

Southern Arizona Estate Planning Council

Reading Interpreting and Drafting
Distribution Provisions That:

Say What You Mean and Mean What You Say

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April 17, 2024

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"I meant what I
said, and I said
what I meant. An
elephant's faithful
- 100 percent."



SUPPORT

Pay for health, education, maintenance and/or support. "HEMS"
It is ascertainable.

Trustee shall provide maintenance and support to my surviving spouse for so long as she lives.

DISCRETIONARY

Absolute discretion to pay any amount the trustee chooses to pay or apply.

Trustee has unfettered discretion over income and principal to make or withhold distributions to my children until each child reaches age 25.

HYBRID

Hybrid combines elements of Support and Discretionary trusts. Usually ascertainable.

Trustee may pay from principal, income, or both in trustee's sole discretion as reasonably necessary for the health, education, maintenance, or support of the beneficiary.

Trustee shall distribute ... as necessary to provide for the Child's reasonable health, support, and education...

- Standard of living at creation of the trust;
 - Child is the primary beneficiary.
 - Consider resources known to be available to Child upon reasonable inquiry.
 - Enable vocational, college, graduate, and/or professional education **as long as it is pursued to Child's advantage.**
 - Enable Child to obtain, improve, and furnish a home commensurate with Child's standard of living.
 - Assist Child to obtain capital to enter a business or profession.
- Intent is that trust distributions **not serve as a disincentive** to Child's motivation to provide for his own needs in life, and Settlor instructs Trustee to **reduce or terminate distributions** if, in the judgment of the trustee, that objective is served by doing so.*

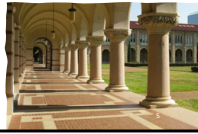
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"This Court cannot substitute its discretion for that of the Trustees and can interfere with their exercise of discretionary powers only in case of fraud, misconduct, or clear abuse of discretion." *Coffee v. William Marsh Rice Univ.*, 408 S.W.2d 269, 284 (Tex. Civ. App.—Houston 1966, writ ref'd n.r.e.)

An endowment ... **donated "to the instruction of the white inhabitants of Houston ... The Endowment ... shall be devoted ... To the establishment and Maintenance of a Free Library, Reading Room, and Institute for the Advancement of Science and Art ... provide for the establishment and maintenance of a thorough polytechnic school, for males and females, designed to give instructions on the application of Science and Art to the useful occupation of life ... Said Library, Reading Room, Scientific Departments, and Polytechnic School, and the instruction, benefits and enjoyments to be derived from the Institute to be **free and open to all; to be non-sectarian and non-partisan ...****

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Lutheran or ...

If a beneficiary is unable to prove (by affidavit or otherwise) to the complete satisfaction of the Trustee that such beneficiary is a member in good standing of a Lutheran Church, or being trained in such Church, that beneficiary shall not receive any payments and all rights to which beneficiary would otherwise be entitled shall cease and become null and void as if beneficiary was then deceased.

*This settlor
wants the
beneficiary
to work!*

(a) It is Settlor's overriding intent in establishing this trust to benefit his descendants, supplement their earnings and enhance their standard of living, but only if. . . they remain productive members of society and . . . gainfully employed on a full-time basis. Full-time employment requires, at a minimum, working forty (40) hours per week, whether on a self-employed basis or for a third-party employer. It shall also be considered full-time employment if a Beneficiary is a full-time stay-at-home parent raising minor children who have been born or adopted into a lawful marriage of the Beneficiary, so long as the Beneficiary's spouse has full-time employment outside the home.

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This settlor wants the beneficiary to work!

Trust distributions . . . shall be suspended at all times that the Beneficiary is not gainfully employed ... full-time as determined by the Trustee in the Trustee's sole discretion, unless such Beneficiary has a medical condition or disability that makes such employment unrealistic or impossible. Once the Beneficiary regains full-time employment, trust distributions shall not resume until the Beneficiary has maintained such employment for twelve (12) consecutive months.



An Exception:

If a child of the Grantor is a single parent as the result of divorce, death of a spouse, a single parent adoption or use of assisted reproduction techniques, the Trust Committee shall determine whether the employment requirements of this subsection (a) shall be waived to allow such single-parent Beneficiary to be a stay-at-home parent and still receive distributions authorized in Section (b).



Incentive Clauses



The Carrot ...

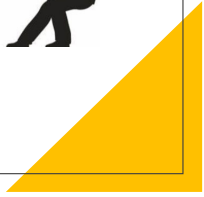
In making discretionary distributions ... trustee shall encourage each descendant to develop his talents and abilities through personal effort, become financially responsible, support a constructive life of good character and responsibility and reach his potential to lead a productive and self-sufficient life.

The Stick ...

... no payment of income to such child shall be made if in the judgment of the Trustee the ambition or incentive of such child to provide for [his] own support would be retarded or destroyed thereby...

A donkey is a simple creature; it will follow a carrot on a stick, but is still capable, even with its most basic intellect of determining when there is no carrot.

~John Kelley Ireland



A Dictionary is Your Friend

- *Except as noted elsewhere herein...trustee shall not borrow nor lend.*
- *"I give Trustee all powers ... to make advancements to or for the benefit of said beneficiaries for such purposes as said Trustee may deem desirable or proper ... and charge against the interest of the beneficiary to whom such advances are made...."*

Advance means ...

- to bring or move forward
- to accelerate growth or progress
- to raise to a higher rank
- **to supply or furnish in expectation of repayment**





Rules of Construction Apply!

An expression of specific intent controls over an expression of general intent.

Trustee in its discretion shall make distributions to enable each of my five grandchildren to obtain an education; and I specifically intend that my grandson, Marcus, be afforded every opportunity to attend medical school.

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Helpful Legal Presumptions!

These apply only if there is no specific contradiction in the document:

By leaving a will or creating a trust, presume the testator did not intend for property to revert to his estate or pass in intestacy and did intend to confer some benefit on a named beneficiary.

Generally, children are favored over grandchildren and descendants are favored over collateral relatives who are favored over strangers.

The testator intended that the estate vest as early as possible.

All persons in a given class and all classes of beneficiaries are treated equally unless the agreement specifically states something else.

Every word a grantor uses is important or has some meaning.

The testator intended the law in effect at that time should apply.

Calculations and Formulas

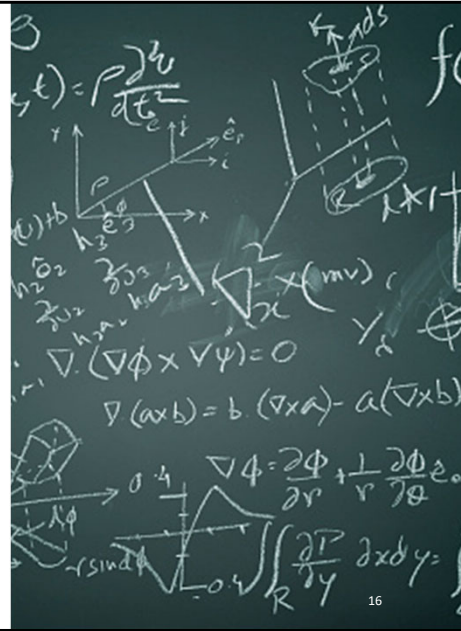
Trustee shall distribute to Beneficiary an amount up to Sixty Thousand Dollars (\$60,000) per year, as adjusted below ("Base Distribution"), for health, maintenance, and support. The Base Distribution shall be increased by a cost-of-living adjustment calculated as set forth below.

* * *

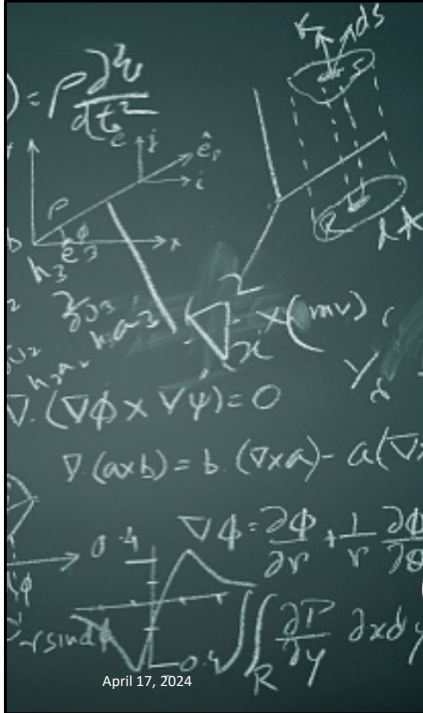
For purposes of calculating the cost-of-living adjustment to the Base Distribution, the following definitions and procedures shall apply:

"Average Index" means the aggregate of the Price Index for all the months of the calendar year ("Prior Year") immediately preceding the current calendar year ("Current Year"), divided by 12.

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Calculations and Formulas

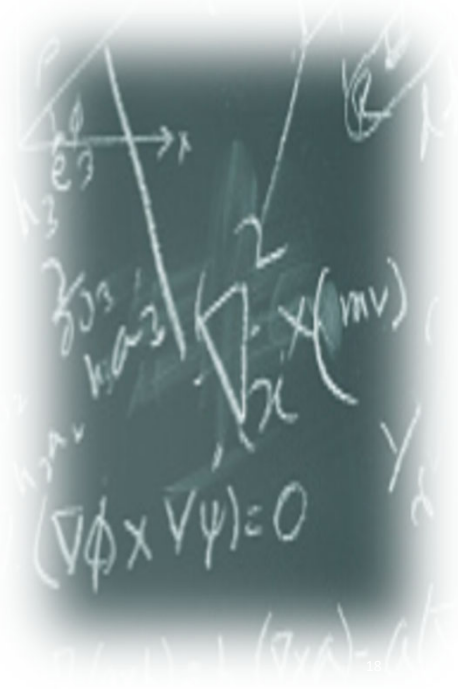
“Price Index” shall mean the “Consumer Price Index for All Consumers” published by the Bureau of Labor Statistics of the U. S. Department of Labor – U. S. City Average (1967=100) or any renamed index or any other successor or substitute index appropriately adjusted. If (1) major revisions are made to the Price Index or major changes are made to the Price Index base period rendering the procedure outlined in the following paragraph impossible to implement in a manner that would give effect to the Grantor’s intent regarding the cost-of-living adjustment, as illustrated below, or (2) the Price index is no longer published by the Bureau of Labor Statistics of the U.S. Department of Labor, then the Trustee, in the Trustee’s sole discretion, shall select another governmental index the use of which would most closely duplicate the procedures and resulting cost-of-living adjustments described herein and shall use such index in place of the Price Index.

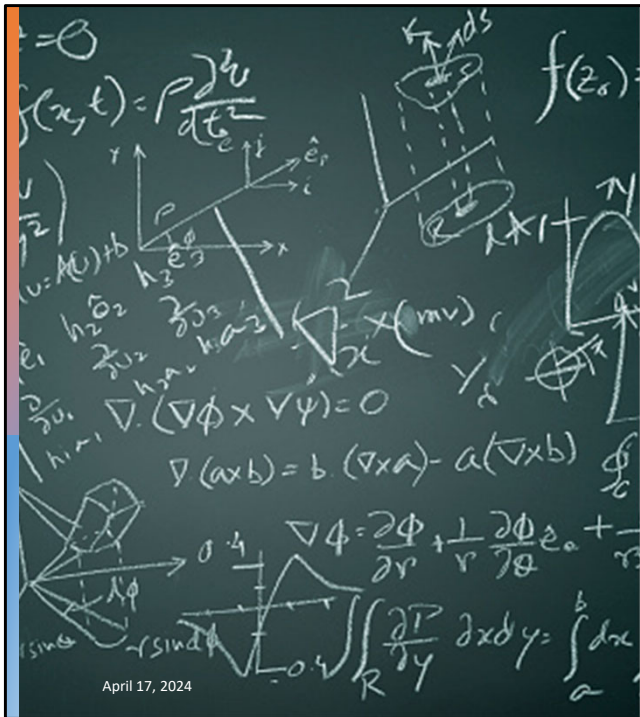
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Calculations and Formulas

Effective on January 1st of each calendar year, the cost-of-living adjustment shall be based upon the percentage difference between the Price Index in effect as of January of the Current Year and the Average Index. If the Price Index for January of the Current Year reflects an increase over the Average Index, then the Base Distribution in effect in the Prior Year shall be multiplied by the percentage difference between the Price Index for the January of the Current Year and the Average Index, and the resulting sum added to the Base Distribution (as adjusted and in effect the Prior Year) effective as of the 1st day of January of the Current Year, until it is readjusted in the year succeeding the Current Year. Notwithstanding the foregoing, in no event shall a Base Distribution payable during any Current Year be less than the Base Distribution paid in the Prior Year. By way of illustration, the following computation of the cost-of-living adjustment in the Base Distribution illustrates the Grantor's intentions with respect to the adjustment provided for in this paragraph. If one assumes that (1) the Base Distribution is \$60,000, (2) the Average Index is 102.0, and (3) the Price Index for January of the Current Year is 105.0, then the Base Distribution for the Current Year would be calculated as follows: $\$60,000 \times \frac{105}{102} = \$1,765 + \$60,000 = \$61,765$. By further way of example, if a Beneficiary's Descendants Trust is funded upon the First Decedent's death in the year 2020, then the first Base Distribution to that Beneficiary in 2020 should reflect annual adjustments to the Base Distribution beginning as of January 2011 and continuing through January of 2020.

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Calculations and Formulas

*Trustee shall distribute ... **up to** Sixty Thousand Dollars (\$60,000) per year, as adjusted below ("Base Distribution"), for health, education, maintenance and support.*



All Bets Are Off!

*Notwithstanding anything herein to the contrary, after the occurrence of a “**Major Terrorism Event**”, Trustee shall distribute (in addition to all income and the Required Monthly Distribution) principal as necessary, when added to the funds reasonably available to her from all other sources known to my Trustee, to provide for her health, support and maintenance in order to maintain her, to the extent reasonably possible, in accordance with the standard of living to which my wife is accustomed at the time of my death.*

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The Ascertainable Standard

Treasury regulations and case law suggest the language in these phrases is acceptable:

- Support in reasonable comfort
- Maintenance in health and reasonable comfort
- Education, including college and professional education
- Medical, dental, hospital, nursing expenses & expenses of invalidism



But “Happiness” is “Unascertainable”.

Standard of Living Clauses

I encourage my children to build useful and fulfilling lives ... to choose a career, business or profession about which they are passionate and to pursue ... education required to excel ... It is my intent that my trustee, will ... encourage them to pursue these goals and support them in these endeavors as I have done ... I encourage my trustee to consider requests for the purchase of a residence, to facilitate the start of a business or enter a profession, to obtain additional education or for travel in a manner that expands the knowledge, creativity and sophistication of my children in order that they may continue to do meaningful work for profit or charity.

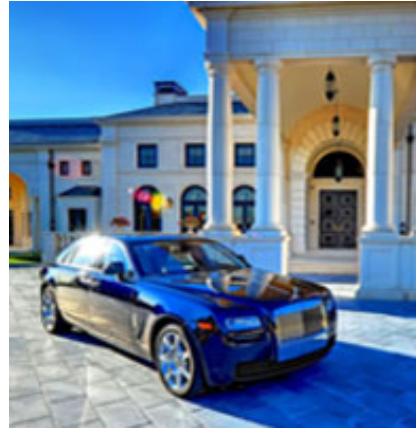
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Standard of Living Clauses

Beginning thirty years from the date of my death, Trustee shall distribute all of the net income of each trust to the Beneficiary or descendants. In addition, beginning thirty years from the date of my death, it is my desire that each Beneficiary and each descendant of such Beneficiary be provided with funds from principal ... to maintain such Beneficiary or such descendant, to the extent reasonably possible in accordance with the standard of living enjoyed by my grandchildren at the time of my death.



Standard of Living Clauses



Trustee may consider circumstances the Trustee believes are relevant, including other income, tax consequences, the character and habits of the beneficiary, including his diligence, progress and aptitude, the ability ... to handle money usefully and prudently, and assume the responsibilities of adult life, and the extent to which distributions could contribute to development of negative attitudes, such as entitlement, complacency or narcissism, external circumstances which may threaten financial security or financial maturity and independence, and the cultivation of a life plan and goals which are both challenging and realistic in terms of intellectual prowess, and emotional maturity.

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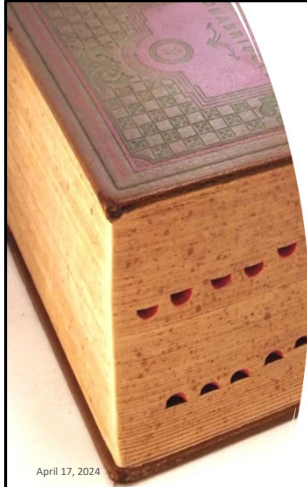
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Other Sources of Support

Usually testamentary, cases resolve in one of three ways:

- Grantor intended trust to be an absolute gift of support - trustee does not look outside the trust to determine beneficiary's other means.*
- Trustee must consider other means but beneficiary not required to exhaust them.*
- Beneficiary must rely completely on own resources unless they prove inadequate.*

Absent language in the document to the contrary, in most jurisdictions to decide what amount of support is "reasonable and necessary", a trustee must consider circumstances and determine need.



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A Dictionary is Your Friend – Part II

To protect him against the misfortune of having more income than he can use advantageously... If Charles leads a useful, respectable and reasonably **provident** life, it is my desire that he should have as much or all of the additional income of his trust as the Trustee believes he can use **wisely and providently** for the benefit of himself and those dependent upon him ... in determining what discretionary payments of income shall be made to Charles, Trustee shall take into consideration other income and assets, ... general circumstances of his occupation, family responsibilities, and manner of living.

Provident: (1) Make provision for the future; (2) Prudent; (3) Frugal

Only the settlor knows if she meant Charles should be prudent or frugal.

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Duty of Perfect Loyalty: If it seems easy, you aren't doing it right.

Default statutes require all beneficiaries be treated equally:

A.R.S. § 14-10103. Definition 2. "Beneficiary" means a person who ... (a) Has a present or future beneficial interest in a trust, vested or contingent.

A.R.S. §14-10803. Impartiality. If a trust has two or more beneficiaries, the trustee shall act impartially in investing, managing and distributing the trust property, giving due regard to the beneficiaries' respective interests.



Neither statute suggests favoring one class of beneficiary over another.

Duty of Loyalty

Trustee shall distribute income and principal as necessary for the health, support, maintenance and comfort of my spouse, without regard for the rights of the remainder beneficiaries, even to the complete dissipation of the trust assets.

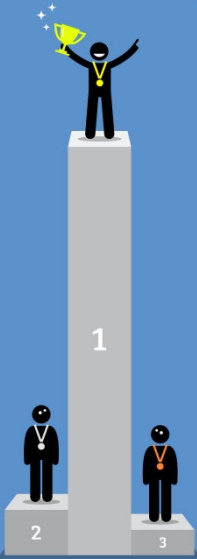
*Issue of the Grantors in the same generation should be treated with substantial equality **unless** the Trustee considers unequal treatment advisable.*



Duty of Perfect Loyalty – Does the Document Express a Preference?

Trustee ... may distribute such amounts or none of income and principal ... as the trustee determines to be advisable to provide for health, education, maintenance or support. Such amounts may be distributed or applied without regard to equality of distribution and notwithstanding that one or more beneficiaries and his or her descendants may receive no benefit.

*Trustee shall consider the **Beneficiary** to be a preferred beneficiary of this trust. Subject to the restrictions herein, the trustee may make distributions to any non-preferred beneficiary; however, the trustee shall resolve uncertainties concerning income and principal in favor of the preferred Beneficiary to the exclusion of other present or future beneficiaries, and ... consider the interests of the preferred Beneficiary as primary and the interests of all other beneficiaries of such trust as secondary.*



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Preference within a Class The Winner Takes it All

Primogeniture - firstborn inherits the entire estate instead of a shared inheritance between all children.

Agnatic Primogeniture is inheritance of all by a first-born son.

Matrilineal Primogeniture is all to a first-born daughter.

Common in European countries where titles of nobility are still inherited, first to adopt **Absolute Primogeniture** (prize to a first-born – male or female) was Sweden (1980), followed by The Netherlands (1983), Norway (1990), Belgium (1991), Denmark (2009), and Luxembourg (2011). Finally, the Perth Agreement adopted **Absolute Primogeniture** in the 16 Commonwealth realms where Elizabeth II was head of state, effective March 26, 2015. Now 15 Realms under Charles III after Barbados transitioned to a Republic in 2021.)

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Gender Preference

The Voting Trustee shall be comprised of a committee of the adult male beneficiaries of the various trusts created hereunder, each such member of the committee being entitled to one vote, acting by majority vote if there be more than one, such vote to be cast by written ballot signed by such beneficiary. If a male beneficiary does not then have full legal capacity, his male parent, or a legally appointed male guardian (in that order of preference) shall act in his place and stead.



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Business First



Settlor declares the purpose of this Trust is to create and preserve unified ownership and control of [the company] which exists primarily for the benefit of its...holders. The interests of the people who put their trust in [the company] for the protection of their personal and business affairs must come first. However, when [the company] is healthy, it...will be to the benefit of the stockholders. Settlor therefore urges that the Trustees familiarize themselves with the nature of [the company] that in the discharge of their trust duties they concentrate, in cooperation with the Board of Directors and the individual whom the Board designates ... as Manager...to keep [the company] in the best of health... In the exercise of their unlimited discretion and in making any decision relative to the ultimate purpose stated herein, Trustees shall be entitled to assume that whatever best serves to preserve the existence of [the company] also serves the best interest of any and all beneficiaries ... entitled at any time to receive distribution of Income or Principal hereunder.

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The Power to Adjust

I specifically preclude my trustee from making any adjustments between traditional trust accounting income and principal under the provisions of A.R.S. §14-7403 entitled Power to Adjust, or in the event the situs or governing law of this trust should be changed, the provisions of any similar statute or provision of law. Any requirement found in this document or state statute that mandates that the beneficiaries of the various trusts created herein be treated equitably shall not be construed to allow such an adjustment.



A Spendthrift Clause & May vs. Shall



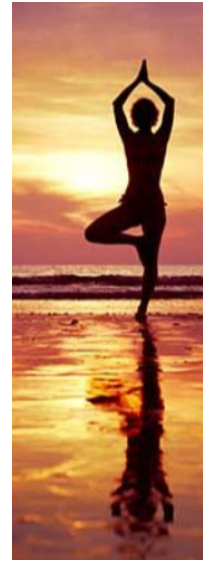
To the extent trustee's discretion to distribute income and principal is limited by a standard related to the health, education, and support of a beneficiary, such standard shall be construed solely as a limitation on the discretion of certain trustees for the sole purpose of preventing such trustee from holding a "general power of appointment" over such trust, and shall not be construed as imposing any duty, enforceable by or on behalf of any beneficiary, to distribute income or principal for such purposes, it being the settlor's express intent that the all trustees retain discretion to make no distributions.

A trustee may, but is not be required to, distribute to a beneficiary to enable that beneficiary to make a payment to a spouse, ex-spouse, or other person in settlement of a dispute or to satisfy a legal obligation.

Health

*Trustee shall NOT distribute any trust income or principal for emergency or serious medical needs... if such needs arise from participating in **risky or irresponsible activity**, as determined in the sole discretion of my Trustee.*

“Risky or irresponsible activity” shall include but shall not be limited to drunken driving, illicit drug use, unprotected sex, and any illegal actions.



“Education” includes, but is not limited to, education and maintenance while attending pre-school, elementary, secondary, undergraduate, graduate, post-graduate and vocational schools.

“Education” as used herein shall include the best education a beneficiary is capable of absorbing, such as study at private schools and colleges, and graduate studies, if such beneficiary desires to pursue such studies.





A Dictionary is Your Friend – Part III

Welfare (noun) Middle English, from the phrase *wel faren* to fare well
1: *state of doing well, good fortune, happiness, well-being, or prosperity*
2: a) aid in the form of money or necessities for those in need; or
b) an agency or program through which such aid is distributed

Welfare (adjective)
1: relating to or concerned with welfare and *especially improvement of disadvantaged social groups* as in welfare legislation
2: receiving public welfare benefits welfare families

Comfort (transitive verb)
1: to give strength and hope, to cheer
2: to ease the grief or trouble of, to console

Comfort (noun)
1: strengthening a) *assistance or support*; b) solace, consolation in time of trouble
2: a) a feeling of relief or encouragement; b) *contented well-being, ease*
3: a satisfying or enjoyable experience

Maintenance and Support

If Ferris is employed full-time (35 or more hours per week), Trustee shall distribute monthly an amount equal to 10% of the annual compensation of his income from the previous calendar year (determined by reference to the W-2) as increased by inflation.

If Ferris is not working, Trustee shall distribute \$75 per day but only for 6 months; provided, that such distributions shall not begin until his unemployment benefits expire.

If Ferris is below age 65, Trustee shall pay disability policy premiums.

Trustee shall pay premiums on an insurance policy covering personal items (computers and electronics) ... however, to allow the Trustee to purchase the appropriate amount of insurance, Ferris must provide a complete inventory of his possessions each year, supported by pictures;



Maintenance and Support



If Ferris and his spouse are both unemployed Trustee shall pay premiums on a secondary health insurance policy (with a \$5,000 deductible); provided, Ferris shall be responsible for premium payments on the primary health policy;

The Trustee shall pay medical expenses not covered by insurance only after he is sixty years old;

If Ferris has ... children, Trustee shall purchase and pay premiums on a term life policy; however, with the assistance of a professional financial advisor, Trustee shall determine the appropriate amount of life insurance to cover the future needs of such children;

Trustee shall pay educational expenses only ... if related to his current occupation, and only if his employer refuses to cover them; or if unrelated to his current occupation, Trustee shall reimburse only after proof of a passing grade, graduation or a certificate...

Addressing Substance Abuse

If Trustee believes the beneficiary is abusing drugs or alcohol and the resources of the Trust, if distributed, would facilitate continued abuse, Trustee may establish a discretionary trust with all or any portion of the share which would otherwise be distributed to that beneficiary.

A trust established under this provision is managed to (1) prevent the resources in the Trust from being used to purchase drugs or alcohol to the detriment of a beneficiary, (2) provide a platform from which the trustee could implement treatment; and (3) prevent resources in the trust from enabling a beneficiary to continue a self-destructive lifestyle... Trustee may demand testing and charge a beneficiary's share for all costs incurred in testing and treatment.

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Addressing Substance Abuse

The "Dean Martin Trust" shall constitute the initial trust estate for the benefit of Dean, subject to the following conditions...

No distributions shall be made to or on behalf of Dean, other than payment for treatment described below, unless and until Dean has attended "Survivors' Week" at the Meadows in Wickenburg, AZ or ...

Trustee can require a similar program from a similar institution as a condition precedent to the termination of this trust; with 250 hours of psychotherapy from a licensed addiction specialist ... collectively referred to herein as the "Treatment".

Trustee shall pay for the Treatment directly to the psychotherapist or the Meadows ... No distributions shall be made directly to Dean during the term of this trust.



Wait... what?

We encourage the trustee **not** to distribute if any of the following conditions exist:

- Beneficiary leads an extravagant or heedless lifestyle, including substance abuse or gambling...
- Beneficiary is in the process of being divorced or separated with the expectation of divorce.
- Beneficiary is under threat of litigation such that assets might be subject to forfeiture or seizure...
- Beneficiary is a debtor in bankruptcy proceedings or likely to become bankrupt.
- Beneficiary has been adjudged incompetent or is patently incompetent.
- Beneficiary is kidnapped, in jail, missing or in custody of a foreign government or hostile group...
- Beneficiary has a severe bout with drugs or alcohol ... but may distribute directly to provider for treatment.
- Beneficiary is involved with a cult or similar organization.
- Beneficiary could qualify for state/federal assistance but for the receipt of a distribution...
- Any situation similar to any of the foregoing, but not specifically addressed.
- Trustee may develop a motivational plan to include incentives and milestones based on the beneficiary's age, character, abilities, productivity and achievements. Distributions to be made only if beneficiary is meeting the goals and obligations in the plan and behaving in a manner consistent with these guidelines.



But ...

No Duty to Inquire:

*In exercising its powers and discretion, the trustee shall have **no duty to inquire** as to any beneficiary's assets and sources of income other than any interests such beneficiary may have in the trust;*

A rose by any other name...

"Issue" usually means all descendants including children, grandchildren and their descendants but probably excludes "collateral" relatives. Or maybe not...

*All references in this instrument to "the Settlers' descendants" shall include the G Settlers' grandchildren and their descendants but **the Settlers' daughter shall NOT be treated as a descendant.***

"Child," "children," "issue," and any similar term shall include all the Settlers' children and their issue (including children born after the date hereof), provided such terms shall include only a child born in lawful wedlock or acknowledged in writing by the father or the issue of a female descendant or that have been legitimated thereafter by the marriage of the parents, and any adopted child adopted prior to the age of twenty-one (21) but not thereafter. The birth of a child conceived during marriage by any of the Donor's issue as a result of artificial insemination, in vitro fertilization, or other medical technique shall be equivalent in all respects to a birth in lawful wedlock.



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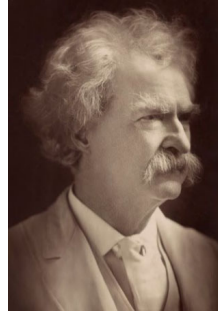
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Who to Pay?

Trustee may make a distribution ... in any of the following ways when the beneficiary is a minor or in the judgment of the trustee incapacitated by reason of legal incapacity, physical or mental illness, or infirmity: (1) to the beneficiary directly; (2) to the guardian of the beneficiary's person or estate; (3) by utilizing the distribution ... for the health, support, maintenance, or education of the beneficiary; (4) to a custodian for the minor beneficiary under the Uniform Transfers to Minors Act or the Uniform Gifts to Minors Act; (5) by reimbursing a person who is actually taking care of the beneficiary, even if that person is not the legal guardian, for expenditures made for the benefit of the beneficiary; or (6) by managing the distribution as a separate fund on the beneficiary's behalf, subject to the continuing right to withdraw the distribution.

When to Pay?

To invest and reinvest, one of such two equal parts and pay the income therefrom on the fifteenth days of January, April, July and October of each year to my daughter Clara Langdon Clemens for the term of her natural life, to and for her sole and separate use ... without power of anticipation, and free from any control or interference on the part of any husband she may have.





Will You Give Her my Golf Clubs?

Each trust in the name of an un-remarried qualified surviving spouse of a deceased descendant shall be identical to that of the original beneficiary except the surviving spouse shall receive one-half of the income of that trust, at least annually, until the spouse's death or remarriage.



On Death of the Last Survivor...

*On the death of the last survivor of the issue of JOHN and MARY SMITH in being on the date of execution of this instrument plus an additional period of twenty-one (21) years, all the trusts created hereunder shall terminate immediately and the assets thereof be distributed; delivered and paid over to the then living issue of JOHN and MARY SMITH in equal parts, **per capita**, whether or not they then be immediate income beneficiaries of the trusts.*

Consider a Letter of Wishes....

Clients want a tax efficient, flexible trust but also want to share their values and express intent in a separate document.

This document is not enforceable or even required to be considered by the trustee.

Consider carefully who will see the letter - draft accordingly. It should be general, positive, and never include negative comments about individuals or a generation.

The document should not contain language that is derogatory or offensive and do not to include language that suggests a lack of capacity or malice in the writer.

Don't try this at home.... the planning attorney must review carefully.



“Settlor meant what he said, and he said what he meant. Trustee should be faithful – 100 percent.”



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