

POOLED TRUSTS:

YOUR ANSWER TO TRANSFERS AND OVER 65 STRATEGIES

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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

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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

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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

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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?



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