

# WILLS V. TRUSTS

Estate planning is all about making decisions and controlling your property – while you’re alive and well. It is a way to provide for yourself and your family should something happen that leaves you unable to make decisions or should you pass away. There are a few main differences between a will and a trust. First, a will only comes into effect when you pass away. Therefore, if you become incapacitated, a public court proceeding would likely be needed to name someone to manage your assets. A trust can come into effect if you become incapacitated, which is determined privately by your family members and doctors. Second, a trust will avoid probate – a public court process that is costly, timely, and can freeze and tie up your property for months. Unfortunately, a will requires probate. Please see below for more differences:

Activities	Doing Nothing – No Will, No Trust	Will	Trust
Estate Tax Planning	✗	✓	✓
Income Tax Planning	✗	Limited, and often, not included	✓
Names Someone to Handle Your Affairs When You Die	Government Decides	✓	✓
Names Who You Want to Receive Assets	Government Decides	✓	✓
Names Someone to Handle Your Affairs If You’re Unable	Government Decides	✗	✓
Asset Protection for Heirs / Beneficiaries	✗	Possible, but often not included	✓
Avoids Probate	✗	✗	✓
Avoids “Living Probate”	✗	✗	✓
Private Process	✗	✗	✓

**What’s right for you - doing nothing – a will – a trust? The answer depends on your circumstances and we’re here to help.**

Visit [www.VarelaLawOffices.com](http://www.VarelaLawOffices.com) to schedule your Family Legacy Planning Session

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