

Index

• A •

accountant, 149, 169, 200–201, 301
acquisition costs and dates, 293–294
adeemed property, 140
administrator, 10, 95, 149–150, 349
administratrix, 10
advisors
 appraisers, 69
 attorney, 59–64
 business consultants, 70
 charitable, 70
 creating a team of, 13
 fees, 200
 for handling assets, 169
 for investments, 64, 66–69, 169, 186–187
 litigators, 70
 location for, 64
 malpractice by, 70–72
 medical, 70
 need for, 57
 tax professional, 64–66
 trustee's power to hire and fire, 166
age-based distributions, 197, 209–212
age-based trusts, 198–199
Alabama taxes/rules of intestacy, 359–360
Alaska taxes/rules of intestacy, 360
alimony, paying, 134
allowance by probate court, 151–155
allowance for surviving spouse, 24
alternative minimum tax (AMT), 306–307, 308, 327–328
amendments to trusts, 85
amortization, 349
anatomical gifts, honoring, 76
ancillary administration, 97–98, 349
annual accounts, 169–170, 221–222, 226–229, 349
annual exclusion amount, 27, 43–44
annuities, 281, 285, 349
applicable exclusion amount, 44, 246, 349
applicable federal rate (AFR), 349
appraisers, 69
appraising property, 121–125, 235
Arizona taxes/rules of intestacy, 360
Arkansas taxes/rules of intestacy, 360–361
ascertainable standard for distributions, 165
assets. *See also* marshalling assets; *specific kinds*
 advisors for handling, 169
 defined, 349
 distributing property, 140–146, 150

 diversifying, 168, 188–194
 frozen, 83
 impact of death on decedent's, 83–84
 inventory and valuing of, 223–224
 jointly owned, 83
 liquidating, 130–132
 locating after death, 86
 in probate estates, 20
 proof of ownership of, 20, 172
 trustee's power to buy and sell, 163
assignment of partnership interest, 176
attested will, 22
attorney
 changing, 63
 checking credentials of, 60–61
 engagement letter for, 63
 fees, 62–63, 149, 301
 finding, 59–61
 as investment advisor, 67
 knowing what you want from, 59
 litigator, 70
 location for, 64
 notification of fees, 102
 questions to ask, 61
 as trust advisor, 169
 working with, 63
audit preparations, 261–262
automobiles. *See* vehicles
autopsy, 76

• B •

backup withholding credit, 327
bank accounts, 83, 114–115, 123
banks, as trust advisors, 169
bar associations, 60
basis, 40, 349
beneficial interest, 349
beneficiaries. *See also* remaindermen
 address and SSN for, 204
 age-based distributions to, 209–212
 assent to annual account, 228
 defined, 162, 349
 estate distributions to, 164–165
 minimizing income taxes, 317–318
 notifying of the trust, 203–205
 right to consider disclaimer, 138–139
 scheduled distributions to, 205–209
 trustee's responsibilities for, 196–199
 verifying dates of birth, 204–205

beneficiary of the present interest, 11

bequests

- defined, 349
- pecuniary, 143
- of personal property, 139, 141
- Schedule M (Form 706), 280–282

bills, 191, 349

bonds. *See also* securities

- defined, 189, 349
- laddering maturity dates of, 189
- liquidating, 131
- notes and bills versus, 191
- ratings for, 190–191
- reregistering certificates, 174–175
- Schedule B (Form 706), 265–269
- tax credits, 308
- terminology, 191
- transferring to a trust, 172–175
- at trust termination, 234
- types of, 189–190
- valuation of, 266–269

brokerages, 115, 169

business

- credits, 308
- distributions for starting, 214–215
- income, 291–292
- small, as asset, 112–113

business consultants, 70

by right of representation (per stirpes), 146, 354

bypass (credit shelter) trust, 350

• C •

C corporation, closely held, 113

calendar creation, 89

California taxes/rules of intestacy, 361

capital gain dividends, 291

capital gains, 185, 292–294, 305–306, 307

capital losses, 185, 292–294

cash

- distributions, 210
- Schedule C (Form 706), 270
- small estate procedures for, 100
- transferring to a trust, 172–175
- trust needs for, 192–193

cash flow, projecting, 106

cemetery selection, 80, 81

Certificate of Completion, 154

Certified Financial Planners, 67

Certified Public Accountant (CPA), 64–66, 67

charitable advisors, 70

charitable deductions, 282–283, 300–301

Charitable Lead Annuity Trust (CLAT), 51, 349

Charitable Lead Unitrust (CLUT), 51, 350

Charitable Remainder Annuity Trust (CRAT), 51, 281, 350

Charitable Remainder Unitrust (CRUT), 51, 281, 350

charitable trusts, 50–53, 281, 356

charities, qualified, 27

child support, paying, 134

children's trusts, 350

churn, 350

clergyperson for funeral, 79

closely held C corporation, 113

closing the estate, 147–156

COBRA benefits, 126

codicil, 350

collation, 81

Colorado taxes/rules of intestacy, 361–362

columbarium, 80

commissions, stockbroker, 68

common law, 350

community property, 350

Complete Estate Settlement petition, 154–155

conditional legacies and devises, 137

Connecticut taxes/rules of intestacy, 362

conservator, 10, 350

consideration, 350

contested will, 104

conventions in this book, 2

convertible bonds, 191

copyrights, valuing, 123–124

corporate bonds, 189

corporate independent trustee, 162

corpus, 350

correspondence, records of, 220–221

CPA (Certified Public Accountant), 64–66, 67

CRAT (Charitable Remainder Annuity Trust), 51, 281, 350

credit card insurance, 127–128

credit card payment for taxes, 247–248

credit shelter trust, 350

credits, tax, 308, 327

cremation, 79–80

Crummey trusts, 47–48, 350

CRUT (Charitable Remainder Unitrust), 51, 281, 350

curtesy, 25, 108, 350

CUSIP number, 191, 267, 350

• D •

death benefits, 125, 128–129

death certificate, 82, 250

death notice, 78

death tax, 28, 351

debts of decedent, 133–136, 274, 279

- deceased spousal unused exclusion (DSUE), 244, 260–261
- decedent's estate
- declaring insolvent, 137–138
 - defined, 351
- declaration date, 351
- Declaration of Trust Ownership, 181
- declaring the estate insolvent, 137–138
- deductions
- charitable, 282–283
 - dividing between the decedent and the estate, 314
 - Forms 1040 and 1041, 297–304, 314
 - marital, 280–282
 - Schedule K-1 (Form 1041), 326–327
- Delaware taxes/rules of intestacy, 362
- delivery instructions, 351
- depletion, 351
- depreciation, 351
- devise, 137, 140, 141–142, 351
- digital assets and info, 118–119, 124
- direct skip, 351
- directly apportioned deductions, 326
- disclaim, defined, 351
- disclaimer by beneficiaries, 138–139
- discretion, exercise of, 166–167, 215
- discretionary distributions, 206, 210–215
- distributing property
- cautions before, 140
 - general steps for, 140–141
 - intangibles, 142–143
 - other personal property, 143–145
 - residue, 145–146, 150
 - tangibles, 141–142
- distributions to beneficiaries
- age-based, 209–210
 - ascertainable standard for, 165
 - discretionary, 206, 210–215
 - extra payments, 210–212
 - income, 164–165
 - lump-sum, 306, 336–337
 - principal, 165
 - scheduled, 205–209
 - at trust termination, 232–233
 - trustee's power to determine, 164–165
- District of Columbia taxes/rules of intestacy, 362–363
- diversifying assets, 168, 188–194
- dividends, 268–269, 290–291
- domicile, 21, 95–96, 351
- donee, 351
- donors. *See* grantors, donors, or settlors
- double-dipping rules, 298
- dower, 25, 108, 351
- DSUE (deceased spousal unused exclusion), 244, 260–261
- dying intestate, 22–23, 95, 144
- dying testate, 21–22
- dynasty trust, 351

• E •

- education, distributions for, 213
- effective disclaimer, 138–139
- electing against the will, 23, 24, 107–108, 357
- Electing Small Business Trust (ESBT), 55, 319, 351
- Electronic Federal Tax Payment System (EFTPS), 247
- employee benefits, valuing, 125–127
- Employer Identification Number (EIN), 267, 288–289
- engagement letters, 63, 65
- Enrolled Agent (EA), 64–66, 67, 169, 351
- equities. *See* stocks
- errors and omissions (E&O) insurance, 72, 167
- estate administration. *See also* marshalling assets; probate procedure
- calendar creation, 89
 - claiming expenses, 275–276, 278
 - closing the estate, 147–156
 - declaring the estate insolvent, 137–138
 - determining who can inherit, 23–30
 - distributing specific property, 139–145
 - filing a petition for, 21
 - funeral arrangements, 77–82
 - immediate concerns after death, 75–76
 - impact of death on assets, 83–84
 - locating estate-planning documents, 84–86
 - notifying others of death, 86–88
 - organizing records, 89–90
 - overview of steps in, 13–15
 - overview of tax requirements, 17–18
 - paying decedent's debts, 133–136
 - prioritizing payments, 136–137
- estate income taxes, 150, 151, 345, 359–377
- estate records, organizing, 89–90
- estate tax closing letters, 147–148, 262
- estate tax deduction, 304, 326
- estate tax return. *See* Form 706
- estate-planning documents, 84–86
- estimated taxes credit, 327
- eulogies, 79
- excise taxes, 347
- executor. *See also* estate administration
- defined, 10, 351
 - fee, 149–150
 - first steps to take, 105–106
 - foreign, 97
 - temporary, 93–94
- executor's bond, 94, 351
- executrix, 10

exempt property, 107
 extraordinary (special) dividends, 186, 356

• F •

face amount, 191, 351
 family allowance, 107
 family pot trust, 351
 family trust (credit shelter), 350
 family trustees, 12–13, 162
 farm income or loss, 295–296
 federal gift tax, 28, 343–344
 fee simple, 352
 fees. *See also* payments
 accountant, 149, 200–201, 301
 attorney, 62–63, 149, 301
 deductions for, 299–300, 301
 fiduciary, 299–300
 independent trustee, 12
 investment advisor, 68
 paying final expenses, 149–150
 statutory filing, 155
 tax professional, 65–66
 terminating a trust, 233
 trustee's, 200
 fiduciaries
 avoiding poor judgment, 339
 defined, 10, 92, 352
 minimizing income taxes, 317
 overview, 10
 fiduciary fees, 299–300
 filing system setup, 89–90, 217–222
 final-year deductions, 327
 financial records, 221
 fiscal year-end, 312–313, 352
 5/5 provision, 205
 fixed amount distributions, 205
 fixed-income securities. *See* bills; bonds; notes
 flexible spending accounts (FSAs), 126
 Florida taxes/rules of intestacy, 363
 Foreign Account Tax Compliance Act (FATCA), 164
 foreign bonds, 189–190
 foreign death taxes, 285
 foreign executor, 97
 foreign interests, trusts with, 164
 foreign tax allocations, 330
 foreign tax credit, 308
 foreign will, 97
 Form 706. *See also specific schedules*
 alternate valuation, 255–256
 amending, 250
 applicable exclusion amount, 246
 appraisal info on, 69, 125
 asking for help, 283
 assets on, 110, 120
 audit preparations, 261–262
 continuation schedule, 252
 date due, 247
 deceased spousal unused exclusion, 244, 260–261
 decedent and executor, 252
 double-dipping rules, 298
 effective disclaimer affecting, 139
 estate tax closing letters for, 147–148
 for estate tax release of lien, 148
 extension of time to file, 245, 249
 extension of time to pay, 250
 filing deadline for citizenship, 42
 filing deadline for taxes, 338
 general information, 257–260
 installment payments, 256
 options for deducting expenses, 277
 pages 1–4 instructions, 252–261
 payment options, 247–248
 penalties, 248
 person responsible for filing, 245
 postponing taxes, 256–257
 Publication 950, 244
 recapitulation, 260
 release from personal liability, 246
 signature and verification, 248–249, 254
 special use valuation, 256
 supporting documentation, 250–252
 tax computation, 252–254
 for trust funded after death, 222
 valuation of the estate for, 248
 where and how to file, 247
 who must file, 244–245, 344
 Form 706-CE, 251
 Form 709, 39, 179, 180, 245, 251, 344
 Form 712, 179, 251, 271
 Form 792, 148
 Form 990-PF, 53
 Form 1023, 52
 Form 1040. *See also specific schedules*
 deductions, 297–304, 314
 double-dipping rules, 298
 filing annually, 225
 for grantor trusts, 53, 54
 income calculation, 290–297
 options for deducting expenses, 277
 preparing for, 288–290
 taxes owed calculation, 304–307
 trustee's fees on, 200
 Form 1041. *See also specific schedules*
 credits, 308
 deductions, 297–304, 314
 double-dipping rules, 298

filing annually, 225
 filing deadline, 338
 household employee taxes, 309
 income calculation, 290–297
 options for deducting expenses, 277
 page 2 questions, 309–310
 preparing for, 288–290
 recapture taxes, 309
 Section 663(b) election, 208
 tax year-end for, 289–290
 taxes owed calculation, 304–307
 trust accounting income on, 207
 Form 1096, 331
 Form 1098, 119, 120
 Form 1099, 119, 120
 Form 1099 for nominees, 330–331
 Form 1099-B, 292, 294
 Form 1099-BTC, 308
 Form 1099-DIV, 291
 Form 1099-S, 292
 Form 1116, 308, 322
 Form 1120S, 54, 113
 Form 2848, 251
 Form 3520, 164, 310
 Form 3800, 308
 Form 4255, 309
 Form 4422, 148
 Form 4506, 120
 Form 4506-T, 120
 Form 4768, 245
 Form 4797, 296–297
 Form 5227, 51–52
 Form 5471, 164
 Form 8582, 295
 Form 8611, 309
 Form 8801, 308
 Form 8912, 308
 Form 8938, 164
 Form 8949, 292, 294
 Form SS-4, 288
 Form TD-909-22.1, 164
 Form W-2, 119, 120
 Form W-9, 173
 fractional share, 145–146
 frozen assets, 83
 FSAs (flexible spending accounts), 126
 funded trusts, 31–34, 222, 352
 funding a trust, 171–182
 funeral arrangements
 cemetery selection, 80, 81
 claiming expenses, 275–277
 clergyperson selection, 79
 collation, 81
 consulting with the family, 77, 78
 cremation versus interment, 79–80

death notice or obituary, 77, 78
 eulogies, 79
 funeral director selection, 77
 headstone or grave marker, 80, 81
 paying for, 81–82
 planning the service, 78–79
 veterans' burial rights, 80–81

• G •

general business credits, 308
 general power of appointment, 41, 284, 352
 generation-skipping transfer (GST) tax, 28–29,
 39, 45, 46, 286, 344
 Georgia taxes/rules of intestacy, 363
 gifts
 anatomical, 76
 annual exclusion amount for, 43–44
 estate tax requirements, 245
 federal gift tax, 28, 39, 343–344
 to irrevocable trusts, 39–40
 not considered taxable, 27
 Schedule O (Form 706), 282–283
 unified credit against tax on, 27, 43
 gift-splitting, 39
 grantor trusts, 32
 Grantor-Retained Annuity Trust (GRAT), 48, 352
 Grantor-Retained Income Trust (GRIT), 49, 352
 Grantor-Retained Unitrust (GRUT), 49, 352
 grantors, donors, or settlors
 defined, 11, 32, 162, 351, 352, 356
 funding a trust by, 171–181
 independent trustee use by, 11
 grave marker, 80, 81
 gross estate, 352
 guardian, 10, 22–23, 97, 352
 guardian ad litem, 103, 155–156, 353

• H •

Hawaii taxes/rules of intestacy, 364
 headstone, 80, 81
 health, distributions to ensure, 212–213
 heirs-at-law, 26, 86–87, 103, 353
 hiding places for assets, 116–117
 high yield (junk) bonds, 353
 holding period, 292
 holographic will, 21–22
 homestead allowance, 107
 house safes, 116–117
 household employee taxes, 309
 household property. *See* personal and
 household property

• 1 •

icons in this book, explained, 5
 Idaho taxes/rules of intestacy, 364
 IDGT (intentionally defective grantor trust), 33–34
 Illinois taxes/rules of intestacy, 364–365
 incidents of ownership, 353
 income
 defined, 185, 353
 dividing between the decedent and the estate, 314
 on Forms 1040 and 1041, 290–297
 principal versus, 185–186, 224–225, 341
 Schedule K-1 (Form 1041), 325, 328–329
 taxable, balancing estate's versus beneficiary's, 313
 timing the receipt of, 313, 315
 income distribution deduction, 302–304
 income distributions, 164–165
 income taxes. *See also* Form 1040; Form 1041
 beneficiary, 317–318
 federal, 29, 345, 346
 fiduciary, 317
 filing for trusts, 225
 local, 346
 short-year returns, 237
 state, 30, 316, 330, 345, 346
 at trust termination, 236–237
 independent trustees, 11–12, 13, 162, 353
 Indiana taxes/rules of intestacy, 365
 individual independent trustee, 162
 individual retirement accounts (IRAs), 128–129
 inheritance tax, 29, 353
 inheriting under the will, 24
 insolvent estate, declaring, 137–138
 insurance
 credit card, 127–128
 errors and omissions, 72, 167
 executor on policy, 105–106
 life, 178–180, 270–271, 281
 loan, 127–128
 locating and collecting proceeds, 127–128
 locating policies after death, 86
 mortgage, 127–128
 Schedule D (Form 706), 270–271
 Schedule F (Form 706), 270, 274
 traditional life, 127
 transferring to a trust, 178–180
 insurance trusts, 46
 intangible property, 122–124, 142–143, 353
 intangibles tax, 30, 353
 intellectual property, valuing, 123–124

intentional omission from will, 25–26, 139
 intentionally defective grantor trust (IDGT), 33–34
 inter vivos trusts, 34–35, 223, 353
 interest deductions, 298–299
 interest income, 269, 290
 interment, 79
 Internet streaming of funeral, 79
 intestacy rules, by state, 359–377
 intestate
 defined, 22, 353
 dying, 22–23, 95, 144
 intestate share, 107
 inventory
 defined, 110, 353
 probate, filing, 129–130
 of trust assets, 223–224
 investment advisors, 64, 66–69, 169, 186–187
 investments to minimize taxes, 315–318
 Iowa taxes/rules of intestacy, 365
 IRAs (individual retirement accounts), 128–129
 irrevocable trusts
 common aspects of, 38–39
 credit shelter, 43–44, 350
 Crummey, 47–48, 350
 defined, 353
 grandchildren's, 46
 grantor-retained interest, 48–49
 insurance, 46
 living trusts at grantor's death, 36, 85
 making gifts to, 39–40
 marital, 40–42, 354
 personal and household property in, 180
 IRS, avoiding phoning, 58
 IRS Publication 559, 58
 issue date, 191
 issue, defined, 353

• J •

joint revocable living trusts, 37
 joint tenancy with right of survivorship, 353
 joint ventures, 274
 jointly owned property, 83, 271–273
 junk bonds, 353

• K •

Kansas taxes/rules of intestacy, 366
 Kentucky taxes/rules of intestacy, 366
 Kiddie Tax, 205

• L •

lawsuits, ongoing at death, 129
 lease on decedent's residence, 134
 leasehold, 274
 legacy, 26, 137, 353
 legatees, 339
 letters of intent, 85, 144
 letters testamentary, 251
 liability insurance, 72
 liens, in Schedule K (Form 706), 279
 life estate, 353
 life insurance, 178–180, 270–271, 281
 limited liability company (LLC), 111
 limited power of appointment, 41, 353
 line of succession for trustees, 12
 liquidating assets, 130–131
 litigators, 70
 living trusts, 36–37, 85, 354
 load, defined, 354
 loan insurance, 127–128
 local taxes, 346–347
 Louisiana taxes/rules of intestacy, 366–367
 lump-sum distributions, 306, 336–337

• M •

Maine taxes/rules of intestacy, 367
 malfeasance, 188
 malpractice, 70–72, 115
 marital deduction, 280–282
 marital estate trust, 42
 marital trusts, 40–42, 354, 357
 marshalling assets
 appraising property, 121–125
 bank statement info for, 114–115
 brokerage statement info for, 115
 checking the mail, 114–115
 defined, 109
 digital assets and info, 118–119
 employee benefits, 125–127
 finding hiding places, 116–117
 insurance proceeds, 127–128
 need for, 110
 from ongoing lawsuits, 129
 other death benefits, 128–129
 personal and household effects, 120–121
 personal papers for, 115–116
 real estate, 111
 safe-deposit box info for, 117–118
 small businesses, 112–113
 tax return info for, 119–120
 vehicles, 112

Martindale-Hubbell database, 60
 Maryland taxes/rules of intestacy, 367
 Massachusetts taxes/rules of intestacy, 367–368
 maturity date, 189, 191
 mean, defined, 354
 Medicaid claims, 136
 medical advisors, 70
 medical expenses, as gift not taxable, 27
 Michigan taxes/rules of intestacy, 368
 military affidavit, 156
 military funeral honors, 81
 Minnesota taxes/rules of intestacy, 368–369
 Mississippi taxes/rules of intestacy, 369
 Missouri taxes/rules of intestacy, 369
 Montana taxes/rules of intestacy, 369
 Moody's, 190–191
 mortgage insurance, 127–128
 mortgages
 Schedule C (Form 706), 269–270
 Schedule K (Form 706), 279
 settling the debt on, 135
 at trust termination, 235
 municipal bonds, 190, 354
 mutual funds, 192

• N •

Nebraska taxes/rules of intestacy, 369–370
 net income, 354
 net losses on Schedule L, 279–280
 Nevada taxes/rules of intestacy, 370
 New Hampshire taxes/rules of intestacy, 370
 New Jersey taxes/rules of intestacy, 371
 New Mexico taxes/rules of intestacy, 371
 New York taxes/rules of intestacy, 371–372
 nominee Form 1099s, 330–331
 nominee trust, 38, 354
 noncitizen spouse, QDOT for, 41–42
 non-grantor trusts, 32–33
 non-independent (family) trustees, 12–13, 162
 non-operating charitable foundations, 52–53
 North Carolina taxes/rules of intestacy, 372
 North Dakota taxes/rules of intestacy, 372
 notes, 191, 354
 Notice of Appointment and Duties of Personal Representative, 102
 Notice of Continued Administration, 103
 notification of decedent's death, 86–88
 notifying the surety, 156
 nuncupative will, 22

• 0 •

obituary, 77, 78
 Ohio taxes/rules of intestacy, 372–373
 Oklahoma taxes/rules of intestacy, 373
 oral will, 22
 Order for Complete Estate Settlement, 155
 Order of Discharge, 155
 ordinary gain or loss, 296–297
 Oregon taxes/rules of intestacy, 373
 organ donations, 76
 original will, 354

• P •

paid-up policy, 354
 partnerships
 as assets, 112–113
 income from, 295
 Schedule F (Form 706), 274
 transferring to a trust, 175, 176
 at trust termination, 235
 payable on death (POD) account, 83. *See also*
 Totten Trusts
 payment date, 354
 payments. *See also* distributions to
 beneficiaries; fees
 administration expenses, 149–150
 conditional legacies and devises, 137
 decedent's debts, 133–136
 funeral costs, 81–82
 Medicaid claims, 136
 ongoing estate expenses, 315
 prioritizing, 136–137
 timing, tax implications for, 312–315
 trust expenses, 199–201
 pecuniary bequest, 143
 pecuniary devise, 140
 Pennsylvania taxes/rules of intestacy, 373–374
 pensions, 86, 87, 126, 128–129
 per capita, 146, 354
 per stirpes, 146, 354
 percentage, dividing residue by, 145–146
 perpetuities, rule against, 50
 personal and household property. *See also*
 specific kinds
 assets, 119–120
 bequests, 139, 141
 defined, 354
 distributing, 139–145
 do's and don'ts for splitting, 337
 Schedule F (Form 706), 273
 transferring to a trust, 180–181
 unwanted, 145
 personal papers, asset info in, 115–116
 personal representative, 10, 354
 personalty, 143
 phoning the IRS, avoiding, 58
 pick-up state estate taxes, 29
 pitfalls to avoid, 335–341
 political organizations, gifts to, 27
 politically aware investing, 196
 post-mortem tax planning, 311
 power of appointment, 40–41, 108, 284, 354
 Power of Attorney and Declaration of
 Representative, 251
 power to revoke, 354
 powers of attorney, 84
 prerefund dates, 191
 prerefunded, defined, 191, 355
 present interest, 355
 Presidential Memorial Certificate, 81
 pretermitted heir, 25, 104, 139, 355
 principal
 age-based distribution, 198–199, 210
 defined, 184, 355
 distribution at trust termination, 210
 income versus, 185–186, 224–225, 341
 overview, 184
 unscheduled distribution, 165
 prioritizing payments, 136–137
 probate court
 allowance by, 151–156
 appointments by, 10, 95
 death certificate for, 82
 filing annual account with, 228–229
 filing the will with, 92
 forms and help from, 58, 98
 missing deadlines, 338
 petitioning to be administrator, 21
 state laws governing, 91–92
 statutory filing fee, 155
 Uniform Probate Code for, 99
 probate estate, 355
 probate procedure
 ancillary administration, 97–98
 defined, 355
 determining administration needs, 93–98
 domicile determination, 95–96
 filing the probate inventory, 129–130
 first steps, 105–106
 guardian need determination, 97
 overview, 14
 for small estates, 99–101
 special administrator for, 95
 supervised formal probate, 104–105, 154–155
 temporary executor for, 93–94
 unsupervised formal probate, 103–104, 154–155
 unsupervised informal probate, 101–103,
 153–154
 promissory notes, 175–176, 235, 269–270
 proof of ownership, 20, 172
 property subject to claims, 355
 property taxes, 347

prospectus, 355
 protective claim for refund, 286
 prudent man rule, 163
 Publication 950, 245

• Q •

qualified charities, 27
 qualified conservation easement, 286
 qualified dividends, 291, 305–306
 qualified domestic trust (QDOT), 41–42, 261, 282
 qualified heirs, 355
 Qualified Personal Residence Trust (QPRT),
 49, 355
 Qualified Subchapter S Trust (QSST), 54, 355
 qualified terminal interest property (QTIP), 42,
 275, 281, 355
 quasi-community property, 355

• R •

ratings for bonds, 190–191
 real estate
 appraising, 124–125
 assessed value of, 124–125
 devises, 141–142
 distributions to buy a home, 213–214
 failing to terminate a transaction, 335–336
 IDGT's for, 33
 local taxes, 346–347
 marshalling assets, 111
 releases of lien for, 148–149
 Schedule A (Form 706), 264–265
 Schedule A-1 (Form 706), 265
 selling, 131–132
 transferring to a trust, 176–178
 trust investment, 193–194
 at trust termination, 235
 real property, 355
 recapture taxes, 309
 reciprocal will, 355
 record date, 355
 records, organizing an estate's, 89–90
 records, trust. *See* trust records
 reforming a trust, 163
 release from personal liability, 246
 remainder interests, 39, 275, 285
 remaindermen
 assents of, 228, 238, 239
 defined, 11, 33, 162, 355
 paying at trust termination, 234–235
 Remember icon, explained, 5
 rent income, 295
 reregistering stock and bond certificates,
 174–175
 residuary devisee, 26, 356

residuary legatee, 26, 356
 residue, 144, 145–146, 150
 retirement plans, 86, 87, 126, 128–129
 return of capital, 185, 356
 return-preparer fees, 301
 reversionary interest, 274, 356
 revocable trusts
 defined, 32, 35, 356
 living, 36–37, 85, 354
 nominee, 38, 354
 Totten, 37, 357
 Rhode Island taxes/rules of intestacy, 374
 royalty income, 295
 royalty interests, 235, 274
 rule against perpetuities, 50
 rules of intestacy, by state, 359–377

• S •

safe-deposit box, 85, 117–118
 S&P (Standard & Poor's), 190–191
 Schedule A (Form 706), 264–265
 Schedule A (Form 1040), 117, 296, 297, 299,
 301–302
 Schedule A (Form 1041), 145
 Schedule A-1 (Form 706), 265
 Schedule B (Form 706), 265–269
 Schedule B (Form 1041), 300, 302–304, 321, 322
 Schedule C (Form 706), 269–270
 Schedule C (Form 1040), 112, 296
 Schedule D (Form 706), 270–271
 Schedule D (Form 1041), 194, 292, 305–306
 Schedule E (Form 706), 265, 271–273
 Schedule E (Form 1040), 112, 296
 Schedule E (Form 1040 or 1041), 295
 Schedule F (Form 706), 265, 270, 273–275
 Schedule F (Form 1040), 295–296
 Schedule G (Form 706), 284
 Schedule G (Form 1041), 308
 Schedule H (Form 706), 284
 Schedule H (Form 1040), 309
 Schedule I (Form 706), 285
 Schedule J (Form 706), 275–278
 Schedule K (Form 706), 264, 278–279
 Schedule K-1 (Form 1041)
 AMT information, 327–328
 deductions and credits, 326–327
 fiscal year-end for, 312
 general information, 322–324
 income allocation, 328–329
 income items, 325
 purpose of, 321–322
 for QSSTs, 54
 for split-interest charitable trusts, 51
 supplements to, 329–330
 for trust beneficiaries, 201
 at trust termination, 236

- Schedule L (Form 706), 279–280
 - Schedule M (Form 706), 280–282
 - Schedule O (Form 706), 282–283
 - Schedule P (Form 706), 285
 - Schedule PC (Form 706), 275, 286
 - Schedule Q (Form 706), 285
 - Schedule R (Form 706), 286
 - Schedule SE (Form 1040), 292
 - Schedule U (Form 706), 286
 - Schedule of Beneficial Interest, 38
 - scheduled distributions, 205–209
 - Section 663(b), 208
 - secured debt, 135
 - securities. *See also* bonds; stocks
 - distributing, 142–143
 - liquidating, 130–131
 - notes, 191, 354
 - transferring to a trust, 172–175
 - unmarketable, 268
 - valuing, 123
 - Seek Advice icon, explained, 5
 - separate property, 356
 - service of process, 97
 - Settlement Order, 155
 - settlers. *See* grantors, donors, or settlors
 - short year, 237, 356
 - shortcuts, cautions for taking, 340
 - signature guarantee, 356
 - single premium life insurance, 179, 356
 - situs, 356
 - slack-tax system, 29
 - small business stocks, 194, 356
 - small estate probate procedures, 99–101
 - Social Security death benefits, 128
 - Social Security Number (SSN), 204, 288
 - socially responsible investing, 195–196, 356
 - sole proprietorship, 112, 274, 281
 - South Carolina taxes/rules of intestacy, 374
 - South Dakota taxes/rules of intestacy, 374–375
 - special administrator, 95
 - special (extraordinary) dividends, 186, 356
 - special power of appointment, 356
 - specific devisee, 26, 356
 - specific legatee, 26, 356
 - spendthrift trusts, 199, 212, 356
 - split-interest charitable trusts, 51–52, 356
 - sponge state estate taxes, 29
 - Standard & Poor's (S&P), 190–191
 - states
 - estate and inheritance tax, 262, 345, 359–377
 - excise taxes, 347
 - help from tax departments, 58
 - income taxes, 30, 316, 330, 345, 346
 - intangibles tax, 347
 - laws governing probate court, 91–92
 - laws governing trusts, 160
 - probate court governed by, 91–92
 - rules of intestacy, 359–377
 - transfer taxes, 29
 - statutory dower, 108
 - statutory filing fee, 155
 - statutory share, 23, 107–108, 357
 - stockbrokers, 67, 68
 - stocks. *See also* securities
 - defined, 188, 357
 - investing and diversifying, 188–189
 - liquidating, 130–131
 - marshalling assets, 115
 - privately held, 175
 - reregistering certificates, 174–175
 - Schedule B (Form 706), 265–269
 - small business, 194
 - transferring to a trust, 172–175
 - at trust termination, 234
 - valuation of, 266–269
 - street name, 357
 - Subchapter S corporation, 53–55, 113, 357
 - subordinate bonds, 191
 - supervised formal probate, 104–105, 154–155
 - surety, notifying, 156
 - surviving spouse
 - bequests to, 280–282
 - COBRA benefits for, 126
 - overview, 23–24
 - rights and decisions of, 106–108
 - in simultaneous death, 283
 - unused exclusion (DSUE), 244, 260–261
 - Sworn Closing Statement, 153–154
- 7 •**
- TAI (trust accounting income), 185, 206–208, 357
 - taking against the will, 23, 24, 107–108, 357
 - tangible property, 121–122, 141–142
 - tax professionals, 64–66
 - taxes. *See also specific forms, schedules, and publications*
 - annual, for trusts, 169–170
 - asset info in returns, 119–120
 - audit preparations, 261–262
 - calendar for deadlines, 89
 - charitable trust consequences, 50–51
 - credits, 308, 327
 - death, 28, 351
 - deductible, 299, 304, 326
 - estate income, 150, 151, 345, 359–377
 - estate tax closing letters, 147–148
 - excise, 347
 - federal estate, 28
 - foreign death, 285
 - gifts not considered taxable, 27
 - on grantor trusts, 32
 - GST, 28–29, 39, 45, 46, 286, 344
 - on IDGTs, 33
 - income, 29–30, 225
 - inheritance, 353
 - intangibles, 30, 347, 353

- on inter vivos trusts, 34
- investing to minimize, 315–318
- IRS instructions for forms, 58
- keeping returns, 222
- Kiddie Tax, 205
- local, 346–347
- missing deadlines, 338
- on nominee trusts, 38
- on non-grantor trusts, 33
- overview, 17–18, 26–30
- post-mortem planning, 311
- on prior transfers, 285
- release from personal liability, 246
- on split-interest charitable trusts, 51–52
- terminating a trust, 233
- transfer, 27–29
- on trusts, 201, 345
- types of, 343–347
- UIMC, 318–320
- unified credit against gift tax, 27, 43
- taxpayer identification number (TIN), 106, 172, 288
- Technical Stuff icon, explained, 5
- temporary executor, 93–94
- tenancy by the entirety, 357
- tenancy in common, 357
- Tennessee taxes/rules of intestacy, 375
- term insurance, 357
- terminable interest, 282
- terminating a trust
 - calculating income distributions, 232–233
 - holding funds for taxes and fees, 233
 - income tax returns, 236–237
 - non-probate trust, 238–239
 - outliers after, 240
 - paying remaindermen, 234–235
 - principal distribution, 210
 - probate trust, 239
 - trust instrument instructions for, 231–232
- testamentary capacity, 104
- testamentary trusts, 35, 357
- testate, 21–22, 357
- testator, 357
- Texas taxes/rules of intestacy, 375
- Tip icon, explained, 5
- total dividends, 291
- Totten Trusts, 37, 357
- traditional life insurance, 127
- transfer taxes, 27–29
- trust accounting income (TAI), 185, 206–208, 357
- trust companies, 169
- trust instrument
 - certified copy of, 171
 - defined, 159, 357
 - discussing with the grantor, 160
 - keeping handy, 220
 - state laws governing, 160
- trust records
 - annual accounts, 221–222, 226–229
 - correspondence, 220–221
 - filing system setup, 217–222
 - financial, 221
 - inventory and valuing of assets, 223–224
 - permanent versus temporary, 218–219
 - supplies for keeping, 218
 - tax returns, 222
 - of transactions, 224–225
- trustees
 - defined, 159, 162, 357
 - duties of, 15–17
 - family or non-dependent, 12–13, 162
 - fees, 200
 - fiduciary duties and limitations, 166–167
 - of grantor trusts, 32
 - independent, 11–12, 13, 162, 353
 - line of succession for, 12
 - non-grantor trusts, 32–33
 - overview, 11
 - powers granted to, 163–166
- trusts
 - amendments to, 85
 - annual tax returns and accounts, 169–170
 - charitable, 50–53
 - credit shelter, 43–44, 350
 - Crummey, 47–48, 350
 - defined, 159, 357
 - with foreign interests, 164
 - funded, 31–34, 352
 - funding after grantor's death, 182
 - funding during grantor's life, 171–181
 - funeral, 82
 - grandchildren's, 46
 - grantor, 32
 - grantor-retained interest, 48–49
 - identifying the players, 161–163
 - IDGTs, 33–34
 - income from others, 295
 - income taxes, 345
 - insurance, 46
 - inter vivos, 34–35, 223, 353
 - irrevocable, 36, 38–44, 46–49, 353
 - living, 36–37, 354
 - locating agreements after death, 84–85
 - marital, 40–42, 354
 - marital deduction, 281
 - nominee, 38, 354
 - non-grantor, 32–33
 - plan creation based on, 160–161
 - purposes of, 197–199
 - reforming, 163
 - revocable, 32, 35–38, 356
 - terminating, 231–240
 - testamentary, 35
 - Totten, 37, 357
- tuition, as gift not taxable, 27

• U •

Unearned Income Medicare Contribution (UIMC) tax, 318–320
unified credit against gift tax, 27, 43
Uniform Probate Code (UPC), 99
unlimited marital trusts, 40–41, 357
unmarketable securities, 268
unsupervised formal probate, 103–104, 154–155
unsupervised informal probate, 101–103, 153–154
U.S. flag, for veteran's funeral, 80
U.S. Government bonds, 190
U.S. Treasury bonds, 190
U.S. Treasury obligations, 357
usufruct, 358
Utah taxes/rules of intestacy, 375–376

• V •

variable universal life insurance, 179, 358
vehicles
 marshalling assets, 112
 Schedule F (Form 706), 273
 small estate procedures for, 100
Vermont taxes/rules of intestacy, 376
Veteran's Administration, death benefits, 128
veterans' burial rights, 80–81
Virginia taxes/rules of intestacy, 376

• W •

Warning icon, explained, 5
Washington taxes/rules of intestacy, 376
wearing apparel, small estate procedures for, 100
well-being, distributions to ensure, 212–213
West Virginia taxes/rules of intestacy, 377
whole life insurance, 179, 358
will
 attested, 22
 contested, 104
 for estate tax return, 251
 executor named in, 21
 filing with probate court, 92
 foreign, 97
 holographic, 21–22
 inheriting under, 24
 intentional omission from, 25–26, 139
 issues affecting validity of, 21–22
 locating after death, 84, 85
 oral, 22
 original, 85, 354
 in safe deposit box, 85
 special administrator for, 95
 taking against, 23, 24, 107–108, 357
 testamentary capacity for, 104
 trusts created under, 35
 undue influence from another, 104
Wisconsin taxes/rules of intestacy, 377
Wyoming taxes/rules of intestacy, 377