



A CLIENT GUIDE FOR

Louisiana

# Your Guide to a Revocable Living Trust

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*Keep your family out of succession court*

In Louisiana, when you die, your family cannot sell your house, close your accounts, or divide what you left until a judge signs a judgment of possession, even if you have a will, even if there are no debts, and even if everyone agrees. That court proceeding is called a succession. 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 succession for the property it holds.

# The problem, and the solution

## THE PROBLEM

Every Louisiana succession goes through the district court; even a simple one needs a petition, a sworn descriptive list and a judgment before property passes

Court supervision is the default; an executor may need to post a bond, file a descriptive list, publish a tableau of debts, and account every year until the estate closes

The executor's statutory fee is 2.5 percent of the estate, and the file is public

The small-succession affidavit works only for people who die without a will (or with no Louisiana real estate); a will plus a house means court

If you become unable to manage your affairs, your family may have to interdict you, with a court hearing, a bonded curator, and annual accountings

## THE SOLUTION

A funded trust passes everything it holds by the trustee's signature, with no petition and no judgment

The trust has no bond, no publication, and no court accounting

The trustee serves under your written terms, and nothing is filed at the courthouse except a one-page extract

The trust holds your home and passes it by recorded act of the trustee

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

**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

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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 land, your accounts) 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 act of sale, 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 cancel it any time you like. Louisiana is different from most states on this point: a Louisiana trust is irrevocable unless the document says you can revoke it, so we write the right to revoke and amend into the trust in plain words. “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                                                                                                                                  |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Settlor</b>            | You, the person who creates the trust and puts property in it.                                                                                 |
| <b>Trustee</b>            | The person who manages the trust property. During your life, that is you.                                                                      |
| <b>Successor trustee</b>  | The person who takes over when you die or cannot act.                                                                                          |
| <b>Beneficiary</b>        | The people who receive the property. During your life, you. After, the people you name.                                                        |
| <b>Funding</b>            | Retitling your property into the trust's name. A trust only controls what has been put into it.                                                |
| <b>Extract of trust</b>   | A one-page recorded summary that lets the trustee deal with real estate and lets banks work with the trust without reading the whole document. |
| <b>Succession</b>         | Louisiana's word for probate: the district court process for transferring a deceased person's property. The trust avoids it.                   |
| <b>Community property</b> | Everything either spouse earned or acquired during the marriage; each spouse owns half.                                                        |
| <b>Forced heir</b>        | A child who is 23 or younger, or permanently disabled, when a parent dies. Louisiana guarantees that child a share, even from a trust.         |
| <b>Interdiction</b>       | Louisiana's court process for appointing someone to manage the affairs of a person who cannot. The trust avoids it for trust property.         |

# Why Louisiana families use one

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**What a Louisiana succession actually involves.** Whoever holds your will must present it to the district court of the parish where you lived. Even when there is no dispute and no debt, someone must file a petition, a sworn descriptive list of everything you owned, and obtain a judgment of possession before a single account can be closed or a house sold. If the estate needs administration, the court supervises it unless your will authorizes independent administration or every heir agrees. An administrator posts security equal to 125 percent of the estate (an executor named in the will is usually excused). Debts are paid through a published tableau of distribution, and the representative files a final account and, if the estate stays open, an account every year. The executor's fee is 2.5 percent of the estate unless the will says otherwise, and the lawyer's fee is on top. The file is public.

**The small-succession affidavit has limits.** Since August 1, 2026, an estate worth \$200,000 or less can pass by affidavit with no court proceeding, but only if you died without a will, or with a will and no Louisiana real estate. A will plus a house means a court succession, no matter how small. If you own a home, land, or minerals 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 succession. There is no petition, no descriptive list, no judgment, no bond, no tableau, no accounting to the court, no 2.5 percent fee, and no public file. Your successor trustee shows the bank the extract of trust 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 ask the court to interdict you. That means proving you cannot consistently make reasoned decisions and that nothing less will do, a hearing, an attorney for you, a bonded curator who files a descriptive list and accounts to the court, and court approval to sell property, 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.

**No Louisiana death tax.** Louisiana has no inheritance tax (it stopped applying in 2004), no estate tax in practice, and no gift tax. The trust is not a tax device here; it is a management and transfer device. For a married couple with a large estate, the trust is also where the federal credit shelter provisions are written; see our separate guide.

*The figures in this guide are those in the Louisiana Civil Code, Code of Civil Procedure and Revised Statutes for 2026. They change from time to time.*

# How it works, step by step

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- 1 We design the plan.** At your planning meeting we go through your property (sorting community from separate), your family (noting any child under 24 or with a disability), and your wishes, and decide together who takes over, who inherits, when, and on what terms.
- 2 You sign the trust before a notary and two witnesses.** Louisiana requires that form for a living trust. The trust states in plain words that you may revoke and amend it. With it you sign a notarial will that adds anything left out to the trust, a mandate (Louisiana's 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. For a married couple, the trust says that placing community property in it does not change the community.
- 3 You fund the trust.** We prepare the act transferring your home to the trust and the extract of trust, and both are recorded in the parish (no Louisiana transfer tax; you pay only the clerk's recording fees). Your homestead exemption continues. Accounts are retitled with the extract of trust. 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 through the 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 and no interdiction.
- 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. For a married couple, the trust first separates the survivor's half of the community, which stays the survivor's, from the deceased spouse's half, which passes under the deceased spouse's terms. Any forced heir's share is set apart first.
- 7 Anything left outside the trust** (a forgotten account, a car) passes under the will. Vehicles can be transferred at the Office of Motor Vehicles by an affidavit of heirship when no succession is opened. If what is left out is small and there is no Louisiana real estate outside the trust, the family may be able to use the \$200,000 affidavit; otherwise a short succession handles it.

# Who can be trustee

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**You.** While you are alive and able, you are the trustee. Louisiana law expressly allows the settlor to serve as trustee and beneficiary. 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. The trust also says how a replacement is chosen if everyone you named is gone, so no court is ever needed to fill the seat.

## 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 or land
- Willing to call us or an accountant rather than guess

## What the successor trustee does

### WHEN

### WHAT

|                                    |                                                                                                                                                                                                                    |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>If you become incapacitated</b> | 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                                                                      |
| <b>At your death</b>               | Gets a tax ID number for the trust, gathers values, separates community from separate property and the survivor's half from the deceased spouse's half, sets apart any forced heir's share, notifies beneficiaries |
| <b>In the months after</b>         | Pays final bills and taxes; files your final income tax return and the trust's return; files the federal estate tax return if your estate is large enough                                                          |
| <b>Then</b>                        | Distributes the property, or holds it in continuing trusts for children or others, exactly as written; records the acts needed to pass real estate                                                                 |

**The trustee's protection.** The recorded extract of trust is what banks, title companies and the clerk of court rely on; limits on the trustee's powers bind outsiders only if they appear in it, so we draft it carefully. The trustee can hire an accountant, an investment adviser and a lawyer, and the trust pays for them. Because a Louisiana trust cannot be changed by the beneficiaries' agreement alone, we reserve amendment powers in the document so administrative and tax problems can be fixed later without a court.

## DAILY LIFE

# How you live with the trust

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

### Your home

You keep living in it. The recorded act now names you as trustee. Because you are the principal beneficiary of the trust and were the owner just before the transfer, the Louisiana Constitution keeps your homestead exemption in place; we confirm it with the parish assessor. 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 and record a new extract.

### 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 Louisiana. Nothing on your tax return changes.

### Your everyday money

Your checking account can stay in your name if you prefer; the will and, where it applies, the small-succession 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. Louisiana requires the change to be made in the same form as the trust (before a notary and two witnesses, or by an acknowledged act, or in your will), so we handle it for you. 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 acts 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.

### AN EXAMPLE

## A real-life example

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Mrs. Broussard, a widow in Lafayette, owned her home, a rental house, a brokerage account and two bank accounts. She signed a revocable trust before a notary, transferred both houses to it, and recorded the extract of trust in the parish. Three years later she had a stroke. Her daughter, the successor trustee, took the doctor’s letter and the extract to the bank the same week, paid the bills, and hired the caregivers; no interdiction was needed. When Mrs. Broussard died two years after that, the daughter notified her brother, sold the rental as trustee, and divided everything within four months. No petition, no descriptive list, no judgment of possession, no 2.5 percent fee, no public file. Her neighbor’s succession, opened the same year, was still waiting on the judgment when Mrs. Broussard’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. We prepare the act transferring your home and the extract of trust and record both.

| ASSET                                           | GOES IN?              | HOW                                                                                                                                                                                              |
|-------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Your home                                       | Yes                   | We prepare and record an act of transfer to you as trustee and the extract of trust in the parish. No Louisiana transfer tax; you pay the clerk's recording fees. Homestead exemption continues. |
| Land, camps, rental property, mineral interests | Yes                   | Act of transfer plus the extract recorded in every parish where the property lies; Louisiana requires the extract on record for the trust to hold real estate.                                   |
| Bank accounts (savings, CDs, money market)      | Yes                   | Retitle at the bank with the extract of trust.                                                                                                                                                   |
| Brokerage and investment accounts               | Yes                   | Retitle with the extract of 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            | After death, the Office of Motor Vehicles transfers a vehicle by a notarized affidavit of heirship when no succession is opened (\$68.50 title fee). Most clients leave cars out.                |
| Everyday checking account                       | Your choice           | A modest balance passes under the will, or by the \$200,000 affidavit if it applies.                                                                                                             |
| Personal belongings, furniture, jewelry, guns   | 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.                                                                                                           |

**Why beneficiary designations are weaker in Louisiana.** Other states let people avoid probate with “payable on death” bank accounts, “transfer on death” brokerage accounts, and transfer-on-death deeds. Louisiana has no transfer-on-death deed at all. It does allow POD and TOD designations on accounts, but Louisiana law says they only tell the institution whom to pay; they do not change who owns the asset. Forced heirs, a surviving spouse and creditors keep every right they would have had. A funded trust is the only reliable way to keep Louisiana property out of court and still control where it goes.

#### FORCED HEIRSHIP

## Forced heirs and your trust

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Louisiana is the only state that guarantees certain children a share of a parent’s estate, and a revocable trust does not change that. If you have a child who is 23 or younger when you die, or a child of any age who is permanently unable to care for himself or manage his affairs, that child is a forced heir. One forced heir is entitled to one-fourth of your estate; two or more share one-half. Property in your trust counts toward that calculation, and a gift that shortchanges a forced heir can be reduced for five years after your death.

**How we handle it.** The trust sets apart each forced heir’s share in its own trust on the exact terms Louisiana allows: enough income for the child’s health, support, maintenance and education after counting what the child already has, no other conditions, a term no longer than the child’s life, no principal to anyone else, and the principal handed over free of trust when the trust ends. Your spouse may be given the income or a usufruct over that share for life. The rest of your property passes under your ordinary terms. Once the youngest child turns 24 (and no child is disabled), the forced heir rules no longer apply and the trust simply runs as written. We review this with you at every planning meeting as the children get older.

If your children are all 24 or older and healthy, none of this applies, and your trust controls everything you put in it.

## Frequently asked questions

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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. We write the right to revoke into the trust in plain words, because in Louisiana a trust that does not say so is permanent.

Does the trust change my taxes?

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

Will I lose my homestead exemption?

No. The Louisiana Constitution keeps the exemption for a home in a trust when the settlor is the principal beneficiary and owned the home just before the transfer. We confirm it with the parish assessor.

Do I still need a will?

Yes, a short notarial will. It adds anything you forgot to put in the trust and names a tutor for minor children. Whoever holds it must present it to the court after your death.

Is a trust public?

No. A will becomes a public court record when it is probated. Only the one-page extract of trust is recorded, and it does not say who inherits.

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 everything in a revocable trust (your home keeps its Medicaid exemption inside the trust just as it does outside it). After your death, the trust still pays your final debts. Asset protection and Medicaid planning use different, irrevocable trusts; ask us about them.

We are married. Does the trust change our community property?

No. The trust says in writing that placing community property in it does not change its character. Each of you still owns half. At the first death the trust separates the survivor's half, which stays the survivor's, from the deceased spouse's half, which passes under the deceased spouse's terms.

What about forced heirs?

If you have a child under 24 or a disabled child, that child's guaranteed share is set apart in the trust on the terms Louisiana requires. See the section above.

## QUESTIONS, CONTINUED

What if I own property in Mississippi, Texas, 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 interdiction, no curator, 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.

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 and no judgment to wait for.

What about POD and TOD accounts? Aren't those enough?

In Louisiana, no. They only tell the bank whom to pay; forced heirs, your spouse and creditors keep their rights, and there is no transfer-on-death deed for real estate at all.

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, and any change is signed before a notary.

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, notarial wills, mandates, health care directives, HIPAA releases, the act transferring your home and the extract of trust, and written funding instructions. Signing before a notary and two witnesses is included. You pay only the parish clerk's recording fees.

# Things this trust does not do

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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 save any tax. Louisiana has no death tax, and the trust does not change your income tax. It is a management and transfer tool.
- It does not defeat forced heirship. A child under 24 or a disabled child keeps a guaranteed share, and the trust holds it on the terms Louisiana requires.
- It does not control property that was never put into it, or real estate in a parish where the extract of trust was never recorded. An unfunded trust is just paper; the will and a succession pick up what is left out.
- It does not replace a mandate (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 let you change it informally. Any amendment must be signed before a notary and two witnesses, by acknowledged act, or in your will; a note in the margin does nothing.
- 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

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**A real Louisiana lawyer, start to finish.** Brad Williams is licensed in Louisiana and Mississippi and 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, notarial wills, mandates, health care directives, the act transferring your home and the extract of trust, 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](https://trustedplan.com) to schedule a planning meeting.

# Your next steps

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- 1 **Gather your information.** Acts of sale and deeds for real estate (and the parish for each), the most recent statement for each account, life insurance policies, retirement account beneficiary forms, any marriage contract, any business documents, and a list of your children with dates of birth. 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? Is any child under 24 or disabled?
  - 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  
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*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 Louisiana Civil Code, Code of Civil Procedure and Revised Statutes and published by the Louisiana Department of Health for 2026, and they change from time to time.*

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