



A trust representative office of National Advisors Trust Company, FSB

Monthly Update for Administration of Trusts from a Trust Administrator's Perspective.

It is our hope that our Monthly Update will be helpful to you and your clients to better understand the administration of trusts from a Trustee's viewpoint.

May, 2016

THE "BASICS"

I hope you enjoy receiving my monthly newsletters, and that they are at least occasionally helpful to you.

I mail the newsletters to professionals who deal with estate planning in one manner or another and to clients. Well, recently a client reminded me that while he loves the newsletters, sometimes the articles are a bit difficult for him to follow because he is not familiar with all of the "basics" that involve trust administration and estate planning.

So, from my view as a trust administrator, (and not giving legal advice), this newsletter will mention some of the basic documents that we encounter on a day-to-day basis.

THE TRUST

The Trust states the terms of how your estate is to be administered, it states "who" inherits "what", and also states who is in charge. This document is private and confidential. It is never recorded, not even after your death, so nobody will be able to "look it up" in any public records.

MEMORANDUM OF TRUST

This document does not contain any confidential information. Its purpose is only to confirm the existence of the Trust, state who is in charge, and to confirm the "powers" of the trustee to manage the trust assets. This document is freely given to third parties, such as banks, investment

companies, etc., on an "as needed" basis.

"POUR-OVER" LAST WILL AND TESTAMENT

The goal of creating a Trust is to avoid a court proceeding called "Probate". If at the time of your death, all of your property that would have been part of your probate proceeding is owned by your Trust, then there should not be a need for a probate court proceeding. However, if you pass away owning property in your individual name, and not owned by the Trust, and if that property causes the need for a probate proceeding, then your property that "got left out" of your Trust will be probated with this Last Will and Testament. The reference to "Pour-Over" is simply a reference requesting that your probate property be distributed, or "poured over", into your Trust, and then let your Trust administer that property in the same manner as if the property had been placed in your Trust in the first place.

DURABLE POWER OF ATTORNEY

This document is only valid during your lifetime. All Powers of Attorney are automatically revoked immediately upon your death. The Power of Attorney gives authority to your appointed agent to act on your behalf with events that can occur during your lifetime, which have nothing to do with your trust property. For example, the Power of Attorney can give your agent the authority to make medical decisions on your behalf; to make financial

decisions for you regarding non-trust property, etc.

ADVANCE DIRECTIVE FOR HEALTH CARE ("LIVING WILL")

This document is a document created by the Oklahoma Legislature. The document enables you, or a proxy chosen by you (if you appoint a proxy), to make decisions regarding whether or not "life-support machines" should be removed if you have developed certain irreversible and incurable medical conditions. The document also gives you, or your proxy (if you appoint one), authority to instruct your health care providers to withhold artificial feeding (nutrition and hydration).

Alyssa Kaiser, CTFA, has over 20 years experience in trust administration and is Senior Vice-President of WealthTrust Oklahoma. Alyssa may be contacted at: (405) 241-1600 (office), or by email at Alyssa@WealthTrustOk.com.



WealthTrust Oklahoma is the Oklahoma Trust representative office of National Advisors Trust Company, FSB, which currently has more than \$9 billion under administration. We hold a federal charter and are independent.