



## **Keep Your Estate Plan Current**

**by Mary Buettner**  
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A man that I prepared a trust for years ago called me this week to discuss changes he wanted to make to his estate plan. The trust provided that all his assets would be divided equally between his children, but he decided recently that he wanted to also leave some funds to his grandchildren and to a few charities.

We discussed the options for accomplishing his wishes: he could amend the trust or he could set up new accounts that name the grandchildren and charities as beneficiary or payee on death. The ages of the grandchildren (all are minors) and the policies of the charities made amending the trust the better option.

Understandably, he preferred to accomplish this change on his own rather than pay me to amend the trust. So he suggested a third option: he would leave written instructions to the trustee, specifying the amounts that should go to the grandchildren and charities. He wanted to know whether this “would work.”

I explained that those changes, if not executed with all the necessary formalities, would not be binding. The changes might also confuse what was already done. If he didn’t do a formal amendment, he would put the successor trustee (who is one of his children) in the difficult position of trying to carry out his father’s wishes while also trying to comply with the legal terms of the trust. Some of the siblings might not like the idea of grandchildren or charities receiving money, and might object to their brother paying out any funds to them.

I haven't heard back from the client so I suppose he's deciding what to do. Hopefully he'll do a formal amendment if he decides to change his estate plan. That will be less expensive in the long run than leaving confusing documents to a successor trustee who has to pay an attorney to figure it all out.

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