

POOLED TRUSTS:

YOUR ANSWER TO TRANSFERS AND OVER 65 STRATEGIES

HALEY GREER, JD
DIRECTOR, MASTER POOLED TRUST
THE ARC OF TEXAS

The Arc of Texas
MASTER POOLED *trust*

1

OVERVIEW

Why & How to
Transfer

Understanding
Pooled Trusts

Is a pooled trust
the key?

Court Orders

Smooth Transfers

“Half-a-Loaf”
transfers for
individuals over
65

The Arc of Texas
MASTER POOLED *trust*

2

WHY & HOW TO TRANSFER

WHY

- Trustee is unable or unwilling to serve
- Economic feasibility
- Personality differences

HOW

- Texas Estates Code Section 1301.202
- Texas Property Code Section 142.010
- Trust Language

The Arc of Texas
MASTER POOLED *trust*

3



POOLED TRUSTS

The Arc of Texas
MASTER POOLED *trust*

4

IS A POOLED TRUST THE KEY?



- **MASTER Documents**
 - Read the Trust document
 - Not successor Trustee
 - Cannot accept your individual Trust
 - The Trust and/or Joinder cannot be amended for your Beneficiary
- **Court Authority**
 - Can establish sub-accounts
 - Cannot amend the Trust, appoint or change the Trustee
- **POOLED assets**
 - Cash
 - Assets that can be converted to cash BEFORE transfer.
 - Stocks or other investments cannot be accepted in kind
 - Some pooled trusts accept real estate or other noncash assets

The Arc of Texas
MASTER POOLED *trust*

5

QUESTIONS TO ANSWER

- Is the beneficiary disabled?
- Do they meet the Social Security Administration's (SSA) definition of a person with a disability?
 - 42 U.S. Code §1382c(a)(3)
 - Minor with children's Medicaid don't necessarily meet SSA's definition
- Where does the beneficiary live?
- What type of assets does the originating trust own?



The Arc of Texas
MASTER POOLED *trust*

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Pooled Trusts: Your Answer to Transfers and Over 65 Strategies

Also available as part of the eCourse

[Answer Bar: Considering a Special Needs Trust](#)

First appeared as part of the conference materials for the
17th Annual Changes and Trends Affecting Special Needs Trusts session
"Pooled Trusts: Your Answer to Transfers and Over 65 Strategies "