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Our On Call attorneys are here for you. Rocket Lawyer On Call® Attorneys Life changes fast, and it can be hard to keep up with at times. Luckily, when it comes to Estate Planning updates are easy to make -- especially if you have a Revocable Living Trust as the basis of your Estate Plan. If you are going through a divorce, welcoming a new member of the family, or getting married it's likely time to make some changes. A Trust amendment form is designed to give you flexibility and make changes to your Trust when necessary, though this is just one of three main ways to update your Estate Plan. The following guide will walk you through the process of changing your Trust. And, when you're ready our team at Trust & Will will be here to help answer any questions you have: What is a Trust Amendment? A Trust amendment is a legal document changing one or more aspects of a revocable living Trust -- without revoking the entire structure. The goal of a living trust amendment is to help you make changes to beneficiaries, trustees, provisions, or modify any conditions to the Trust. What is a Trust Restatement? Trust restatement is the process of rewriting the structure of a Trust to make significant changes to its provisions. The process of restatement completely replaces the previous structure of the Trust, and must follow the same formalities of the original process. A Trust restatement is typically used when someone needs to add a new spouse as a beneficiary, remove a beneficiary completely, or significantly change distributions. A restatement differs from a Trust amendment, as amendments are better suited for minor adjustments. In some cases, a Trust restatement is recommended to consolidate several amendments made over time. This can help simplify things for a successor trustee, rather than having them follow several amending documents. Similarly, a Trust restatement can also be used to better comply with changes in state laws. What is a Trust Update? A Trust update is the practice of making changes to your Trust, like adding a Trust amendment form for example. Trust updates are used to reflect any changes in your family structure, finances, or even preferred distributions. Trust updates can refer to a Trust amendment or a restatement. There is also a third way to update a Trust, and that is to completely revoke the Trust and create a new one. This is often time consuming and can be costly to complete. It is typically recommended that you either amend or restate a Trust to reflect any change you want made. It is widely recommended to update your Trust every three to five years to keep the documents up to date. Doing so will allow you to ensure everyone and everything you need is included in your Estate Plan. There are a few other circumstances that might require an update to your Trust, which we will discuss below. When Do I Need a Trust Amendment Form? There are several situations where you might need a Trust amendment form to update your Estate Plan. It is safe to say more big life events will require a few changes to be made, but there are other situations as well. Here are some of the circumstances that might prompt an amendment to a revocable Trust: You want to change one of the provisions of a Trust after a marriage, divorce, and/or birth of a child You want to add or change beneficiaries You want to add or remove property from the Trust, or adjust the beneficiary of property You want to change the nomination of a Trustee or successor Trustee You want to update Trustee powers You want to change any conditions associated with the distribution of Trust assets (For example, you want a child to receive funds after graduation or marriage) What Does a Trust Amendment Form Do? A Trust amendment form is used to make official updates to a Trust in compliance with state laws. Forms should include specific, clear information about the provisions being added. Steps should also be taken to notarize any amendment forms to help avoid difficulties in court later on. Sample Trust Amendment Form There are several Trust amendment forms available online that are easy to use. Finding a form online can help you avoid working with an attorney, though you will still need to have the paper notarized to make it official. Do not try to write on or update your Trust documents without a Trust amendment form, as these changes could be challenged during probate. The purpose of a proper form is to make sure your wishes are followed and cannot be overturned or ignored in the future. While estate planning is typically not the first thing that comes to mind when celebrating a new life event, it is still important to think about. Updating your Trust is one of the best ways to ensure that your loved ones are taken care of in your Estate Plan. You can do this by amending, reinstating, or completely revoking your Trust if necessary. Often, a trust amendment form is the simplest way to make changes -- though it is important to understand all of your options. Get started today! Is there a question here we didn't answer? Reach out to us today or Chat with a live member support representative! Updated June 29, 2022 A revocable living trust is created by an individual (the Grantor) for the purpose of holding their assets and property and dictating how said assets and property will be distributed upon their death. The Grantor maintains ownership over their assets and they can make alterations to the document or choose to revoke the Trust at any point in their lifetime. The Grantor may appoint themselves Trustee (manager of the Trust) but must also appoint a Successor Trustee in case they become incapacitated or in the event of their death. Once the Grantor dies, a revocable trust becomes irrevocable and the Trustee (or Successor Trustee) will distribute assets within the Trust to the Beneficiaries as per the Grantor's instructions. Both revocable and irrevocable trusts bypass the probate process, but a revocable trust does not protect from estate taxes. Revocable vs Irrevocable - A revocable trust is able to be edited or terminated by the Grantor and the Grantor can choose to name themselves Trustee. An irrevocable cannot be altered once created and all assets are owned by the Trust instead of the Grantor. This separation can help protect the contents of the Trust from estate taxes and undesirable claimants or lawsuits. Revocable Trusts by State How to Write Step 1 - Download the State-specific form or the generic version in Adobe PDF (.pdf), Microsoft Word (.docx), or Open Document Text (.odt). Step 2 - The first page of the trust document must have the Grantor's name at the top of the page with the date of creation below it. Next, the names and addresses of both the Grantor and the Trustee must be entered. Under Article 1, create a name for the Trust and check the box that applies to the type of document being created; amended or new. Step 3 - Next, locate Article 4, Section A and create a list of property to be distributed after the Grantor's death. The corresponding names of the individuals or organizations to whom the property will be transferred should be included next to each item. Step 4 - Under Section B of Article 4, one of the two (2) checkboxes must be selected to provide distribution instructions for the Grantor's personal property after death. Either the named Beneficiaries can receive the personal property or a specific individual (this option requires the name, address, and Social Security number of the individual). Step 5 - Article 4, Section C has to do with the care of the deceased Grantor's pets. Enter the name and address of the individual who will be appointed "Pet Caretaker." Provide a second name and address for an "Alternate Pet Caretaker," who will assume responsibility of the Grantor's pets should the first Pet Caretaker be unable to fulfill the necessary duties. Step 6 - Continue to Part (ii) of Article 4, Section C to establish the type of funding the Pet Caretaker will receive. To provide funding, select the first checkbox and enter a dollar (US) amount. To provide no funding, select the second checkbox. Step 7 - Under Article 4, Section C, Part (iii), the Grantor must appoint a "3rd Party Enforcer". This individual will make sure that the pets are in good hands and that the funding is being spent solely on pet-related care. Step 8 - Article 4, Section D asks for the names, Social Security numbers, and addresses of up to four (4) Beneficiaries. Once the Grantor dies, these Beneficiaries will receive equal shares of all residuary property previously undistributed. Step 9 - The field provided under Section E of Article 4 must be complete with the name of the State in which this document is being created. Step 10 - Under Article 10, the Grantor can establish a limit to the number of requests made by Beneficiaries for the accounting of the Trust's contents. Enter a number in the space provided and choose either "Months" or "Years." Step 11 - The Grantor must appoint a Successor Trustee and a 2nd Successor Trustee. This section is found under Article 13, Section A. Enter the names and addresses of both Successor Trustees. Step 12 - Next, go to Section 1 of Article 13, "Compensation of Trustee." The Grantor can choose to provide no compensation for the Trustees (first box) or some compensation (second checkbox). Step 13 - Article 14 requires the name of the State in which the document is being created. Step 14 - Article 15 pertains to the number of days a person must survive the Grantor in order to make a claim on the Trust. Enter a number in the space provided. Step 15 - To provide the marital status of the Grantor, select one of the checkboxes under Article 17. If the second checkbox was selected, enter the name of the Grantor's Spouse. Continue under Article 17 and establish how the property and assets within the Trust will be transferred if both Grantor and the Grantor's Spouse die at the same time and it is indeterminable who died first. Select either the first checkbox (Grantor Dies First) or second checkbox (Grantor Dies Second). Step 16 - Enter the names of all the Grantor's children under Article 18. Step 17 - Under Article 21, the Grantor can choose to exclude certain individuals or organizations from benefiting from the Trust once they die. Enter the names of these individuals/organizations in the space provided. Step 18 - To grant the Grantor power to revoke or alter the Trust, signatures from the Trustee and Successor Trustee, along with the Grantor, must be provided under Article 22. Names and dates should be entered in the empty spaces below the signature fields. Step 19 - On the Self-Proving Affidavit form, enter the State and County in which this Trust is being created. Next, the Grantor, Trustee, Successor Trustee, 2nd Successor Trustee, and two (2) witnesses must sign the affidavit and include the date. The last portion of this document should be completed by the notary public (if present). Step 20 - Use Attachment A (last page) to itemize all assets and property that will be assigned to the Trust.





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