date: \_\_\_\_\_

Corporate Seal (if required)

## Stockholder Notification Letter

Date: \_\_\_\_\_

To whom it may concern,

Be advised that a corporate resolution authorizing the assignment of all shares currently owned by \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ trustee of the \_\_\_\_\_ (name of Revocable Trust) \_\_\_\_\_ dated \_\_\_\_\_ (date trust was executed) \_\_\_\_\_ was approved. The action was authorized by a "Consent to take Corporate Actions without a Board of Director's Meeting". Copy of said consent attached.

If you have any questions feel free to contact me directly. If I do not hear from you within 30 days of your receipt of this notification letter I will assume that you have no objections to the change of ownership.

Sincerely,

(stockholder/ grantor name)

## **How to Transfer Employee Benefits Provided by Your Employer to Your Living Trust**

It is not uncommon for an employer to offer a fringe benefit package that includes group life insurance or other types of lump-sum payoff, such as accrued sick leave, vacation pay, etc. at your death or disability. Your employer owns these assets but you designate a named beneficiary. The “owner” of your employer-provided benefits is not changed because you have executed a living trust but rather the beneficiary designation is changed to reflect your trust.

To add your trust as a named beneficiary to the fringe benefits provided by your employer complete the following steps:

1. Complete a [Change of Beneficiary Request](#) letter.
2. Send the change of beneficiary letter to the Human Resource Department at your company.
3. Follow the instructions that you receive from the Human Resource Department. Normally, the company will require:
  - You complete the company’s internal change of beneficiary form.
  - Sometimes they will require a copy of your entire trust (some HR Departments will accept the certification of trust).
  - Sometimes they will require an affidavit confirming the validity of the trust from the attorney who prepared the trust.

## **Instructions for How to Transfer General Partnership Interest into Your Living Trust**

To transfer an interest in a general partnership into your trust complete the following steps:

1. Sign a resolution reflecting that your interest in the partnership has been assigned to your living trust and file the resolution as part of your normal “minutes of the partnership”. Below is an example of such a resolution.
2. Send a letter to each of the general partners notifying them that your interest in the partnership has been assigned to your trust. Below is an example of such a letter.
3. Confirm that there is no language in the partnership redemption, buy-sell or other agreements that prohibits the transfer or assignment of partnership interests. If any restrictions apply contact the lawyer who handles the legal work for the partnership and make necessary amendments to the restrictive clause. (Partnership documents are normally not a problem. Restrictions on transfers are usually applied in order to keep outsiders from becoming partners without approval by other partners.)
4. Store the completed partnership resolution and copies of any partner notification letters in the partnership minutes.

### **Consent to Take a Partnership Action Without a Meeting of the General Partners**

#### **Partnership Resolution**

Pursuant to the partnership by-laws of \_\_\_\_\_ (name of partnership), notice is hereby given that all partnership interest belonging to \_\_\_\_\_ (name of partner/grantor) have been assigned to \_\_\_\_\_ (name of partner/grantor) trustee of the \_\_\_\_\_ (name of Revocable Trust) dated \_\_\_\_ (date that said trust was executed) \_\_\_\_.

The action is hereby ratified and approved and the acting secretary of the partnership is authorized and directed to enter this “Consent to take a Partnership Action without a Meeting of the General Partners” into the official minutes of the partnership.

Notice of said transfer has been or will be provided in a timely manner, to all other general partners.

Accepted

\_\_\_\_\_ (partner/grantor), General Partner

Date: \_\_\_\_\_

## Partner Notification Letter

Date: \_\_\_\_\_

To whom it may concern,

Be advised that a resolution authorizing the assignment of all interest currently owned by \_\_\_\_\_ (name of partner/grantor) to \_\_\_\_\_ (name of partner/grantor), Trustee of the \_\_\_\_\_ (name of the Revocable Trust) dated \_\_\_\_\_ (date said trust was executed) was approved. The action was authorized by a "Consent to take Corporate Actions without a Meeting of the General Partners". Copy of said consent attached.

If you have any questions feel free to contact me directly. If I do not hear from you within 30 days of your receipt of this notification letter I will assume that you have no objections to the change of ownership.

Sincerely,

## **Instructions for How to Transfer Government Securities in Your Personal Possession into Your Living Trust**

There are two ways to transfer government securities that you hold personally into your living trust. The first method is to place your government bonds in an account owned by the trust at a brokerage firm. The second option is get the Treasury Department to issue new bonds in your name as trustee of the living trust.

Placing the government bonds into a brokerage account is the simpler of the two methods. It is recommended that you use option 1.

### **Option 1. Opening a brokerage account in the name of the trust.**

1. Take all the government bonds in your possession into the brokerage firm of your choice. Request that the broker use the bonds to open an account with your trust as the owner.
2. Provide the broker whatever documentation on your trust his firm requires. Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust."

### **Option 2. Having the Treasury Department issue new bonds in your name as trustee of your living trust.**

1. Contact the Federal Reserve Bank nearest you or the Department of Treasury (some local banks or brokerage firms may have the necessary forms), for information, instructions and necessary form. The form is called a "Request for Reissue of United States Savings/Bonds/Notes in Name of Trustee of Personal Trust Estate".
2. Follow the instructions on the "Request for Reissue of United States Savings/Bonds/Notes in Name of Trustee of Personal Trust Estate" form. You will have to send:
  - Change of [Ownership Notification letter](#)
  - Your bonds or notes
  - The official "reissue" form requires a guaranteed signature. Only an officer of a commercial national bank or an officer of a brokerage firm who is a member of the New York Stock Exchange can guarantee a signature. For security issues the forms should be sent certified, and insured.
  - Documentation on your trust -- the "Certification of Trust" with its accompanying description of trustee powers should be sufficient.

## **Instructions for How to Transfer Limited Liability Company (LLC) into Your Living Trust**

To transfer an interest in a Limited Liability Company (LLC) into your trust complete the following steps:

1. Complete assignment form on the back of the LLC membership interest certificates, if one exists.
2. Sign a resolution reflecting that your interest has been assigned to your living trust and file the resolution as part of your normal “minutes of the LLC”. See example below.
3. Send the notification letter to each of the members of the LLC that your interest in the LLC has been assigned to your trust. See example below.
4. Confirm that there is no language in any LLC redemption, buy-sell or other agreements that prohibit transfer or assignment of your interests into your Trust. If any restrictions apply, contact the lawyer who drafted the LLC to make amendments to the restrictive clauses. (LLC operating agreements normally are not a problem. Restrictions on transfers are usually applied in order to keep outsiders from becoming members without approval by initial members.)
5. Store the resolution and copies of any membership notification letters in the LLC minutes.

### **Consent to Take a Corporate Action Without a Board of Directors Meeting Corporate Resolution**

Pursuant to the operating agreement of \_\_\_\_\_ LLC, a \_\_\_\_\_ (*state where LLC was sitused*) limited liability company, notice is hereby given that all certificates belonging to [Grantor Name] have been assigned to \_\_\_\_\_, Trustees of \_\_\_\_\_ (*name of trust*) dated \_\_\_\_\_ (*date of trust*), [add the following phrase if LLC ownership interest is only in the name of one of the spouses] “as \_\_\_\_\_ (*Grantor’s Name*) sole and separate property”.

The action is hereby ratified and approved and the managing member is authorized and directed to enter this “Consent to take a Company Action without a Vote of the Managing Members” into the official minutes of the company.

Notice of said transfer has been or will be provided in a timely manner, to all other members.

Accepted on \_\_\_\_\_ (*date*).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

## LLC Membership Notification Letter

Date: \_\_\_\_\_

To whom it may concern,

Be advised that a resolution authorizing the assignment of all membership certificates currently owned by [Grantor Name] to [Grantor Name and [Grantor Name], Trustees of [Name of Revocable Living Trust] dated [date of trust], as [Grantor's Name]'s sole and separate property was approved. The action was authorized by a "Consent to take Company Actions without a Meeting of the Managing Members." Copy of said consent attached.

If you have any questions feel free to contact me directly. If I do not hear from you within 30 days of your receipt of this notification letter I will assume that you have no objections to the change of ownership.

Sincerely,

[Grantor Name]

[Grantor Street Address]

[Grantor City, State and Zip]

[Grantor Phone]

## How to Transfer Mineral Rights to Your Living Trust

The method of transferring your mineral rights depends on whether or not you have leased the mineral rights on the land you own to some third party. If the interests are owned but not leased, then the mineral rights are transferred like any real estate. A quitclaim deed is prepared and recorded in the county where the land is located. (See "[How to Transfer Real Estate Within the United States](#)")

If you have leased the oil, gas or mineral interests, then in addition to a quitclaim deed, your rights under the terms of the lease must also be assigned to the trust using an assignment form. In addition you must prepare a letter informing whoever holds the lease to pay royalties directly to you as trustee of your living trust instead of you as an individual.

The transfer of your mineral rights to your revocable living trust does not adversely affect your right to take percentage depletion on your taxes. After your death the trust can take percentage depletion and so can trust beneficiaries to whom the oil and gas reserves are transferred.

If there is a lease agreement for mineral rights: To transfer your mineral rights to your living trust complete the following steps:

1. Complete an [Asset Assignment form](#) assigning the lease agreement to your trust
2. Attach a copy of the lease agreement to the assignment form
3. Complete and send the following notification letter to whoever holds the lease, informing them to make all future payments to you as trustee of your living trust.

*If mineral rights are leased out to a third party:*

Re: Transfer of Royalty Payments to Living Trust

To whom it may concern,

Be advised that we have executed a revocable living trust and assigned our interest in the mineral rights to our living trust. See the attached deed and assignment form evidencing our transaction. Also attached is a photocopy of our lease agreement.

Please change your records to reflect this transfer and make all future royalty payments to:

\_\_\_\_\_[NAME OF ALL TRUSTEES]\_\_\_\_\_ as Co-Trustees of \_\_\_\_\_[NAME OF TRUST]\_\_\_\_\_ dated \_\_\_\_\_[DATE OF TRUST]\_\_\_\_\_ [\*IF PROPERTY IS SEPARATE PROPERTY OF ONE SPOUSE ADD] as \_\_\_\_\_[NAME OF SEPARATE PROPERTY OWNER]\_\_\_\_\_ sole and separate property.

If you have any questions feel free to contact us at \_\_\_\_\_.

Enclosures: Copy Quitclaim deed Copy Asset Assignment Form Copy of Lease Agreement

### **Instructions for How to Transfer Mutual Fund Accounts into Your Living Trust.**

Most banks and financial institutions have their own internal forms that they require to change ownership of an account to your trust. To transfer a brokerage account into your trust, do the following:

1. Contact the financial institution and request whatever change of ownership form they require.
2. Complete the form they provide.
3. Send the completed form to the brokerage firm that handles your account.

Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust".

4. Send whatever additional documentation they request as well.

### **Instructions for How to Transfer Personal Property into Your Living Trust**

To transfer your personal property (i.e., all your household belongings and items of personal nature that do not have any formal title) to your living trust complete the following steps:

1. Complete the Comprehensive Transfer document included in your trust documents that handles all personal property items at one time. Be sure to have that document notarized.

Note: You should complete a comprehensive transfer form to transfer your personal property generally (i.e., coin, stamp, gun or other collection, artwork, family heirlooms, antiques, classic cars, etc.).

### **Instructions for How to Transfer Promissory Note Secured by a Mortgage, Also Known as a Trust Deed or a Mortgage into Your Living Trust**

This is to be done if you have issued a promissory note to someone secured by real property you own. To transfer a promissory note secured by real property, also known as a trust deed or a mortgage, into your living trust complete the following steps:

1. Complete an [Asset Assignment form](#) (both the note and the mortgage secured by a deed of trust are assigned with a single form).
2. The debtor of the promissory note does not need to be notified of the assignment of the note. When payments are made to you, if they are deposited into an account that is owned by the trust, the payment automatically becomes part of the trust. If you are dead at the time the note is paid in full, the assignment will show that the principal of the promissory note is a trust asset.
3. Store the completed Asset Assignment form with your estate planning documents.

### **Instructions for How to Transfer Unsecured Promissory Note into Your Living Trust**

This is to be done if you have issued a promissory note to someone who owes you money. To transfer a unsecured promissory note into your living trust complete the following steps:

1. Complete an [Asset Assignment form](#).

The debtor of the promissory note does not need to be notified of the assignment note. When payments are made to you, if they are deposited into an account that is owned by the trust, the payment automatically becomes part of the trust. If you are deceased at the time the note is paid in full, the assignment will show that the principle of the promissory note is a trust asset.

2. Store the completed Asset Assignment form with your estate planning documents.

### **Instructions for How to Transfer Real Estate Not Located in the United States to Your Living Trust**

There is no point in transferring foreign property to your living trust. The US laws, government and courts have no authority over property in another country. Property in a foreign country does not go through probate in the United States.

Every country has its own rules and laws regarding how to transfer real estate at the death of the owner.

**REAL ESTATE LOCATED IN A FOREIGN COUNTRY IS NOT PLACED IN YOUR LIVING TRUST. DO NOT TRANSFER OWNERSHIP OF REAL ESTATE IN FOREIGN COUNTRIES.**

Seek competent counsel in the country where your property is located.

## **Instructions for How to Transfer Real Estate Within the United States to Your Living Trust**

To transfer real estate to your living trust, create either a quitclaim or warranty deed transferring your property from you as an individual to you as grantor of your revocable living trust. You can order a quitclaim deed at [funding.estateplansupport.com](http://funding.estateplansupport.com) and we will create that deed for you.

Each state (and in some cases, each county within a state) has their own rules and procedures that must be followed to record a new deed. Generally, the process requires you:

1. Complete either a quitclaim or warranty deed transferring the property from you as an individual to you as grantor of your revocable living trust.
2. Complete any paperwork or forms the county requires to be submitted along with the deed.
3. Make sure the county knows that this is not a “transfer for value” (i.e., there was no formal sale to a new buyer). You do not want the county to reassess the property for property tax purposes.

Review the quitclaim deed for accuracy. Specifically check:

- Your name on each quitclaim deed prepared matches “word for word” your name as it appears on your original deed.
- The legal description on each quitclaim deed matches “word for word” the legal description as it appears on your original deed.
- Signatures and notary are complete.

Prepare a check, made payable to “County Recorder” for necessary transfer fees. Contact the County Recorder’s office in the county where the property is located for the current recording fee(s) assessed. Normally the county charges a nominal- processing fee for each page submitted for recordation.

Send the following to the County Recorder’s Office where the property is located:

- Signed, dated and notarized quitclaim deed
- Completed county form (if any)
- Check in the appropriate amount for the recording fee

In 8-12 weeks you should receive your original quitclaim deed back from the County Recorder. Check to make sure that the county’s stamp, identifying the date and time that the quitclaim deed was recorded, has been affixed to the upper right hand corner of the quitclaim deed.

Place the recorded quitclaim deed along with the original deed in a safe place (i.e., safe deposit box, fireproof home safe, etc.) for long-term storage.

### **Instructions for How to Transfer Royalties into Your Living Trust**

To transfer a royalty interest into your living trust complete the following steps:

1. Complete a [Change of Ownership Notification](#) letter.
2. Send the Change of Ownership Notification letter to whatever company pays you royalties.
3. The company may have their own transfer forms for you to sign. In addition they may request additional documentation on your trust. Provide whatever they request.

### **Instructions for How to Transfer Safe Deposit Box into Your Living Trust**

To transfer a safe deposit box and its contents into your trust, complete the following steps:

- 1) Go into the local branch office and request that your new living trust be identified on the bank's official records as the owner of the safe deposit box. The bank will have paperwork for you to sign.
- 2) Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust". Provide whichever one they request and let them make a copy for their files.

## **Instructions for How to Transfer Publicly Traded Stock Certificates in Your Personal Possession into Your Living Trust**

There are two ways to transfer publicly traded stocks and bonds that you hold personally into your living trust. The first method is to place certificates in an account owned by the trust at a brokerage firm. The second option is get the corporation to issue new certificates in your name as trustee of the living trust. Placing the certificates into a brokerage account is the simpler of the two methods. It is recommended that you use option 1.

### **Option 1. Opening a brokerage account in the name of the trust.**

1. Take all the certificates in your possession into the brokerage firm of your choice. Request that the broker use the certificates to open an account with your trust as the owner. This type of account is known as a “street name” account. All assets in the account are automatically owned in your trust.
2. Provide the broker whatever documentation on your trust the firm requires. Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter “Certification of Trust”.
3. Request a signed, written receipt for all securities given to the broker.

### **Option 2. Having the corporation issue new certificates in your name as trustee of your living trust.**

1. Contact the corporation – most publicly traded corporations will have an entire department devoted to “investor relations” – requesting that they send you information and instructions you will need to facilitate the transfer of your shares to your living trust.
2. Follow the instructions that you receive from the corporate transfer agent. You will probably have to send in:

- Change of Ownership Notification letter
- Your certificates
- Documentation on your trust -- Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter “Certification of Trust”.

In a separate envelope send:

- A form called a “irrevocable stock or bond power” – a guaranteed signature is required. Only an officer of a commercial national bank or an officer of a brokerage firm who is a member of the New York Stock Exchange can guarantee a signature. For security issues the irrevocable stock power must be sent separately from the certificates.

## Instructions for How to Transfer Closely Held Stock into Your Living Trust

To transfer an interest in a closely held incorporated business into your trust, complete the following steps:

1. Complete assignment form on the back of the stock certificates, if one exists.
2. Sign a corporate resolution reflecting that your stock has been assigned to your living trust and file the resolution as part of your normal "minutes of the corporation". An example of a corporate resolution is below.
3. Send a notification letter to each of the stockholders that your interest in the corporation has been assigned to your trust. An example of a notification letter to stockholders is below.
4. Confirm that there is not language in any corporate redemption, buy-sell or other agreements that prohibit transfer or assignment of stock. If any restrictions apply contact your corporate lawyer and make amendments to the restrictive clause. (Corporate documents are normally not a problem. Restrictions on transfers are usually applied in order to keep outsiders from becoming shareholders without approval by other stockholders.)
5. Store the corporate resolution and copies of any stockholder notification letters in the corporate minutes, and any amendments to ancillary corporate documents with the original respectively.

## Consent to Take a Corporate Action Without a Board of Directors Meeting

### Corporate Resolution

Pursuant to the corporate by-laws of \_\_\_\_\_ (name of corporation) \_\_\_\_\_, notice is hereby by given that all shares belonging to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ have been assigned to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ trustee of the \_\_\_\_\_ (name of Revocable Trust) \_\_\_\_\_ dated \_\_\_\_\_ (date that trust was executed) \_\_\_\_\_.

The action is hereby ratified and approved and the corporate secretary is authorized and directed to enter this "Consent to take a Corporate Action without a Board of Director's Meeting" into the official minutes of the corporation.

Notice of said transfer has been or will be provided in a timely manner, to all other stockholders.

Accepted

\_\_\_\_\_ (stockholder/grantor name), \_\_\_\_\_ (title or office held in corporation) \_\_\_\_\_

Date: \_\_\_\_\_

Corporate Seal (if required)

## Stockholder Notification Letter

Date: \_\_\_\_\_

To whom it may concern,

Be advised that a corporate resolution authorizing the assignment of all shares currently owned by \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ trustee of the \_\_\_\_\_ (name of the Revocable Trust) \_\_\_\_\_ dated \_\_\_\_\_ (date said trust was executed) \_\_\_\_\_ was approved. The action was authorized by a "Consent to take Corporate Actions without a Board of Directors Meeting". Copy of said consent attached.

If you have any questions feel free to contact me directly. If I do not hear from you within 30 days of your receipt of this notification letter, I will assume that you have no objections to the change of ownership.

Sincerely,

(stockholder/ grantor name)

## How to Transfer an Individual Retirement Account (IRA) to Your Living Trust

By law Individual Retirement Accounts (IRAs) must be owned by a disinterested, institutional third party known as the plan trustee. If the plan participant (i.e., you as the “owner” of the IRA) becomes the “owner of record,” it is deemed a distribution and subject to immediate income taxation.

In addition, by law IRA accounts must have a named beneficiary. Upon death, IRAs pass outside probate to whoever is named as the beneficiary. **Ownership of your IRA is not changed to your living trust, but rather the beneficiary designations are changed to reflect the existence of the trust. Typically, you list your Revocable trust as the final contingent beneficiary of your IRA.**

To add your trust as a beneficiary to your IRA complete the following steps:

1. Contact the plan trustee that administers your IRA and inform them you want to add your trust as the final contingent beneficiary of your IRA. Request the forms they require to make that change.
2. Complete the forms and follow the instructions that you receive from the company that manages your IRA.

Normally, the company will require:

- You complete the company’s internal change of beneficiary form.
- A copy of your entire trust (some institutions will accept the certification of trust). Specifically the company managing your IRA is interested in the sections of your trust identifying you as the Grantor, the language confirming that the trust is revocable by you and the signature page proving that the trust is a properly executed and valid legal document. Language that outlines the irrevocability of the trust at your death. Sometimes they want to have the section that identifies the successor trustee as well.
- Sometimes they will require an affidavit confirming the validity of the trust from the attorney who prepared the trust.

## **Transferring a Judgment into Your Living Trust**

A judgment is a court order that grants you a payment for injury or damages. A judgment represents value because when it is executed, it results in the receipt of property and or cash. Hence, it should be assigned to your living trust.

To transfer your rights in a court-ordered judgment into your living trust complete the following steps:

1. Check the language of the original judgment to make sure that there is nothing in the agreement that prohibits assignment to your living trust. (If you have any questions about whether the judgment contains any provisions that restrict you from assigning your interest as outlined in the judgment to your living trust, contact Estate Plan Support at +1 (385) 240-6400 before you go any further.)
2. Complete an [Asset Assignment](#) form.
3. Attach a copy of the original judgment to the executed asset assignment form.

## **How to Transfer a Life Insurance Policy to Your Living Trust**

Insurance policies have a named beneficiary. Upon death, an asset with a named beneficiary passes outside probate to whomever is named as the beneficiary. Ownership of your life insurance is not changed to your living trust, but rather the beneficiary designations are changed to reflect the existence of the trust. Typically, your trust is made the final contingent beneficiary on your insurance policy.

Most insurance companies have their own internal forms that they require to change beneficiary designations of a life insurance policy to your trust. To change the beneficiary designation to your trust, do the following:

1. Contact the financial institution and request whatever change of ownership form they require.
2. Complete the form they provide.
3. Send the completed form to the brokerage firm that handles your account.

Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust".

4. Send whatever additional documentation they request as well.

## **Instructions for How to Transfer a Limited Partnership Interest into Your Living Trust**

To transfer a limited partnership interest in into your living trust, complete the following steps:

1. Complete a [Change of Ownership Notification](#) letter.
2. Send the Change of Ownership Notification letter to the managing or general partner.

Seldom will the limited partnership change the ownership per your written request. Usually the managing or general partner will send you a letter outlining what they require. Often they want you to sign their internal change of ownership form.

Some limited partnerships will demand a copy of your entire trust for their records. Some will accept the shorter "Certification of Trust".

3. Send whatever additional documentation the managing or general partner requests.

## **Instructions on How to Transfer a Motor Home to a Living Trust**

To transfer a motor home into your living trust complete the following steps:

1. Contact the state Department of Motor Vehicles (DMV) for information, instructions and the necessary forms to transfer or register your vehicle into your name as trustee of your living trust.
2. Follow the instructions you receive from the DMV.

## **Instructions for How to Transfer a Patent or Trademark into Your Living Trust**

To transfer an interest in a patent or trademark to your living trust complete the following steps:

1. Contact the U.S. Patent and Trademark Office in Washington DC for information, instructions and necessary forms to transfer your rights in the patent to your living trust.
2. Follow the instructions received from the U.S. Patent and Trademark Office.

Normally, the U.S. Patent and Trademark Office requires that you submit the following:

- Completed transfer of owner form.
- Check for the current transfer fee.

## How to Transfer a Pension and Profit Sharing Plan to Your Living Trust

By law qualified pension and profit sharing plans must be owned by a separate trust that has been “qualified” by the IRS. If the plan participant (i.e., you) becomes the “owner of record,” it is deemed a distribution and subject to immediate income taxation.

In addition, by law, qualified pension and profit sharing accounts must have a named beneficiary. Upon death, pension and profit sharing plans (assets with a named beneficiary) pass outside probate to whoever is named as the beneficiary. **Ownership of your pension and profit sharing plan is not changed to your living trust, but rather the beneficiary designations are changed to reflect the existence of the trust.** Typically, your trust is made the final contingent beneficiary on your pension and profit sharing plan.

Most insurance companies have their own internal forms that they require to change beneficiary designations of a life insurance policy to your trust. To change the beneficiary designation to your trust, do the following:

1. Contact the financial institution and request whatever change of beneficiary form they require.
  2. Complete the form they provide, noting you want the trust to be the final contingent beneficiary.
  3. Send the completed form to the brokerage firm that handles your account.
  4. Send whatever additional documentation they request as well.
- A copy of your entire trust (some institutions will accept the certification of trust). Specifically the company managing your pension and profit sharing plan is interested in the sections of your trust identifying you as the Grantor, the language confirming that the trust is revocable by you and the signature page proving that the trust is a properly executed and valid legal document. They may also want to confirm the language that outlines the irrevocability of the trust at your death. Sometimes they want to have the section that identifies the successor trustee as well.
  - Sometimes they will require an affidavit confirming the validity of the trust from the attorney who prepared the trust.

## **Instructions for How to Transfer a Professional Corporation (PC) into Your Living Trust**

To transfer an incorporated professional practice to your living trust complete the following steps:

1. Complete any assignment form on the back of the stock certificates, if one exists.
2. Sign a corporate resolution reflecting that your stock in the professional corporation has been assigned to your living trust and file the amendment as part of your normal "minutes of the corporation." See sample resolution below.
3. Send a notification letter to each of the stockholders that your interest in the professional corporation has been assigned to your trust. See sample notification letter below.
4. Confirm that there is not language in any corporate redemption, buy-sell or other agreements that prohibit transfer or assignment of stock. (The law requires that every stockholder or a professional corporation be licensed to practice the particular purpose of that professional corporation. Your trust includes special language that permits it to legally own interests in a professional corporation.)
5. Store the corporate resolution and copies of any stockholder notification letters in the corporate minutes.

## **Consent to Take a Corporate Action Without a Board of Directors Meeting**

### **Corporate Resolution**

Pursuant to the corporate by-laws of \_\_\_\_\_ (name of corporation) \_\_\_\_\_, notice is hereby by given that all shares belonging to \_\_\_\_\_ (name of stockholder/grantor) \_\_\_\_\_ have been assigned to \_\_\_\_\_ (name of stockholder as grantor) \_\_\_\_\_ trustee of the \_\_\_\_\_ (name of Revocable Trust) \_\_\_\_\_ dated \_\_\_\_ (date that trust was executed) \_\_\_\_.

The action is hereby ratified and approved and the corporate secretary is authorized and directed to enter this "Consent to take a Corporate Action without a Board of Directors Meeting" into the official minutes of the corporation.

Notice of said transfer has been or will be provided in a timely manner, to all other stockholders.

Accepted

\_\_\_\_\_ (name of stockholder/grantor), \_\_\_\_\_ (title or office held in corporation) \_\_\_\_\_

Date: \_\_\_\_\_

Corporate Seal (if required)

## Stockholder Notification Letter

Date: \_\_\_\_\_

To whom it may concern,

Be advised that a corporate resolution authorizing the assignment of all shares currently owned by \_\_\_\_\_ (name of stockholder/grantor) to \_\_\_\_\_ (name of grantor as in trust) \_\_\_\_\_ trustee of the \_\_\_\_\_ (name of the Revocable Trust) dated \_\_\_\_\_ (date trust was executed) \_\_\_\_\_ was approved. The action was authorized by a "Consent to take Corporate Actions without a Board of Directors Meeting". Copy of said consent attached.

If you have any questions feel free to contact me directly. If I do not hear from you within 30 days of your receipt of this notification letter, I will assume that you have no objections to the change of ownership.

Sincerely,

(stockholder/ grantor name)

### **Instructions on How to Transfer a Recreational Vehicle to a Living Trust**

To transfer a recreation vehicle into your living trust complete the following steps:

1. Contact the state Department of Motor Vehicles (DMV) for information, instructions and the necessary forms to transfer or register your vehicle into your name as trustee of your living trust.
2. Follow the instructions you receive from the DMV.

### **Instructions for How to Transfer a Savings Account to Your Living Trust**

To transfer a savings account to your living trust, complete the following steps:

Most banks and financial institutions have their own internal forms that they require to change ownership of an account to your trust. To transfer a savings account into your trust, do the following:

1. Contact the financial institution and request whatever change of ownership form they require.
2. Complete the form they provide.
3. Send the completed form to the bank or financial institution that handles your account.

Some institutions will demand a copy of your entire trust for their records. Some institutions will accept the shorter "Certification of Trust".

4. Send whatever additional documentation they request as well.

Notes: FDIC insurance is not affected in any way because your savings account is owned by you as trustee of your living trust.

The more you can make the branch aware of you personally and your account the better. For example, it is helpful to talk directly with the branch manager when you transfer your accounts into the trust. If it is possible, it is a good idea to introduce your successor trustee to the branch manager.

### **Instructions for How to Transfer a Sole Proprietorship into Your Living Trust**

To transfer a sole proprietorship into your living trust, complete the following steps:

1. Complete an [Asset Assignment](#) form.

Once the sole proprietorship is transferred to your trust, all assets, both tangible and intangible, bank accounts, accounts receivable, etc. which are in the name of the business are automatically owned by your trust. No further transfer documents or change of title is required.

## **Instructions for How to Transfer a Timeshare into Your Living Trust**

Ownership in your timeshare is evidenced in one of three ways, either by a membership certificate, through a long-term transferable lease, or by a formal Grant deed. To transfer your timeshare into your living trust complete the following steps:

1. Contact the entity that manages the timeshare and request the form they use for a change of ownership to your living trust.
2. Complete the paperwork and instructions received and return them to the timeshare management company.

Some timeshares will demand a copy of your entire trust for their records. Some will accept the shorter "Certification of Trust".

3. Send whatever additional documentation the timeshare requests.
4. If your timeshare issued you a Grant deed you must also prepare and record a new quitclaim deed. (See "[How to Transfer Real Estate Within the United States](#)")

Place the recorded quitclaim deed(s) along with the original deed(s) in a safe place (i.e., safe deposit box, fireproof home safe, etc.) for long-term storage.

## **Instructions for How to Transfer a "Uniform Transfers to Minors Account" (UTMA) Also Know as a "Uniform Gift to Minors Account" (UGMA) to Your Living Trust**

It is not uncommon for parents, grandparents and others to set aside funds for minor children. When the minor's name is officially on the account the account is created under the terms of the Uniform Transfers to Minor Act or UTMA Act. Technically assets held in an UTMA account are in the name of the minor and earnings on the account are taxable to the minor's tax ID number. Usually the parent or grandparent is named as a custodian, the bank or institution who manages the account is the trustee and the minor is the beneficiary.

Transfers to an UTMA account are irrevocable transfers and the minor receives the assets in a UTMA account when they reach age majority. Age majority varies from age 18 to 25 from state to state, with age 21 being the most common. UTMAs are not considered part of your estate. UTMA accounts are not placed in your trust.

### **DO NOTHING WITH YOUR UGMA ACCOUNT**

### **THE FACT THAT YOU HAVE A LIVING TRUST SHOULD NOT BE REFLECTED IN HOW YOU OWN YOUR UNIFORM TO GIFT TO MINORS ACCOUNT.**

Note: It is possible to name a "successor custodian" on your UTMA so that someone else can take over as custodian upon your demise. Ask your bank how they facilitate this internally.

## **How to Transfer an 401(k) Retirement Plan to Your Living Trust**

By law 401(k) retirement plans must be owned by a separate trust that has been “qualified” by the IRS. If the plan participant (i.e., you) becomes the “owner of record” it is deemed a distribution and subject to immediate income taxation.

In addition, by law 401(k) retirement accounts must have a named beneficiary. Upon death, 401(k) retirement plans pass outside probate to whomever is named as the beneficiary. Ownership of your 401(k) retirement plan is not changed to your living trust, but rather the beneficiary designations are changed to reflect the existence of the trust. Typically, your trust is listed as the final contingent beneficiary.

To add your trust as a beneficiary to your 401(k) retirement plan complete the following steps:

1. Contact the company that manages your 401(k) retirement plan and request the paperwork needed to change beneficiaries on the account.

2. Follow the instructions that you receive from the company that manages your 401(k) retirement plan. Normally, the company will require:

- You complete the company’s internal change of beneficiary form.
- A copy of your entire trust (some institutions will accept the certification of trust). Specifically the company managing your 401(k) retirement plan is interested in the sections of your trust identifying you as the Grantor, the language confirming that the trust is revocable by you and the signature page proving that the trust is a properly executed and valid legal document. Language that outlines the irrevocability of the trust at your death. Sometimes they want to have the section that identifies the successor trustee as well.
- Sometimes they will require an affidavit confirming the validity of the trust from the attorney who prepared the trust.

## Asset Assignment to Revocable Living Trust

(Transfer One Asset Per Assignment Form)

I/We, \_\_\_\_\_, do hereby transfer and assign, without consideration and in order to change formal title only, all right, title and interest in the asset described below to:

\_\_\_\_\_, Trustee(s), or their successors  
(Names as Trustees)  
in Trust, under \_\_\_\_\_ dated \_\_\_\_\_  
(Name of Trust)  
\_\_\_\_\_, and any amendments thereto.  
(Date of Trust)

**Description of Asset** (Include enough details to adequately describe the asset, i.e., account number, etc. Attach a copy of account statement, if applicable.)

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Signature of Grantor

### CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(Insert name and title of the officer)

personally appeared \_\_\_\_\_,  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s)  
whose name(s) is/are subscribed to the within instrument and acknowledged to me that they executed  
the same in their authorized capacities, and that by their signatures on the instrument the persons, or the  
entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary's Signature (SEAL)

## Change of Ownership Notification

Date: \_\_\_\_\_

Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To Whom It May Concern:

We, \_\_\_\_\_ and \_\_\_\_\_, have executed a Revocable Living Trust naming ourselves as Co-Trustees and desire to transfer our existing:

\_\_\_\_\_  
(Provide account name, number and attach a copy of account statement, if applicable.)

into the Trust. Please register ownership of this asset as follows:

\_\_\_\_\_, Co-Trustees, or their successors in  
(Names as Trustees)

Trust, under \_\_\_\_\_ dated  
(Name of Trust)

\_\_\_\_\_, and any amendments thereto.  
(Date of Trust)

**Taxpayer Identification Number:** There will be no new tax identification number assigned to this Trust. Because the Trust is a "grantor" Trust, our social security numbers may be used as the tax identification number for this purpose.

**Effect on Account:** These transfers should not affect interest, dividends, life insurance or any other income on the investments. If transfers will in any way affect income, dividends or life insurance please contact us prior to making changes.

**Tax-Deferred Account:** If the above-named asset is a qualified retirement account, contact us immediately. Do not transfer ownership of IRA or other tax-deferred accounts into the Trust.

If we do not receive written confirmation from you within thirty (30) days, we will rely on the fact that you have made the changes as outlined in this letter.

If you have any questions or need additional information to accomplish this request, please contact us at:

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Sincerely,

\_\_\_\_\_

### **Change of Beneficiary Notification Letter**

Date: \_\_\_\_\_

Company & Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Subject:** Change of Beneficiary Policy or Account Number: \_\_\_\_\_

To Whom It May Concern:

Please change the contingent beneficiary of the policy shown above to our Revocable Living Trust. The primary beneficiary should remain as currently listed.

The final contingent or secondary beneficiary designation should read exactly as follows:

\_\_\_\_\_, Co-Trustees, or their successors in Trust,  
(Names as Trustees)

under \_\_\_\_\_ dated \_\_\_\_\_, and  
(Name of Trust) (Date of Trust)

any amendments thereto.

**Taxpayer Identification Number:** There will be no new tax identification number assigned to this Trust. Because the Trust is a "grantor" Trust, our social security numbers may be used as the tax identification number for this purpose.

**Effect on Account:** These transfers should not affect interest, dividends, life insurance or any other income on the investments. If transfers will in any way affect income, dividends or life insurance please contact us prior to making changes.

**Tax-Deferred Accounts:** Do not transfer ownership of IRA or other tax-deferred accounts into the Trust. If the spouse is currently named as the beneficiary of a qualified plan, please leave the spouse as primary beneficiary, and name the Trustee of the Trust (as described above) as the contingent beneficiary. DO NOT remove spouse as primary beneficiary of qualified plans.

**PLEASE NOTE: THIS IS A CHANGE OF BENEFICIARY AND NOT A CHANGE OF OWNERSHIP.** We are relying upon you to take all appropriate steps to assure that the contingent beneficiary is changed to reflect our Revocable Living Trust. If you have a form that needs to be signed, please send it to us for our signatures as soon as possible. If you have any questions, please contact us at:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Signature of Grantor