

MARRIED COUPLES AND JOINT TRUSTS: HAS PORTABILITY OBLIATED THE NEED FOR SEPARATE TRUSTS



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Planning Landscape

- Separate trusts were the norm when a couple's combined wealth exceeded or was near estate tax exemption
- Joint trusts have become increasingly popular with the permanence of portability and increased estate tax exemption

Planning Landscape

- Basic provisions of joint trusts are very similar to provisions of separate trusts, with certain exceptions



When and When Not to Use

- Psychologically Appealing
- Stable Marriage
- “Traditional” Family
- Separate Property
- Asset Protection



Gift, Estate and Generation Skipping Transfer Tax Issues

- Gift Tax Issues
 - Gift on Funding
 - Gift on Distribution
- Estate Tax Issues
 - What Gets Included?
- Generation Skipping Transfer Tax Issues



Income Tax Issues

- Grantor Trust Status
- Basis
 - What Gets Stepped Up Upon Death?

