

Index

Numerics

2 percent haircut, 288
401(k) plan, 118
5/5 provision, 194

• A •

account allowance, 132
accountant, 82, 139, 158, 288
accounting, 141–142, 189
accrued interest, 244, 257
accrued rent, 252
accumulation trust, 186–187
acquisition cost and date, 280–281
actual possession, 233
address of residence, 92
adeemed bequest, 131
adjusted taxable gift, 241
adjusted tax-exempt income, 287
adjustment for minimum tax purposes, 305
administration. *See also* estate
 administration; trustees; trusts
 expenses, 126–129, 139–140
 probate court, 88–93
administrator, 10, 21, 139, 323
advisors
 appraisers, 67, 115, 117
 charitable, 68
 going alone or asking for help, 55–62
 hiring and firing, 154–155
 investment, 64–66, 157, 174–175, 185
 tax professionals, 62–64
AFR (applicable federal rate), 203, 323
age-based trust, 186–187
Alabama taxes and rules of intestacy, 333
Alaska taxes and rules of intestacy, 333–334
alimony, 126
allocating income, 305–306
allowance, surviving spouse, 24–25, 101
allowance of accounts, 141–146
alternate valuation, 243–244
alternative minimum tax, 293–295, 305
amendments, trust agreement, 80–81
amortization, 303–304, 323
anatomical gifts, 72
ancillary administration, 21, 92–93, 323
annual account, 158, 209–210, 213–217, 323
annual exclusion amount, 27, 43
annual exclusion gift, 27, 42
annual income tax return, 158
Annuities, Schedule I, 273
annuity, 248, 323
annuity contract, 269
annuity trust, 288
antique dealer, 115
applicable exclusion amount, 42, 233
applicable federal rate (AFR), 203, 323
appraiser, 67, 115, 117
appraising property, 114–117
arm's length transaction, 117
ascertainable standard, 154
ask price, 255
assent, 143–146, 214–216, 226–228
Assent and Waiver of Notice, 143
assessed value, 117
assessment period, 237
assets. *See also* funding trusts; marshalling
 assets
 appraisal of, 67
 buying and selling of by trustee, 153
 collecting estate, 14–15
 defined, 323
 distributing according to trust
 instrument, 219–224
 frozen, 78
 holding and diversifying trust, 176–183
 impact of death on, 78–79
 inventory, 122
 in living trust, 36
 overview, 19–21
 payable to trust upon decedent's
 death, 170
 protecting, 130, 156–158
 putting in trust, 16, 159–160
 sale of, 172
 valuing, 211–212

“Assignment Separate from Certificate”
 form, 133
 attested will, 22
 attorneys
 dealing with will contest, 99
 deducting fees, 288
 fee, 139
 notification of decedent’s death, 82
 overview, 57–62
 in probate process, 95
 automobile, 105, 262
 autopsy, 72–73

• B •

backup withholding, 304
 bank account, 79, 92, 116
 bank statement, 107–108, 207
 bank trust department, 158
 basis, 40, 212, 279, 323
 bearer bond, 133
 beneficial interest, 247, 323
 beneficiary
 age requirement, 185, 197–198
 defined, 323
 determining scheduled distribution,
 193–196
 devisees and legatees, 26
 domestic, 302
 of employer death benefits, 117–118
 extra distributions, 199–200
 foreign, 302
 heirs-at-law, 26
 individuals omitted from will, 25–26
 IRA, 121
 making final distributions to residuary, 140
 notification of decedent’s death, 82–83
 notifying about trusts, 191–193
 obtaining assents of, 143
 overview, 11, 23, 152, 185, 191
 purpose of trust, 186–187
 QSST, 52
 receipt for property, 131–132
 receipts of specific and residuary, 144
 right to consider disclaimer, 129–130
 surviving spouse, 23–25
 trustee determination of distributions to,
 153–154

bequeathed item, 113, 130
 bequest, 128, 131, 134, 323
 bill, 179, 323
 blue-chip stock, 183
 boats, 105
 bona fide bid, 255
 bond pledge, 96
 bonds
 defined, 323
 distribution of, 133
 re-registering certificates, 162–163
 sale of, 89–90, 116
 selling, 123
 trust, 177–179
 broker, 124, 166, 256
 brokerage account, 116, 123, 158
 brokerage statement, 108, 207
 burial allowance, 77
 burial clothing, 74
 burial rights for veterans, 76–77
 business consultant, 68
 business income, 221, 279
 businesses
 starting, 202–203
 valuing at date of death, 105–107
 buy-sell agreement, 106
 by right of representation, 323
 bypass trust, 42

• C •

C corporation, 107
 calculating income, 277–285
 calendar year-end, 142
 calendars, 84–85
 cancelled checks, 207
 capital gains, 173, 279–281, 293, 303
 capital gains tax, 189
 capital loss, 173
 capital property, 279
 cars, 105, 262
 cash
 distribution, 198
 dividends, 257
 Schedule C, 258–259
 transferring ownership of from trust,
 160–163
 trust needs, 181

- cash basis, 284
 - casualty loss, 283
 - cemetery, 75–76
 - certificate of death, 78
 - certificates, stock and bond, 123, 162–163
 - certified copy of trust instrument, 160
 - Certified Financial Planners, 65
 - Certified Public Accountant (CPA), 62–63, 65
 - charitable advisor, 68
 - charitable deduction, 287–288
 - Charitable Lead Annuity Trust (CLAT),
 - 50, 323
 - charitable lead interest, 49
 - Charitable Lead Unitrust (CLUT),
 - 50, 288, 323
 - Charitable Remainder Annuity Trust (CRAT), 49, 323–324
 - Charitable Remainder Unitrust (CRUT),
 - 49, 324
 - charitable trusts, 48–51, 269
 - charity, 135, 145
 - checking account statement, 108, 115
 - child support, 126
 - children’s trust, 324
 - churning, 66, 324
 - citation, 97, 143, 145–146
 - claiming dower, 101
 - CLAT (Charitable Lead Annuity Trust),
 - 50, 323
 - clear title, 124, 139, 165
 - closing estate, 137–146
 - closing letter, estate tax, 250
 - CLUT (Charitable Lead Unitrust),
 - 50, 288, 323
 - COBRA (Consolidated Omnibus Budget Reconciliation Act of 1986), 118
 - codicil, 80, 96, 324
 - collation, 13, 77, 266
 - columbarium, 75
 - commission, 66
 - common law, 101, 324
 - community property, 324
 - comparable property, 117
 - conditional legacy, 128
 - conservator, 10, 324
 - consideration, 165, 324
 - Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), 118
 - constructive possession, 233
 - contesting will, 99
 - contingency fee, 60
 - contingent interest, 152
 - continuation schedule, 240
 - convertible bond, 179
 - copyrights, 262
 - corporate bond, 177, 179
 - corporate independent trustee, 152
 - corpus, 154, 172, 324
 - correspondence, 82, 208–209
 - cost basis, 210–211
 - costs, funeral, 77–78
 - court notice, 97
 - CPA (Certified Public Accountant),
 - 62–63, 65
 - CRAT (Charitable Remainder Annuity Trust), 49, 323–324
 - credit, 29, 41, 295–296, 304–305
 - credit card, 84, 120, 235
 - Credit for Foreign Death taxes, Schedule P, 273
 - Credit for Tax on Prior Transfers, Schedule Q, 273
 - credit shelter trusts, 42–43
 - cremation, 75
 - Crummey trust, 45–46, 167, 324
 - Crummey v. Commissioner* case, 45
 - CRUT (Charitable Remainder Unitrust),
 - 49, 324
 - curtesy, 25, 101, 324
 - CUSIP number, 179, 254, 324
- D •
- date of birth, verifying, 192–193
 - date-of-death value, 117
 - deadline, 84–85, 122, 144
 - death. *See* estate administration
 - death benefits, 117–121
 - death certificate, 78, 94, 96, 119
 - death notice, 74
 - death tax, 28–29, 231, 324
 - debts of decedent, 126–129, 262, 267
 - decedent
 - assets, 20
 - dividing income and deductions, 284
 - estate, 324

- decedent (*continued*)
 final state and federal income taxes, 320–321
 Form 706, 240
 income tax for, 30
 declaration date, 257, 324
 Declaration of Executor's Commissions and Attorney's Fees form, 266
 declaration of homestead, 92
 Declaration of Trust Ownership, 169
 deductions
 attorney, accountant, and preparer fees, 288
 charitable, 287–288
 computing taxes owed, 292–295
 credits, 295–296
 debt, 267
 dividing between decedent and estate, 284
 double dipping, 265, 289
 estate tax deduction, 291–292
 fiduciary fees, 286–287
 household employee taxes, 296
 income distribution deduction, 290–291
 interest, 285–286
 against marital deduction, 270
 not subject to 2 percent floor, 288–289
 recapture taxes, 296
 Schedule K-1, 303–304
 subject to 2 percent floor, 289
 taxes, 286
 deeds, 105, 165
 defective grantor trust, 33–34
 Defined Contribution Pension Plan, 118
 Defined Contribution Profit Sharing Plan, 118
 defining estate, 19–21, 27–30
 delivery instructions, 162, 324
 depletion, 303, 324
 depreciation, 283, 303, 324
 devise, 122, 128, 131–132, 325
 devisee, 26
 DHL Express, 235
 direct skip, 29, 325
 directly apportioned deductions, 303
 disbursement, 60
 Discharge and Order Closing Estate, 141
 disclaim, 325
 disclaimer, 24, 129–130
 discretionary distribution, 194, 200–203
 discretionary extension, 238
 distributable net income (DNI), 290
 distributions
 bequest of specific dollar amount, 134
 discretionary, 200–203
 intangible property, 133
 making final to residuary beneficiaries, 140
 overview, 15, 131–132
 scheduled, 193–197
 tangible property, 132
 trustee determination of, 153–154
 diversifying assets, 157, 176–183
 dividend reinvestment plan (DRIP), 289
 dividends, 257, 278–279, 303
 dividing personal property, 134–135
 Division of Medical Assistance, 96
 divorce, 128
 DNI (distributable net income), 290
 documents. *See* estate planning documents
 domestic beneficiary, 302
 domicile, 21, 91–92, 240, 325
 donation, 72, 135
 donee, 28, 325
 donor, 28, 32, 325
 double dipping deduction, 265, 289
 dower, 25, 101, 325
 drafting new deed, 165
 DRIP (dividend reinvestment plan), 289
 due diligence, 157
 dying intestate, 22–23
 dying testate, 21–22
 dynasty trust, 325

● E ●

- EA (Enrolled Agent), 62–63, 65, 158
 easement, 274
 education, 201
 electing against will, 100–101
 electing small business trust (ESBT), 53, 325
 e-mails, 207, 209
 employee benefits, 117–119
 Employer Identification Number (EIN), 248, 254

- endowments to surviving spouse, 269
 - engagement letter, 61, 63
 - Enrolled Agent (EA), 62–63, 65, 158, 325
 - equity, 176–177. *See also* stocks
 - errors and omissions insurance, 156
 - ESBT (electing small business trust), 53, 325
 - estate administration
 - arranging funeral, 73–78
 - dividing income and deductions, 284
 - immediate concerns after death, 72–73
 - impact of death on decedent's assets, 78–79
 - locating estate planning documents, 80–82
 - notifying others of decedent's death, 82–84
 - organizing, 84–86
 - overview, 71
 - estate administrator. *See* fiduciary
 - estate income taxes, 30, 140
 - Estate or Trust's Share of Alternative Minimum Taxable Income, 294
 - estate planning documents
 - last will and testament, 80
 - letters of intent, 81
 - other documents disposing of property, 82
 - overview, 80
 - trust agreements and amendments, 80–81
 - estate tax
 - deduction, 291–292, 304
 - income tax, 318–319
 - state, 29–30, 333–350
 - estate tax return
 - part 1, 231–250
 - part 2, 252–274
 - estate trust, marital, 42
 - estates. *See also* closing estate; estate administration; payments from estate
 - changing status quo, 14
 - collecting assets, 14–15
 - compiling tax return, 18
 - declaring insolvent, 128–129
 - defining for probate administration
 - purposes, 19–21
 - defining for tax purposes, 27–30
 - identifying beneficiaries, 23–26
 - overview, 13, 19
 - paying expenses and making distributions, 15
 - probating, 14
 - tying up loose ends, 15
 - wills, 21–23
 - estimated tax credit, 304
 - estimated taxes, 292
 - eulogy, 75
 - ex dividend, 257
 - excise tax, 320
 - executor
 - defined, 325
 - elections by, 243–245
 - fee, 139
 - foreign, 93
 - funding trust after decedent's death, 170
 - overview, 10
 - paying estate expenses, 15
 - responsibility of, 9
 - signature for Form 706, 242
 - temporary, 89–90
 - executor's bond, 90, 325
 - exempt interest, 278
 - expenses, 15, 126–129, 139–140, 182, 188–189
 - external hard drive, 111–112
 - extraordinary dividends, 174, 329
- F ●**
- face amount, 179, 325
 - fail-safe provision, 49
 - fair market value (FMV), 255
 - family foundations, 50
 - family pot trust, 325
 - family trustee, 12–13, 152, 325
 - farm income, 282
 - federal estate tax, 28, 138, 317–318
 - Federal Express (FedEx), 235
 - federal gift tax, 28
 - federal income tax, 30
 - Federal Reserve, 161
 - federal tax ID number, 33, 160, 276
 - FedEx (Federal Express), 235
 - fee simple, 325
 - fees
 - accounting, 189
 - attorney, 60–61
 - independent trustee, 12
 - investment advisor, 65–66

- fees (*continued*)
 - mutual fund, 180
 - paying of final expenses, 139–140
 - probate court filing, 144
 - tax professional, 63–64
 - trustee, 188
- fiduciary
 - annual accounts and, 214
 - defined, 325
 - duty and limitations, 155–156
 - estates, 13–15
 - fees, 286–287
 - identifying, 10
 - lining up team, 13
 - managing trusts, 15–17
 - overview, 9–10
 - taxes, 17–18
 - trustees, 11–13
- filing of will, 14, 21, 94, 96
- filing system
 - annual accounts, 209–210
 - computer files, 111–112
 - correspondence, 208–209
 - estate administration, 85–86
 - filing account with probate court, 144
 - filing annual income tax returns and accounts, 158
 - filing last will with probate court, 88
 - financial records, 209
 - organizing, 206–207
 - overview, 205–206
 - probate inventory, 122
 - tax returns, 210
 - trust instrument, 208
- final accounting, 226–228
- final income distributions, 220–221
- final-year deduction, 304
- financial records, 209
- fiscal year-end, 51, 142, 325
- 5/5 provision, 194
- fixed amount distributions, 193
- fixed-income security, 175, 177
- flat fee, 60
- flat selling, 257
- Flexible Spending Account (FSA), 118
- FMV (fair market value), 255
- foreign beneficiary, 302
- foreign bond, 178
- foreign executor, 93
- foreign tax allocations, 307
- foreign tax credit, 196, 295
- foreign will, 93
- forgery, 99
- Form 706
 - amending, 237
 - decedent and executor, 240
 - elections by executor, 243–245
 - extensions of time to file and pay tax, 237–238
 - general information, 245–248
 - how to pay tax, 235
 - overview, 234
 - penalties for late filing, late payment, and understatement of valuation, 235–236
 - recapitulation, 248–249
 - signature and verification, 236
 - signature of executor, 242
 - signature of preparer other than executor, 243
 - supplemental documents, 239–240
 - tax computation, 241–242
 - where and how to file, 234–235
- Form 709, 27, 39, 167
- Form 712, 167, 246
- Form 792, 138
- Form 990-PF, 51
- Form 1023, 51
- Form 1040, 106, 188, 213
- Form 1041, 33, 135, 182, 213, 224–225, 245
- Form 1041-T, 304
- Form 1099-B, 280
- Form 1099-DIV, 278
- Form 1099-S, 280
- Form 1120S, 52, 106
- Form 2848, 238, 245
- Form 3800, 295
- Form 4421, 266
- Form 4506, 112
- Form 4506-T, 112
- Form 4768, 237, 238
- Form 4797, 283
- Form 4972, 293
- Form 5227, 50
- Form 7004, 213
- Form 8582, 282
- Form W-9, 161
- formal probate, 95
- 401(k) plan, 118

fractional share, 136
 frozen assets, 78
 FSA (Flexible Spending Account), 118
 full-service broker, 64–65
 funded trust, 32, 325
 funding trusts, 159–170
 funeral, 73–78
 future interest, 152

• G •

GAL (guardian ad litem), 97, 146, 228, 326
 General Business Credit form, 295
 general partner, 164
 general power of appointment, 41, 248, 272, 325
 generation-skipping transfer (GST) tax, 28–29, 43–44, 274, 321
 gift tax, 28, 43, 321
 gifts, 27–28, 39–40, 42, 232
 gift-splitting, 39
 GNMA (U.S. Government National Mortgage Association), 178
 good and sufficient cause, 238
 grandchildren, 28–29, 43–44
 grant deed, 164
 grantor
 defined, 11, 319, 326
 life insurance policies purchased by, 167–168
 notifying trust beneficiaries, 191
 signing of new deed, 165
 transferral of property title, 164
 grantor retained annuity trust (GRAT), 47, 326
 grantor retained income trust (GRIT), 47, 326
 grantor retained unitrust (GRUT), 47, 326
 grantor trusts, 32–33
 grave marker, 76
 gross estate, 231, 326
 growing crops, 262
 growth company, 175
 GST (generation-skipping transfer) tax, 28–29, 43–44, 274, 321

guardian, 10, 23, 93, 326
 guardian ad litem (GAL), 97, 146, 228, 326

• H •

headstone, 76
 health and well-being, 201
 Health Savings Account (HSA), 118
 heirs-at-law, 26, 82, 326
 hiding places, 109–110
 high-yield bond, 178
 holding period, 280
 holographic will, 22, 98
 home buying, 202
 homestead, declaration of, 92
 honorarium, 188
 house safe, 110
 household effects, 113–114, 261
 household employee taxes, 296
 household property in trust, 168–170

• I •

IDD (income distribution deduction), 290–291, 299
 identity theft, 78
 IDGT (intentionally defective grantor trust), 33–34
 in terrorem clause, 128
 incidents of ownership, 259, 326
 income
 defined, 326
 dividing between decedent and estate, 284
 versus principal, 212–213
 in trust administration, 172–174
 trusts that distribute, 186
 income distribution deduction (IDD), 290–291, 299
 Income Distribution Deduction on a Minimum Tax Basis, 294
 Income in Respect of Decedent (IRD), 291
 income taxes
 calculating income, 277–285
 choosing tax year-end, 276–277
 deductions, 285–296

- income taxes (*continued*)
 - differentiating trusts for, 32–34
 - federal tax ID number, 276
 - filing annual returns by trustee, 158
 - filing annually, 213
 - filing short-year return, 226
 - final tax liability, 225
 - Form 1041, 296–297
 - overview, 18, 224–225, 275–276
 - preparing and filing final estate returns, 140–141
 - independent trustee, 11–12, 152, 154, 326
 - individual independent trustee, 152
 - individual retirement account (IRA), 120–121, 312
 - informal administration, 94–95
 - inheritance tax, 29–30, 131, 326, 333–350
 - inherited property, 280
 - inheriting under will, 24
 - initial inventory, 210–211
 - insolvent estates, 128–129
 - installment sale, 283
 - insurance, 119–120, 156, 262. *See also* life insurance
 - insurance broker, 166
 - insurance trust, 45
 - insurance-company physical, 167
 - intangibles, 115–116, 133, 319, 326
 - intangibles tax, 30, 326
 - intentionally defective grantor trust (IDGT), 33–34
 - inter vivos trust, 34–35, 326
 - interest
 - calculating income, 278
 - deductions, 285–286
 - limited partnership, 163–164
 - Schedule K-1, 302
 - terminating trust and, 221
 - valuation procedure, 257
 - interment, 75
 - Internal Revenue Service. *See* IRS
 - international investment, 176
 - Internet pricing service, 256
 - intestacy, 22–23, 26, 91, 134, 326, 333–350
 - intestate share, 23–24, 100
 - invalid will, 22
 - inventory
 - asset, 104, 113–114
 - defined, 326
 - probate, 122, 249
 - investment advice, 188
 - investment advisor, 64–66, 157, 174–175, 185
 - IRA (individual retirement account), 120–121, 312
 - IRD (Income in Respect of Decedent), 291
 - irrevocable inter vivos trust, 211
 - irrevocable life insurance trust, 167
 - irrevocable trust
 - credit shelter trusts, 42–43
 - Crummey Trusts, 45–46
 - defined, 28, 170, 327
 - grandchildren’s trusts, 43–44
 - grantor-retained interest trusts, 46–48
 - grantors and, 80
 - insurance trusts, 45
 - living trusts, 37
 - making gifts to, 39–40
 - marital trusts, 40–42
 - overview, 38–39
 - IRS (Internal Revenue Service)
 - determination letter, 51
 - determination of domicile, 92
 - estate tax closing letter, 138
 - obtaining tax returns, 112
 - Publication 559, *Survivors, Executors and Administrators*, 56
 - Publication 950, *Introduction to Estate and Gift Taxes*, 232
 - scrutiny of appraisal, 67
 - telephone support, 56
 - issue, 25, 327
- 7 •
- jewelry, 261
 - joint and survivor annuity, 269
 - joint tenancy with right of survivorship, 79, 252, 260, 327
 - jointly owned property, 260–261
 - junk bond, 178, 327

• K •

Kelley Blue Book site, 115
Kiddie Tax, 193

• L •

laddering, 177
lapsed will, 128, 131
last will and testament. *See* will
late fee, 144
lawsuit, 64, 121, 155–156
lawyer. *See* attorneys
lease, residence, 126
leasehold, 262
legacy, 26, 327
legal home, 91–92
legatee, 26, 314
length of accounting period, 142
Letters of Authority as Executor document, 133
letters of intent, 81, 135
levying, 197
license to sell, 124
licensed advisor, 62
life estate, 25, 327
life insurance
 bequests to surviving spouse, 269
 related to debt, 127
 Schedule D, 259–260
 traditional, 119
 transferring ownership of from trust, 166–168
Life Insurance Statement, Form 712, 247
like-kind exchange, 283
Limited Liability Company (LLC), 106
limited partnership interests, 163–164
limited power of appointment, 41, 248, 272, 327
line 52 Computation Using Maximum Capital Gains Rates, 295
line of succession, 12
liquidating assets, 122–124
litigator, 68
livestock, 262
living trust, 36–37, 129, 327
LLC (Limited Liability Company), 106

load, 180, 327
loan insurance, 120
local income taxes, 320
long-term gain or loss, 280
lump-sum distributions, tax, 293

• M •

mail, reading decedent's, 107–108
malfeasance, 176
malpractice, medical, 72–73
mandatory income distribution, 153, 185
marital deduction, 268–270
marital trust, 13, 40–42, 327
marketable security, 198
married filing joint tax rate, 321
marshalling assets
 appraising property, 114–117
 ascertaining other death benefits, 120–121
 big-ticket items, 104–107
 contacting employer about employee benefits, 117–119
 liquidating assets, 122–124
 listing personal and household effects, 113–114
 locating and collecting insurance proceeds, 119–120
 overview, 103–104
 preparing and filing probate inventory, 122
 tracking down assets, 107–112
Massachusetts
 administrator options in, 98–99
 citation mail requirement, 145
 predeceased beneficiary, 131
 property title inheritance, 105
 surviving spouse's allowance, 24–25, 101
 taxes and rules of intestacy, 341
mature debt, 267
maturity date, 177, 179
mean, 255, 327
medical expenses, 27
medical malpractice, 72–73
memorial service, 74–75
mental retardation, 145

military affidavit, 146
 money market account, 181
 Moody's Investor Services, 179
 mortgage insurance, 120, 127
 mortgaged property, 165–166
 mortgages, 223, 258–259
 motor vehicles, 262
 motorcycles, 105
 multiple trust, 150–151
 municipal bond, 178, 327
 Munro, Margaret Atkins, 193, 282
 mutual fund, 157, 177, 180, 183

• N •

National Association of Enrolled Agents (NAEA), 63
 national cemetery, 76
 net income, 40, 327
 net rental real estate income, 303
 no-load fund, 180
 nominee Form 1099s, 308
 nominee name, 161
 nominee partnership, 164
 nominee trust, 38, 327
 nonbusiness credits, 295
 non-grantor trust, 33
 non-independent trustee, 152
 non-operating charitable foundation, 50–51
 non-probate trust, 226–227
 nonresident alien, 52
 notes, 179, 258–259, 327
 notice, defined, 143
 notification of decedent's death, 82–84
 nuncupative will, 22

• O •

obituary, 73, 74
 online appraisal, 115
 online bank accounts, 108
 oral will, 22
 Order Assigning Residue, 141
 order of notice, 97, 145
 ordinary income, 279
 organ donation, 72
 original will, 81, 94, 327
 oversight agency, attorney, 59
 ownership, 20, 160. *See also* funding trusts

• P •

paid-up policy, 167, 327
 pallbearers, 74
 par value, 254
 partnership, 106, 221, 262, 282
 partnership interests, 223
 Passive Activity Loss Limitations form, 282
 passport address, 92
 payable-upon-death (POD) account, 37, 79
 payment date, 257, 327
 payment schedule, 196–197
 payments from estate

- debts of decedent and administration expenses, 126–129
- dividing personal property equitably, 134–135
- final administration expenses, 139–140
- informing potential beneficiaries of right to disclaimer, 129–130
- overview, 125
- segregating and distributing specific property, 130–134
- slicing up residue, 136

 pecuniary bequest, 122, 134
 pension plan, 83, 312
 per capita, 136, 327
 per stirpes, 134, 136, 328
 percentage fee, 66
 percentage share, 136
 period for assessment, 250
 perpetuities, rule against, 49
 personal articles, 261
 personal interest, 286
 personal papers, 109
 personal property

- defined, 328
- dividing, 134–135
- excise taxes, 320
- overview, 113–114
- tangible, 132
- in trust, 168–170

 personal representative, 10, 88, 328
 personalty, 26, 134
 petition for administration, 98–100
 petition for allowance, 144
 petition for probate of will, 96–98
 pick-up system, 29
 POD (payable-upon-death) account, 37, 79

- political organization, 28
 postnuptial agreement, 24
 power of appointment, 40–41, 101, 328
 Power of Attorney and Declaration of Representative, 238, 245
 power to revoke, 328
 power to sell, 124
 Powers of Appointment, Schedule H, 272
 powers of attorney, 79
 precedent interest, 245
 prefunded, 328
 prenuptial agreement, 24
 preparer fee, 288
 prepurchased plot, 76
 prerefunded bond, 179
 present interest, 45, 152, 328
 preservation of estate, 89–90, 123
 Presidential Memorial Certificate, 77
 pretermitted heir, 25, 97, 130, 328
 price per share, 254
 principal
 defined, 32, 328
 distributions, 154, 186, 198
 versus income, 212–213
 taxes and, 189
 principal and income accounting, 142
 principal in trust administration, 174–175
 principal remaindermen, 195
 prior tax returns, 112
 prioritizing payment of debts, 127–128
 privately held stock, 163–164, 223
 probate. *See also* allowance of accounts
 appointment of guardian, 23
 defined, 14, 328
 defining estate for, 19–21
 determining need for administration, 88–93
 filing annual account with, 158
 filing annual trust accounts with, 216–217
 filing last will with court, 88
 finding information at, 56
 formal probate, 95
 getting court approval without all assents, 143–146
 overview, 14, 87–88
 petitioning, 96–100
 preparing and filing inventory, 122
 surviving spouse decisions, 100–101
 testamentary trust account, 35
 voluntary administration, 94–95
 probate attorney, 95
 probate estate, 328
 probate inventory, 249
 probate tax, by state, 333–350
 probate trust, 227–228
 professional trustee, 152
 promissory note, 163–164, 223, 258
 proof of ownership, 160
 property. *See also* personal property
 appraisal of, 67
 appraising, 114–117
 documents disposing of, 82
 grantor transferral of title, 164
 intangible, 115–116, 133, 319, 326
 inter vivos trust, 35
 not qualifying for marital deduction, 270
 qualifying for marital deduction, 268–270
 taxes, 319
 property subject to claims, 264, 328
 prospectus, 177, 328
 proved will, 97–98
 prudent man rule, 153, 155
 Prudential-American Securities Inc., 116
 Publication 559, *Survivors, Executors and Administrators*, 56
 Publication 950, *Introduction to Estate and Gift Taxes*, 232
 publicly traded stocks and bonds, 223, 256
 published citation, 145–146
- *Q* •
- QDOT (qualified domestic trusts), 269
 QPRT (qualified personal residence trust), 47, 328
 QSST (qualified Subchapter S trust), 52–53, 328
 QTIP (qualified terminable interest property), 42, 246, 263, 269, 328
 qualified disclaimer, 271
 qualified dividends, 278, 293, 303
 qualified domestic trusts (QDOT), 269
 qualified heir, 328
 qualified personal residence trust (QPRT), 47, 328
 qualified Subchapter S trust (QSST), 52–53, 328
 qualified terminable interest property (QTIP), 42, 246, 263, 269, 328

qualifying individual, 121
 quasi-community property, 328
 quitclaim deed, 164

• R •

rating, bond, 179
 real estate
 appraising, 116–117
 disposing of, 124
 holding and diversifying trust, 181–182
 listing as asset, 105
 nominee trusts, 38
 obtaining releases of lien for, 138–139
 Schedule A, 252–253
 tangible property, 132
 taxes, 319
 terminating trust, 223
 transferring ownership of from trust,
 164–166
 real property, 26, 328
 reasonable estimate, 246
 reasonable time, 129
 recapitulation, 248–249
 recapture taxes, 296
 receipts, 131, 135, 143–144
 reciprocal will, 24, 329
 record date, 257, 329
 record-keeping, 85, 141
 records
 annual trust accounts, 213–217
 compiling and organizing for trust, 17
 filing system, 205–210
 initial inventory, 210–211
 overview, 205
 transactions, 212–213
 valuing assets, 211–212
 refusal of inheritance, 129–130
 registered land, 164
 registered mail, 162
 registration, car, 105
 Registry of Deeds, 139, 165
 reimbursement of expenses, 139
 release from personal liability, 234
 release of lien for real estate, 138–139
 remainder interest, 39, 238, 245, 263
 remaindermen
 charitable lead trust, 49
 defined, 220

non-grantor trust, 33
 overview, 11, 152
 paying, 222–224
 preparing final accounting and getting
 assent of, 226–228
 responsibility towards, 175
 rent accrued, 244
 rents, 282
 resident agent, 96
 resident alien, 302
 residuary beneficiaries, 140, 144
 residuary devisee, 26, 329
 residuary legatee, 26, 329
 residue, 122, 131, 134, 136
 retirement account, 82, 118
 retirement plan, 83
 return of capital, 173–174, 329
 return of service, 97
 reversionary interest, 238, 245, 259, 263, 329
 revocable trust, 33, 36–38, 80, 163, 329
 right of representation, 134, 136, 328
 rolling property into trust after death, 170
 Roth Individual Retirement Account,
 120–121
 royalties, 262, 282
 royalty interests, 223
 rule against perpetuities, 49
 rules of intestacy, by state, 333–350

• S •

S Corporation, 183
 S&P (Standard & Poor), 179
 safe-deposit box, 81, 110–111, 162
 sale of asset, 172
 Sale of Business Property form, 283
 sale of investment, 181
 sales tax deduction, 189
 Savings Incentive Match Plan for
 Employees (SIMPLE), 118
 scattering of remains, 76
 Schedule A, Itemized Deductions, 283
 Schedule A, real estate, 252–253
 Schedule A-1, Section 2032A Valuation, 253
 Schedule B, Form 1041, 290–291
 Schedule B, stocks and bonds, 253–257
 Schedule C, mortgages, notes, and cash,
 258–259
 Schedule D, life insurance, 259–260

- Schedule E, jointly owned property, 260–261
- Schedule E, Supplemental Income and Loss, 282
- Schedule F, additional property, 261–263
- Schedule G, Transfers during Life, 272
- Schedule H, Powers of Appointment, 272
- Schedule I, Annuities, 273
- Schedule J, 264–266
- Schedule K, 267
- Schedule K-1, 18, 189, 299–307
- Schedule L, net losses, 268
- Schedule M, bequests to surviving spouse, 268–270
- Schedule O, charitable, public, and similar gifts and bequests, 270–271
- Schedule of Beneficial Interest, 38
- Schedule P, Credit for Foreign Death taxes, 273
- Schedule Q, Credit for Tax on Prior Transfers, 273
- Schedule R, Generation-Skipping Transfer (GST) tax, 274
- Schedule U, qualified conservation easement exclusion, 274
- Section 663(b), 196
- secured obligations, 127
- securities, 116, 123, 161–163
- securities of no value, 256
- segregating specific property, 130–134
- Self-Employment Tax, 188
- self-proving affidavit, 98
- SEP (Simplified Employee Pension Plan), 118
- separate property, 329
- separate share, 53
- service of process, 93
- settlor, 11, 32, 151, 329
- shiva, 74
- short year, 226, 329
- short-term capital gains, 280, 303
- signature guarantee, 162, 329
- Silverman, David J., 193, 282
- SIMPLE (Savings Incentive Match Plan for Employees), 118
- Simplified Employee Pension Plan (SEP), 118
- simultaneous death, 271
- sin stock, 180
- single premium life insurance, 168, 329
- situs, 319, 329
- six-month survival period, 270
- skip beneficiary, 297
- skip person, 39, 44
- slack-tax system, 29
- small business stock, 182–183, 329
- small businesses, 105–107
- Social Security, 120
- Social Security Administration (SSA), 83
- Social Security number, 192
- socially responsible investing, 183–184, 329
- sole proprietor, 106, 262, 279
- special administrators, 90–91
- special dividends, 174, 329
- special power of appointment, 329
- special use valuation, 244
- specific beneficiaries, 144
- specific devisee, 26, 329
- specific legatee, 26, 329
- speculating, 157
- spendthrift trust, 187, 329
- split gift, 241
- split interest charitable trust, 49–50, 329
- sponge system, 29
- spousal statutory share, 24
- spouse, surviving, 23–25, 27, 100–101
- SSA (Social Security Administration), 83
- Standard & Poor (S&P), 179
- state board of accountancy, 63
- State Division of Medical Assistance, 94
- state income tax, 30
- state intangibles taxes, 319
- state sales tax deduction, 189
- state tax, 221, 307, 318
- state transfer taxes, 29–30
- statutory dower, 101
- statutory period, 127
- statutory share, 23–24, 100, 330
- step-up in basis, 281
- stock dividend, 221, 257
- Stock Investing For Dummies*, 187
- stock power, 162
- stock trade confirmations, 207
- stockbroker, 64–65
- stocks
 - accumulation trust investment, 187
 - defined, 330
 - distribution of, 133

stocks (*continued*)

- privately held, 163–164
- reregistering certificates, 162–163
- sale of, 89–90, 116
- selling, 123
- small business, 182–183
- trust, 176–177
- stocks and bonds, 253–257
- street name, 161, 330
- Subchapter S corporation, 52–53, 106, 330
- subordinate bond, 179
- successor-in-interest trust, 286
- surety bond, 146, 289
- surety company, 96
- surviving spouse, 23–25, 27, 100–101, 269

• T •

- TAI (trust accounting income), 173, 194–196, 290, 330
- taking against will, 23–24, 330
- tangible property, 114–115, 132. *See also* property
- tax closing letters, 137–138
- tax form instructions, 56
- tax ID number, federal, 79, 160, 276
- Tax on Lump-Sum Distributions form, 293
- tax professionals, 62–64
- tax returns, 210
- taxable estate, 12–13
- taxes. *See also* estate tax; inheritance tax
 - alternative minimum, 293–295, 305
 - charitable trust, 48
 - checking prior returns for assets, 112
 - choosing year-end, 276–277
 - compiling estate tax return, 18
 - deadline calendar, 85
 - decedent's final state and federal income taxes, 320–321
 - deductions, 286
 - defining estate for, 27–30
 - differentiating trusts for income, 32–34
 - estate and trust income taxes, 318–319
 - excise taxes, 320
 - exemption for charitable foundation, 51
 - federal estate tax, 317–318
 - final, 221–222
 - generation-skipping transfer, 321
 - gift tax, 321
 - grantor-retained interest trust, 47–48
 - income taxes, 18
 - inheritance, 131
 - local income taxes, 320
 - overview, 17
 - probate, 333–350
 - real estate taxes, 319
 - Schedule K-1, 18
 - state inheritance, 318–319
 - transfer taxes, 27–30
 - trust, 189
 - on trustee fee, 188
- Taxes For Dummies*, 121
- tax-exempt status for non-operating
 - charitable foundations, 51
- taxpayer identification number (TIN), 33, 160, 246
- tenancy by the entirety, 79, 252, 260, 330
- tenant in common, 20, 252, 330
- term insurance, 168, 330
- terminable interest, 270
- terminating trust, 219–228
- testamentary capacity, 21, 99
- testamentary trust, 11, 34–35, 330
- testate, 21–22, 240, 330
- testator, 26, 128, 330
- TIN (taxpayer identification number), 33, 160, 246
- tissue donation, 72
- title
 - clear, 124, 165
 - grantor transferral of, 164
 - real estate, 132, 138–139
- total dividends, 278
- Totten trust, 37, 330
- tracking down assets, 107–112
- traditional life insurance, 119
- transfer taxes, 27–30
- transferring asset ownership. *See* funding trusts
 - trust accounting income (TAI), 173, 194–196, 290, 330
- trust companies, 158
- trust income tax, 318–319
- trust instrument
 - certified copies, 160
 - creating plan based on trust's terms, 150–151
 - defined, 330

- distributing assets according to, 219–224
 filing system, 208
 identifying players, 151–152
 overview, 150
- trustees. *See also* fiduciary; funding trusts
 assuming responsibility for property, 166
 defined, 330
 discretionary distributions and, 203
 duties of, 16, 155–156
 family, 12–13
 funding trust after decedent's death, 170
 independent, 11–12
 life insurance policies purchased by,
 166–167
 limitations of, 155–156
 overview, 11, 149
 powers of, 153–155
 preparing and filing annual income tax
 returns and accounts, 158
 protecting trust's assets, 156–158
 reading trust instrument, 150–152
 responsibility of, 9
 trusteeship, 247
- trusts. *See also* beneficiary; funding trusts
 agreements and amendments, 80–81
 charitable, 48–51
 creating, 34–35
 defined, 330
 differentiating for income taxes, 32–34
 holding and diversifying assets, 176–183
 income and principal in administration
 of, 172–174
 irrevocable, 39–48
 looking to beneficiaries' needs, 185–187
 managing, 15–17
 overview, 31, 171
 owning Subchapter S share in, 52–53
 paying expenses, 188–189
 protecting assets, 156–158
 revocable, 33, 36–38, 80, 163, 329
 socially responsible investing, 183–184
 using investment advisors effectively,
 174–175
- 2 percent haircut, 288
 Tyson, Eric, 193, 282
- U •
- unascertainable beneficiaries, 246
 undue influence, 99
 unified credit, 28, 41, 242
 United Parcel Service (UPS), 235
 United State Postal Service, 83
 unlimited marital trust, 40–41, 330
 unmarketable stocks and bonds, 256
 unwanted personal property, 135
 U.S. Department of Veterans
 Affairs (VA), 76
 U.S. Government bond, 178
 U.S. Government National Mortgage
 Association (GNMA), 178
 U.S. Treasury bond, 178
 U.S. Treasury obligations, 330
 usufruct, 330
 utilities, 84
- V •
- VA (U.S. Department of Veterans
 Affairs), 76
 validity of debt, 126–127
 valuation procedure, 255–257
 valuation understatement, 236
 valuing assets, 211–212
 variable universal life insurance, 168, 331
 vested interest, 152
 veterans, burial rights for, 76–77
 Veterans' Administration, 83, 120
 voluntary administration, 94–95
 voter registration, 92
- W •
- wake, 74
Wall Street Journal, The, 116, 256
 warranty deed, 164

whole life insurance, 168, 331
will. *See also* beneficiary
 dying intestate, 22–23
 dying testate, 21–22
 electing against, 100–101
 filing of, 14
 filing with probate court, 88
 foreign, 93
 holographic, 22, 98
 lapsed, 128, 131
 locating after death, 80
 original, 81, 94, 327
 overview, 21

 petitioning for probate of, 96–98
 reciprocal, 24, 329
 special administrators, 90–91
 trusts created under last, 35
will contest, 90, 99
witness, 114, 165
written appraisal, 115

● Z ●

zero tax liability, 224