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**COMPARISON OF WILLS AND REVOCABLE LIVING TRUSTS
AS PRIMARY ESTATE PLANNING TOOLS**

This chart is intended to acquaint you with some of the variables that affect the decision whether to conduct your estate planning through a will or through a living trust. No single factor is ever dispositive of the question. Any estate planner's advice should be based on all the facts and circumstances of your situation.

Factors Tending to Favor Will over Living Trust	Will	Living Trust
<i>Ease of implementation</i>	Usually very easy; no retitling of assets, but beneficiary changes often are necessary	More difficult, requiring complete asset inventory and retitling of assets
<i>Cost to prepare and implement</i>	Most economical because fewer documents are drafted and no attorney time transferring assets	Approximately two to three times the cost of using a will
<i>Ease of maintenance</i>	Periodic review, every few years	Constant attention to establishing title to new assets in name of trust. Same need for periodic review.
<i>Opportunity for fraud on beneficiaries</i>	Court and attorney supervision reduces chance of fraud by personal representative	Lack of court supervision enhances opportunity for fraud by successor trustee
<i>Younger client</i>	Appropriate for any age (must be 18)	Usually inappropriate for younger clients because of higher initial cost, long-delayed savings, and need for lifelong attention to funding details

Factors Tending to Favor Living Trust over Will	Will	Living Trust
<i>Necessity of Court Supervised Probate</i>	Court-supervised probate process after death. Usually necessary upon death of second spouse, but often not necessary upon first spouse's death	Usually unnecessary, unless cause of death is someone else's negligence or not all assets are in the trust
<i>Delay in distribution of financial assets</i>	8-12 months in most situations (except life insurance and other assets with beneficiary designations), can be much longer, but advance distributions can be made, if needed	Nearly immediate distribution of most assets in most situations, but final distribution will often be delayed for several months
<i>Disability of Dependent</i>	Can include trust for disabled dependent, but does not operate until client's death	Can include provisions for disabled dependent that operate during client's lifetime
<i>Real estate in more than one state</i>	Probate costs in each state where real estate located	Probate not necessary to transfer title to real estate
<i>Challenges to estate plan by disgruntled family</i>	Mandatory notice to heirs increases likelihood of challenge.	Lack of requirement to notify heirs, need of heir to file independent court action may reduce chance of suit. However, keeping plan secret from heirs may have the opposite result, as litigation is only way to force disclosure of estate plan.
<i>Professional Fees following death</i>	Probate often means higher legal fees; accounting fees comparable to trust	Usually lower legal fees; accounting fees comparable to will
<i>Privacy</i>	Not Private - Court file open to public inspection	Private - No court file open to public inspection

Neutral Factors- Favor Neither Will nor Trust	Will	Living Trust
<i>Estate Taxes</i>	Estate tax planning trust can be included in a will	Estate tax planning trust can be included in living trust
<i>Accounting Costs</i>	Income tax return for estate is required in most cases	Income tax return for trust is required in most cases