

Probate Avoidance Checklist



Avoiding Probate in Florida

FLORIDA PROBATE
LAW GROUP



Will Based Estate Plan

VS.

Trust Based Estate Plan

A will by itself will not avoid probate. If you have a will based estate plan, ensure that assets transfer outside of probate by following these steps:

- All real estate that you own has "rights of survivorship" or a "Ladybird deed" in place.
- All financial assets that you own have "transfer on death" or "pay on death" beneficiaries.
- You have a valid Last Will and Testament, and your loved ones know where to find it.

A trust based estate plan will avoid probate when executed correctly. Take these steps to ensure a smooth trust administration:

- All real estate that you own has been deeded into your trust.
- All financial assets that you own have been titled in the name of your trust, or are payable to your trust upon death.
- You have a valid "pour over" Last Will and Testament.

A person's Last Will and Testament tells the probate judge who should receive their assets when they die. This normally involves a long and costly court process that can be avoided using the steps above. However, it is still important to have a will in case beneficiary designations get lost by the bank or other unforeseen circumstances arise.



For a trust based estate plan to be successful, the trust must be properly funded. Assets should be transferred into the trust during the settlor's lifetime so that the successor trustee can take over seamlessly upon the settlor's death. Individuals with a trust based estate plan should have a "pour over will" leaving all assets to the trust in case any assets are left out of the trust accidentally.



Learn more about probate and estate planning at floridaprobatelawgroup.com