

Who Should You Choose As Your Trustee?

Selecting the right trustee can be a tough decision. Your trustee will manage the assets in your trust; invest them if need be; pay creditors; comply with both the terms of the trust and all laws; and distribute assets to your beneficiaries according to your wishes. It's an important job.

Many clients turn to one or more of their children to serve as successor trustees. The upside of choosing a family member is that the person is often also a beneficiary, and thus, likely to handle the job expeditiously and carefully. But there can be downsides. For example, some clients with two children, fearful of alienating one or the other, want both to serve as co-trustees. Even if your children have a history of getting along, making them equal co-trustees means interacting in a new and unfamiliar way—and in some

cases, that leads to friction. Some clients decide to go with just one child as trustee, and take pains to explain the choice to the non-trustee child.

If you select just one child, don't think it needs to be the one with the greatest financial or legal expertise. The qualities of paramount importance in a trustee are trustworthiness and common sense. I have witnessed situations in which a client designates a child who is a lawyer, accountant or financial advisor, thinking those



Joseph S. Karp, C.E.L.A.

over, he/she may be so busy with job and family that administering the parent's trust moves to the back burner. Remember, even a trustee with little financial knowledge but with common sense can hire experts needed to do the necessary

jobs.

Some clients, to avert family friction or because they have no family or friends they consider suitable, turn to a third-party trustee such as a bank, accountant, lawyer. Sometimes this is

★ *Listen to Joe Karp and Anita Finley on Saturday, August 11 from 7:30-8:00 AM on WSBR 740AM and WWNN 1470AM and on our YouTube Channel: BoomerTimes Presents.* ★

skills make them best suited to the best solution, even though the trustee will charge a fee.

Peace of mind, and your family's harmony, are worth it.

The bottom line is, choosing a beneficiary is rarely a black-and-white choice. There are many shades of grey in the selection process. Talk it over with an estate planning attorney who has experience in preparing estate plans and in assisting trustees with trust administration.

Joseph S. Karp is a nationally certified and Florida Bar-certified elder law attorney (C.E.L.A.) specializing in the practice of Trusts, Estates and Elder Law.

His offices are located at 2500 Quantum Lakes Drive, Boynton Beach (561) 752-4550; 2875 PGA Blvd., Palm Beach Gardens (561) 625-1100; and 1100 SW St. Lucie W. Blvd., Port St. Lucie (772) 343-8411.

Toll-free from anywhere: 800-893-9911. E-mail: KLF@Karplaw.com or website www.karplaw.com.

Read *The Florida Elder Law and Estate Planning Blog* at www.karplaw.blogspot.com.