

Powers of Appointment –February 23, 2010

The ability to perform any act pursuant to the terms of a trust is a power. However, powers that are general powers of appointment have estate inclusion issues, where most others do not. In this respect is it an error to include a 5x5 power in a credit shelter trust (i.e. bypass trust) or is by luck that this error never creates an estate inclusion issue. The Who Can Be a Trustee rules are some of the most complex estate inclusion rules. If the Settlor is serving as a Trustee, it is analyzed under IRC § 2036 or § 2038. However, if a spouse or beneficiary is serving as a trustee, then it is a general power of appointment analysis that determines whether there is an estate inclusion issue. While this seminar does not cover the Who Can Be a Trustee rules in detail, it does set the basics for this analysis. Finally, why is a crummy withdrawal power a general power of appointment, and what do drafters do to attempt to avoid this issue.

Types of Estate Planning Trusts –March 30, 2010

It took the marketing mastermind John Preston to advise me of the importance of this presentation and how it could be used with any group of financial planning professionals. I then took it to the Aviva financial group and it was the success that John told me it would be. Strangely, I originally wrote the seminar to train staff how to understand estate planning. While there are many names given for estate planning trusts, outside of the QTIP and credit shelter trust, there are only four to five commonly used estate planning trusts. It is these four to five trusts that are combined with other types of planning tools that form the complex estate planning structures. Learn the difference between estate planning trusts the move the bottom number regarding the amount of estate tax saved when contrasted with estate planning drafting options.

The Mechanics of the Gift and Estate Taxes and Preparing Form 706– April 27, 2010

The first example demonstrates how the gift tax is entwined with the estate tax. The second example. The second example is an intermediate estate that discusses what happens when the first spouse dies. How do you compute the amount that is funded into the QTIP? The example includes a power of appointment, retirement plans, as well joint tenancy with right of survivorship with someone other than your spouse. The seminar also discusses how the return is prepared if the client uses a revocable trust, rather than just owning the assets outright.