



A CLIENT GUIDE FOR

District of Columbia

Your Guide to a Revocable Living Trust

Keep your family out of probate court

When you die, your family cannot sell your house, close your accounts, or divide what you left without a court order, unless your property is already in a trust. A revocable living trust puts your property in a container you control completely while you are alive, and hands it to the people you choose, on your terms, the day you are gone, with no court involved.

The problem, and the solution

THE PROBLEM

DC probate runs through the Superior Court and cannot close for at least six months while creditors are given notice

A will only works after it is delivered to the Register of Wills (within 90 days of death) and admitted by the court; probate records are public

A personal representative must be appointed, may need a bond, must file an inventory, and often needs a lawyer

If you become unable to manage your affairs, your family may need a court-appointed conservator, with a bond, court examiners and annual reports

You are afraid of giving up control

THE SOLUTION

A funded trust passes everything to your family with no court filing and no waiting period

A trust is private; no one files it, and no one can read it at the courthouse

Your successor trustee simply takes over, with the authority already written in the document

Your successor trustee steps in the day you need help, with no court, under rules you wrote

You keep every bit of it: you are the trustee, you can change or cancel the trust at any time, and nothing changes on your tax return

What our clients pay: a flat fee of \$3,500 for a single person or \$3,900 for a married couple for a complete trust-based estate plan. No hourly bills.



What a revocable living trust is

A revocable living trust is a written agreement in which you hold your own property as trustee, for your own benefit, for the rest of your life, and name who takes over and who inherits when you can no longer act.

Think of it as a wagon.

You put all your things in the wagon (your house, your accounts, your investments) and you pull it yourself for as long as you can. When you can no longer pull it, the person you named picks up the handle and keeps pulling it for you, paying your bills and looking after your property. When you are gone, that person either keeps pulling the wagon for your family, if that is what you told them to do, or starts handing things out to the people you named. Without a wagon, everything stops at your death, and only a judge can pass it out.

A will does the opposite. It leaves everything where you found it. When you die, your family has to go looking: which bank, which broker, which insurance company, which deed, which safe-deposit box. It becomes a scavenger hunt, run by grieving people with no map, and it often puts family members in the position of knowing something and not being forthcoming about it. The trust gathers everything in one place while you are alive and creates a clear record of what you own and who gets it. Nothing is hidden, and no one has to hunt.

“Revocable” means you can change it, add to it, or tear it up any time you like. In DC a trust is revocable unless it says otherwise, and the capacity to sign one is the same as for a will. “Living” means it works while you are alive, not just after you die. That is the part a will can never do.

Words you will see in this guide

WORD	WHAT IT MEANS
Settlor (or grantor)	You, the person who creates the trust and puts property in it.
Trustee	The person who manages the trust property. During your life, that is you.
Successor trustee	The person who takes over when you die or cannot act.
Beneficiary	The people who receive the property. During your life, you. After, the people you name.
Funding	Retitling your property into the trust's name. A trust only controls what has been put into it.
Pour-over will	A short will that catches anything left outside the trust and "pours" it in.
Certification of trust	A short summary the bank or title company accepts instead of reading the whole trust.
Probate	The Superior Court process for transferring a deceased person's property. The trust avoids it.



Why DC families use one

What DC probate actually involves. Whoever holds your will must deliver it to the Register of Wills within 90 days of your death, or face a fine. Someone then petitions the Superior Court's Probate Division to be appointed personal representative. Most DC estates are "unsupervised," which sounds simple, but the personal representative still must post a bond unless every heir waives it, publish notice to creditors for two weeks, send an inventory to every interested person within three months, and wait: the estate cannot close until six months after the first publication, because that is how long creditors have to file claims. Court costs run from \$15 to \$350 for estates up to \$100,000, and higher above that, plus publication and the bond premium. Executor and attorney fees are whatever the court finds reasonable. The whole file is public.

The small-estate shortcut is small. DC lets an estate of \$80,000 or less go through a shortened proceeding, and personal property up to \$40,000 can be collected by affidavit 60 days after death. Neither covers a DC home. If you own real estate in your own name, your family is going to court.

A trust avoids all of it. Property in a funded revocable trust is not part of your probate estate. There is no petition, no bond, no publication, no six-month wait, no public file. Your successor trustee shows the bank or title company a certification of trust, which DC law requires them to accept, and carries out your instructions.

It works while you are alive, too. If you have a stroke or dementia and your property is in your own name, someone must go to court to be appointed your conservator. That proceeding involves a petition, a court-appointed examiner and visitor, attorneys, a bond, and annual accountings, all paid from your money. If your property is in your trust, your successor trustee steps in the day your doctor says you need help, with no court and no delay.

Privacy and control after death. A trust can hold a child's share until an age you pick, protect a beneficiary who is disabled or in debt, and keep a second spouse and a first family from fighting. A will can do some of this, but only through the court.

The DC estate tax. The trust itself does not reduce the District's estate tax, which applies to estates over \$4,988,400 in 2026. But for a married couple the trust is where the credit shelter provisions that do reduce it are written. That is covered in our separate credit shelter trust guide.

The figures in this guide are those published in the D.C. Code and by the DC Courts and the Office of Tax and Revenue for 2026. They change from time to time.

How it works, step by step

- 1 We design the plan.** At your planning meeting we go through your property, your family, and your wishes, and decide together who takes over, who inherits, when, and on what terms.
- 2 You sign the trust and the documents that go with it.** The trust, a pour-over will, a durable power of attorney for anything outside the trust, a health care directive, and a HIPAA release. You are the trustee. Nothing about your daily life or your taxes changes.
- 3 You fund the trust.** We deed your home to the trust (no DC recordation or transfer tax, and your homestead deduction continues). Accounts are retitled or given the trust as beneficiary. We give you a written funding letter for each institution. Retirement accounts stay in your name and name your spouse or the trust as beneficiary.
- 4 You live your life.** Buy, sell, spend, invest, change your mind. Anything you acquire later goes into the trust by title or by the pour-over will.
- 5 If you become unable to act,** your successor trustee steps in under the rule your trust sets (usually a letter from your doctor), pays your bills, manages your property, and takes care of you, with no court.
- 6 When you die,** your successor trustee gathers values, pays your final bills and taxes, and distributes or holds the property exactly as the trust says. Beneficiaries receive notice and a copy of the trust within 60 days. Anyone who wants to contest the trust has one year at most, and often only 90 days after that notice.
- 7 Anything left outside the trust** (a forgotten account, a car) is caught by the pour-over will. If that property is worth \$80,000 or less it can use the DC small-estate procedure; if it is only personal property up to \$40,000, an affidavit works with no court at all.

Who can be trustee

You. While you are alive and able, you are the trustee. A married couple usually serves together. You manage your property exactly as you do now.

Your successor. The person who takes over is the most important choice in the plan. Most clients name a spouse first, then an adult child, then a trusted friend, relative, or a bank or trust company. You can name two people to serve together, and you should always name at least one backup.

What makes a good successor trustee

- Organized enough to keep the trust's money separate from personal money and keep simple records
- Honest, and comfortable saying no to a relative
- Likely to be around, and living close enough to handle a house
- Willing to call us or an accountant rather than guess

What the successor trustee does

WHEN	WHAT
If you become incapacitated	Steps in when your trust's rule is met (usually a doctor's letter); pays your bills, manages your property, works with your health care agent
At your death	Gets a tax ID number for the trust, gathers values, notifies beneficiaries within 60 days, collects any assets outside the trust with the pour-over will
In the months after	Pays final bills and taxes; files your final income tax return and the trust's return; files the DC and federal estate tax returns if your estate is large enough
Then	Distributes the property, or holds it in continuing trusts for children or others, exactly as written

The trustee's protection. DC law requires banks and title companies to accept a certification of trust rather than demanding the whole document, and they can be liable if they refuse in bad faith. The trustee can hire an accountant, an investment adviser and a lawyer, and the trust pays for them. Your trust can waive the trustee's duty to send reports to the children while your spouse is alive. Because DC has no probate court supervising the trustee, we build in a way for beneficiaries to get information and, if needed, replace a trustee without going to court.



How you live with the trust

This is the question every client asks: what changes? Almost nothing.

Your home

You keep living in it. The deed now reads “you, as trustee,” and the DC homestead deduction and any senior reduction continue as long as it is still your residence. Your mortgage cannot be called because of the transfer. If you sell, you sign as trustee and the capital gains exclusion on your residence applies just as before. If you buy a new home, you take title in the trust’s name.

Your income

Your Social Security, pension and retirement account withdrawals come to you as always. Interest and dividends on trust accounts are reported under your own Social Security number. The trust files no separate income tax return during your life, federal or DC. Nothing on your tax return changes.

Your everyday money

Your checking account can stay in your name if you prefer; the pour-over will and the small-estate affidavit catch a modest balance. Larger accounts go into the trust. You write checks, use your cards, and move money exactly as before.

Control

You can amend the trust, revoke it, add property, take property out, change the beneficiaries, or change the successor trustee at any time, by a signed writing. No one else’s consent is needed. Your creditors can still reach trust assets while you are alive, which is why the trust is not an asset-protection device; it is a management and transfer device.

What changes

- The name on deeds and account statements reads “[your name], Trustee of the [your name] Revocable Trust.”
- New accounts and new property go into the trust’s name; we give you a one-page instruction card to keep.
- Once a year, or whenever something big changes, you glance at the funding list to make sure nothing was left out.

A real-life example

Mrs. Ellison, a widow in Capitol Hill, owned her rowhouse, a brokerage account and two bank accounts. She signed a revocable trust and deeded the house to it. Three years later she had a stroke. Her daughter, the successor trustee, took her doctor's letter and the certification of trust to the bank the same week, paid the bills, and hired the caregivers; no court was involved. When Mrs. Ellison died two years after that, the daughter notified her brother, sold the house as trustee, and split the proceeds within four months. No petition, no bond, no six-month wait, no public file. Her neighbor, whose estate went through probate the same year, was still waiting for the creditor period to end when Mrs. Ellison's family was finished.

Funding the trust: what goes in and what stays out

A trust controls only what has been put into it. This is the step families skip, and it is the reason some trusts fail. We give you written instructions for each asset; you and the institutions do the retitling.

ASSET	GOES IN?	HOW
Your home and other real estate	Yes	We prepare and record a deed to you as trustee. No DC recordation or transfer tax. Homestead deduction continues. Recording fee paid by you.
Bank accounts (savings, CDs, money market)	Yes	Retitle at the bank with the certification of trust, or name the trust as payable-on-death beneficiary.
Brokerage and investment accounts	Yes	Retitle with the certification of trust, or register transfer-on-death to the trust.
Stock in a family business, LLC interests	Yes	Assignment of interest; we check the operating agreement first.
IRAs, 401(k)s, other retirement accounts	No, stay in your name	Name your spouse as primary beneficiary and the trust or children as contingent. Retitling would trigger income tax.
Life insurance	Stays in your name	Name the trust as beneficiary so the proceeds are managed under the trust's terms.
Vehicles	Usually no	DC DMV will transfer a vehicle after death with the trust agreement or letters; most clients leave cars out and let the pour-over will handle them.
Everyday checking account	Your choice	Small balances are caught by the \$40,000 affidavit procedure with no court.
Personal belongings, furniture, jewelry	Yes	A one-page assignment signed with the trust; a separate list says who gets what.
Property in another state	Yes	Deed into the trust in that state; otherwise your family faces a second probate there.

A transfer-on-death deed is available in DC as an alternative for real estate, but it must be recorded before death, does nothing during incapacity, and cannot hold property for a child or a disabled beneficiary. We use it only in limited cases.



Frequently asked questions

Do I lose control of my property?

No. You are the trustee. You can buy, sell, spend, give away, and change or cancel the trust at any time.

Does the trust change my taxes?

No. During your life the trust uses your Social Security number and files no return, federal or DC. Your income tax return looks the same.

Do I still need a will?

Yes, a short one. The pour-over will catches anything you forgot to put in the trust and names a guardian for minor children. Whoever holds it must deliver it to the Register of Wills within 90 days of your death, even if nothing needs to be probated.

Is a trust public?

No. A will becomes a public court record when it is probated. A trust is never filed anywhere. Only your trustee and beneficiaries see it.

Does a trust protect my property from creditors or a nursing home?

No. While you are alive, your creditors can reach trust property, and Medicaid counts it. After your death, the trust still pays your final debts. Asset protection and Medicaid planning use different, irrevocable trusts; ask us about them.

What if I move?

The trust is valid in every state. If you move, we or a lawyer there review it for local rules, and you deed any new home into it.

What if I own property in Maryland, Virginia, or another state?

Put it in the trust. Otherwise your family will need a second probate in that state.

What happens if I become disabled?

Your successor trustee takes over under the rule in the trust (usually a letter from your doctor) and manages everything for your benefit. No court, no conservator, no bond.

Can I be sure my children will inherit?

Yes. The trust can hold a child's share until an age you choose, protect a child who has a disability, is in debt, or is going through a divorce, and keep a second spouse and first family from fighting.

QUESTIONS, CONTINUED

How long does it take my family after I die?

Simple trusts are often finished in a few months. There is no required waiting period. Anyone who wants to contest the trust must do so within a year at most, and often within 90 days after the trustee sends notice.

Can my spouse and I have one trust?

Yes. Most married couples sign a joint trust. At the first death it continues for the survivor, and it can contain the credit shelter provisions that reduce the DC estate tax.

Does the trust reduce the DC estate tax?

Not by itself. For a married couple, the credit shelter provisions inside the trust do; see our separate guide.

What does it cost to keep up?

Nothing annually. There is no filing and no fee. When your life changes (a marriage, a birth, a move, a new account), you call us.

How long does it take?

Most clients sign within four to six weeks of the planning meeting.

How much does it cost?

The complete trust-based plan is a flat \$3,500 for a single person or \$3,900 for a married couple. That includes the trust, pour-over wills, durable powers of attorney, health care directives, the deed for your home, and written funding instructions. You pay only the DC recording fee for the deed.

Things this trust does not do

We would rather you hear these from us now than be surprised later.

- It does not protect your property from your own creditors, lawsuits, or a nursing-home spend-down. Those need an irrevocable trust, and we will tell you if one fits.
- It does not reduce income tax or, by itself, estate tax. It is a management and transfer tool.
- It does not control property that was never put into it. An unfunded trust is just paper; the pour-over will and probate pick up what is left out.
- It does not replace a power of attorney or a health care directive. Retirement accounts, insurance, and medical decisions sit outside the trust, so those documents come with it.
- It does not stop a surviving spouse's statutory allowances. DC law lets a spouse reach trust assets for the homestead, exempt property and family allowances if the probate estate is short.
- It does not let a bank or title company refuse to deal with your trustee, but it cannot make every clerk familiar with the process. The certification of trust and our instruction letter handle most of that.
- It does not run itself after your death. Your successor trustee has real work to do, and the trust pays for the help they need.

Why families choose Trusted Plan Lawyers

A real lawyer, licensed in DC, start to finish. Brad Williams personally designs and reviews every plan.

One flat fee. The trust-based plan is \$3,500 for a single person or \$3,900 for a married couple. That includes the trust, pour-over wills, powers of attorney, health care directives, the deed for your home, and written funding instructions. No hourly bills.

Plain English. You will understand every page before you sign. If you cannot explain it to your children, we have not finished our job.

Fast without rushing. Most plans are signed within four to six weeks of the planning meeting.

A partner for life. When the law or your family changes, we are still here.

Ready to keep your family out of court? Call (844) 544-PLAN or visit trustedplan.com to schedule a planning meeting.

Your next steps

- 1** **Gather your information.** Deeds, the most recent statement for each account, life insurance policies, retirement account beneficiary forms, and any business documents. We will send you a one-page checklist.
 - 2** **Think about your successor trustee.** Who is organized, honest, and likely to be around? Who is your backup?
 - 3** **Think about your beneficiaries.** Who inherits, at what age, and with what protections?
 - 4** **Come to your planning meeting.** We will walk through everything in this guide with your own facts and tell you plainly whether a trust is the right fit.
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Trusted Plan Lawyers, LLC
(844) 544-PLAN · www.trustedplan.com

This guide is general information for our clients. It is not legal advice for your specific situation until we have met and reviewed your facts. Dollar figures and time periods are those in the D.C. Code and published by the DC Courts and the Office of Tax and Revenue for 2026, and they change from time to time.

