



The Rutherford Law Firm, PLLC

WILLS · TRUSTS · PROBATE · ESTATE ADMINISTRATION

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TRUSTS · CLIENT CHECKLIST

Trust Funding Checklist

A trust only controls what is actually transferred into it. “Funding” means retitling assets into the trust and updating beneficiary designations. An unfunded trust can leave property to pass through probate anyway, defeating much of the purpose.¹

◆ Real estate

- Prepare and record a deed transferring real property to the trust
- Confirm homestead and property-tax treatment
- Notify the mortgage lender and insurer if required

◆ Financial accounts

- Retitle bank and brokerage accounts into the trust
- Review life-insurance beneficiary designations
- Update or coordinate retirement-account beneficiaries (do not retitle IRAs/401(k)s without advice)
- Coordinate any payable-on-death or transfer-on-death designations

◆ Business & other property

- Assign business interests where permitted by the entity documents
- Keep a schedule of trust assets and update it over time
- List valuable personal property to be held by the trust

◆ Funding questions

Assets you are unsure how to handle

REFERENCES & SOURCES

1. Tex. Est. Code §§ 401.001–401.003 (independent administration). statutes.capitol.texas.gov
2. Tex. Est. Code §§ 751.001, 752.051 (Durable Power of Attorney Act; statutory durable power of attorney form). statutes.capitol.texas.gov
3. Internal Revenue Service, Estate and Gift Taxes. www.irs.gov
4. Texas Law Help, “Wills, Estate Planning and Probate.” texaslawhelp.org
5. Texas Disciplinary Rules of Professional Conduct, Part VII (Rules 7.01–7.06). www.texasbar.com

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