

Certification of Trust
Jane Marie Doe Married
Separate Property Revocable Living Trust
Dated July 11, 2017

On **Thursday, July 3, 2025**, pursuant to RCW 11.98.075, (1) *Instead of furnishing a copy of the Trust Instrument to a person other than a Beneficiary, the Trustee may furnish to the person a Certification of Trust containing the following information:*

(a) *That the Trust exists and the date the Trust Instrument was executed:*

Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017,
Abbreviated: **Jane Marie Doe Married Separate Trust**,
exists and was executed on July 3, 2025.

(b) *The identity of the Trustor:*

Jane Marie Doe (Date of Birth: **S1BDay**)

(c) *The identity and address of the currently acting Trustee:*

Jane Marie Doe
14205 SE 36TH ST STE 100 BELLEVUE WA 98008-1553

(d) *Relevant powers of the Trustee:*

The Successor Trustee shall have all of the Powers originally given to **Jane Marie Doe** pursuant to RCW § 11.98.060 and RCW § 11.98.070 without any restrictions in dealing with Trust Assets as the Grantor, **Jane Marie Doe**, has directed.

(e) *The Revocability or Irrevocability of the Trust and the identity of any person holding a power to revoke the Trust:*

The Trust is Revocable by **Jane Marie Doe** (Date of Birth: **S1BDay**).

(f) *The authority of Co-Trustees to sign or otherwise authenticate and whether all or less than all are required in order to exercise powers of the Trustee; and*

There are no Co-Trustees. However, **John David Doe** must consent in writing to any reduction of what **John David Doe** is to receive pursuant to this Trust in order to be valid.

(g) *The name of the Trust or the titling of the Trust property.*

Jane Marie Doe, Trustor/Trustee of the
Jane Marie Doe Married
Separate Property Revocable Living Trust Dated July 11, 2017.

Page 01 of 03 Certification of Trust: **Jane Marie Doe** Married
Separate Property Revocable Living Trust Dated July 11, 2017

Prepared by Christopher Sean Mulvaney on **Thursday, July 3, 2025 at 11:29 PM**
MULVANEY LAW OFFICES, PLLC 14205 SE 36th St Ste 100 Bellevue WA 98006 1553
E Mail: Chris@MulvaneyLawoffices.com Text: (425) 998-6352 Web: AttorneyMulvaney.com

The Successor Trustees of the Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017 are:

Children cannot be Successor Trustees unless at least age twenty five (25).

John David Doe (Date of Birth: S2BDay) (Jane's Spouse) and then
Child One (Date of Birth: C1BDay) (Jane's & John's Son/Daughter) and/or
Child Two (Date of Birth: C2BDay) (Jane's & John's Daughter/Son) and/or
Child Three (Date of Birth: C3BDay) (Jane's & John's Son or Daughter) and/or
Child Four (Date of Birth: C4BDay) (Jane's & John's Daughter or Son) and then
Trustee One (Date of Birth: T1Bday) (Jane's Father/Mother) and/or
Trustee Two (Date of Birth: T2Bday) (Jane's Mother/Father) and/or
Trustee Three (Date of Birth: T3Bday) (Jane's Uncle/Aunt) and/or
Trustee Four (Date of Birth: T4Bday) (Jane's Aunt/Uncle) in that order.

(2) A Certification of Trust may be signed or otherwise authenticated by any Trustee or by an attorney for the Trust.

DocuSigned by:
Jane Marie Doe
A6E4A42844E6464

Electronically Signed by: **Jane Marie Doe**
on Thursday, July 3, 2025 at 11:29 PM

Pursuant to [RCW § 45.280](#), in Bellevue, WA, I, Christopher S. Mulvaney, Notary Public in the State of Washington, certify that I have satisfactory evidence that **Jane Marie Doe** (Date of Birth: S1BDay) is the person who appeared before me on Thursday, July 3, 2025 at 11:29 PM, signed, and attested this Instrument; and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this Instrument.

Notarial act performed by audio-visual communication in Zoom/DocuSign.

Given under Christopher S. Mulvaney's Hand and Seal of Office

Notary Public residing in Bellevue, WA My Commission Expires: **09 - 01 - 2028**

State of Washington County of King

DocuSigned by:
Christopher S. Mulvaney
A6E4A42844E6464

CHRISTOPHER S. MULVANEY
Notary Public
State of Washington
Commission # 20105562
Commission Expires 9/1/2028

Christopher S. Mulvaney

Notary Stamp

Page 02 of 03 Certification of Trust: **Jane Marie Doe** Married
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(3) A Certification of Trust must state that the Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the Certification of Trust to be incorrect.

The **Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017** has not been revoked, modified, or amended in any manner that would cause the representations contained in the Certification of Trust to be incorrect.

(4) A Certification of Trust need not contain the Dispositive terms of a Trust.

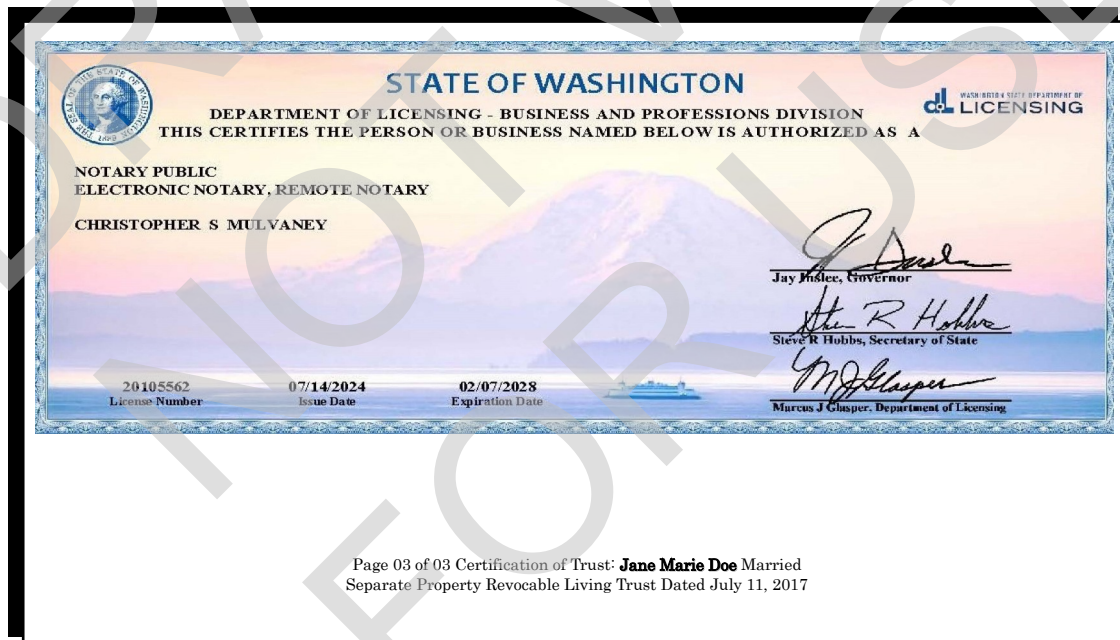
(5) A recipient of a Certification of Trust may require the Trustee to furnish copies of those excerpts from the original Trust Instrument and later Amendments which designate the Trustee and confer upon the Trustee the power to act in the pending transaction or any other reasonable information.

(6) A person who acts in reliance upon a Certification of Trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the Certification. Knowledge of the terms of the Trust may not be inferred solely from the fact that a copy of all or part of the Trust Instrument is held by the person relying upon the Certification.

(7) A person who in good faith enters into a transaction in reliance upon a Certification of Trust may enforce the transaction against the Trust property as if the representations contained in the Certification were correct.

(8) A person making a demand for the Trust Instrument in addition to a Certification of Trust or excerpts is liable for damages, including reasonable attorney fees, if the Court determines that the person did not act in good faith in demanding the Trust Instrument.

(9) This section does not limit the right of a person to obtain a copy of the Trust Instrument in a Judicial Proceeding concerning the Trust.



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Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017

On **Thursday, July 3, 2025**, I, **Jane Marie Doe** (Date of Birth: S1BDay), as Grantor/Trustee, pursuant to RCW (Revised Code of Washington) Title 11 generally, and 11 § 11.98.008 specifically, which is Incorporated by Reference into this Document, made, executed, and declared a Revocable Living Trust (RLT) titled the **Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017** (the "Trust"). Abbreviated: **Jane Marie Doe Married Separate Trust**. **THIS TRUST IS AN AMENDMENT AND RESTATEMENT OF THE JANE MARIE DOE MARRIED SEPARATE PROPERTY REVOCABLE LIVING TRUST DATED JULY 11, 2017. ALL REFERENCES TO July 3, 2025 REFER BACK TO JULY 11, 2017; ALL PROPERTY IN THE JULY 11, 2017 TRUST IS NOW IN THIS TRUST.**

There are three requirements for validity to execute a Trust. You have to know: (1) whether you are married; (2) how many children you have; and (3) the nature and extent of your property.

(1) I, **Jane Marie Doe** (Date of Birth: S1BDay) am **Married** to **John David Doe** (Date of Birth: S2BDay) as of the Date of Signing: July 3, 2025.

(2) We have the following living children: **None**. **Child One** (Date of Birth: C1BDay) (Jane's & John's Son/Daughter); **Child Two** (Date of Birth: C2BDay) (Jane's & John's Daughter/Son); **Child Three** (Date of Birth: C3BDay) (Jane's & John's Son or Daughter); **Child Four** (Date of Birth: C4BDay) (Jane's & John's Daughter or Son). We have no deceased children or descendants of deceased children.

(3) complete and keep the inventory spreadsheet.

I DO NOT REVOKE THE JANE MARIE DOE MARRIED SEPARATE PROPERTY REVOCABLE LIVING TRUST DATED JULY 11, 2017.

Jane's Successor Trustees

If the Grantor/Trustee, **Jane Marie Doe** (Date of Birth: S1BDay), is at any time unwilling or unable to serve as Trustee, whether by Death or otherwise, then the Successor Trustee shall be *(the Successor Trustee is privately Appointed by you in order to avoid the Appointment of an Executor by the Court):*

Children cannot be Successor Trustees unless at least age twenty five (25).

John David Doe (Date of Birth: S2BDay) (Jane's Spouse) and then
Child One (Date of Birth: C1BDay) (Jane's & John's Son/Daughter) and/or
Child Two (Date of Birth: C2BDay) (Jane's & John's Daughter/Son) and/or
Child Three (Date of Birth: C3BDay) (Jane's & John's Son or Daughter) and/or
Child Four (Date of Birth: C4BDay) (Jane's & John's Daughter or Son) and then
Trustee One (Date of Birth: T1Bday) (Jane's Father/Mother) and/or
Trustee Two (Date of Birth: T2Bday) (Jane's Mother/Father) and/or
Trustee Three (Date of Birth: T3Bday) (Jane's Uncle/Aunt) and/or
Trustee Four (Date of Birth: T4Bday) (Jane's Aunt/Uncle) in that order.

Page 01 of 23 **Jane Marie Doe Married**
Separate Property Revocable Living Trust Dated July 11, 2017

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Jane's Primary Beneficiaries

On Thursday, July 3, 2025, I, Jane Marie Doe (Date of Birth: S1BDay), Trustor/Trustee of the Jane Marie Doe Revocable Living Trust Dated July 3, 2025, direct, upon my Death, the Successor Trustee of the Trust to Give Transfer and Distribute the Rest Residue and Remainder of the Trust Estate (Schedule A), IN EQUAL SHARES, to:

Child One (Date of Birth: C1BDay) (Jane's & John's Son/Daughter)

Child Two (Date of Birth: C2BDay) (Jane's & John's Daughter/Son)

Child Three (Date of Birth: C3BDay) (Jane's & John's Son or Daughter)

Child Four (Date of Birth: C4BDay) (Jane's & John's Daughter or Son)

Children cannot be Beneficiaries unless at least age twenty five (25).

If a Beneficiary predeceases Jane Marie Doe, then the Distributive Share of the Predeceased Beneficiary shall be given, transferred, and Distributed, IN EQUAL SHARES, to the then living children of the Predeceased Beneficiary (Jane Marie Doe's grandchildren, for example), if any, (which is the definition of *Per Stirpes* or by representation) subject to the age twenty five (25) years restriction. If a Predeceased Beneficiary has no children, then the gift Lapses to the remaining Beneficiaries in pro rata shares.

any and all children born to, or adopted by, Jane Marie Doe, if any,

if living; if not living, then, IN EQUAL SHARES, to
any living children or grandchildren of a Predeceased Beneficiary of the
Jane Marie Doe Revocable Living Trust Dated July 3, 2025.

◀ **Warning** ▶ If a Beneficiary is a Successor Trustee, then Creditor Protection is lost under the Doctrine of Merger which means when those roles are combined the Beneficiary has control over Assets which make them subject to Creditor Claims.

The Grantor suggests that Beneficiaries take their gifts as Trustees of their Separate Property Revocable Living Trusts integrated with a Prenuptial Agreement (if necessary or Postnuptial Agreement if already Married). Both the Trust and the Prenuptial or Postnuptial Agreement should be created if they do not already have a Separate Trust, and if they are engaged or Married, in order to preserve Separate Property during Marriage by having a separate account into which inheritance can be deposited.

◀ **Warning** ▶ Although the Law gives Married people the right to keep inheritance as Separate Property, if your Spouse says: "You can either have Separate Property or you can be Married to me, but you can't have both; You have a decision to make."

To the fullest extent of the Law, the Interests of any Beneficiary (including the Trust Principal as well as Distributions from the Trust) shall not be subject to any of that Beneficiary's Creditor Claims or liable to Attachment, Execution, susceptible of Anticipation or Alienation, or other Process of Law; and shall be free from the control or interference of any Spouse of a Married Beneficiary both during Marriage, and in the event of Divorce.

Jane's Contingent (Secondary) Beneficiaries

Overriding the Intestacy Statute (RCW §11.04.015), if all gifts fail (meaning there are no living Beneficiaries or children of Beneficiaries), following the Death of Jane Marie Doe (Date of Birth: S1BDay) (John's Spouse), the Trust Estate shall be Distributed, IN EQUAL SHARES, to:

The Spouses of the children, parents, siblings, aunts, uncles, nieces, and nephews, of Jane Marie Doe.

(Siblings means born to or adopted by the same parents, not step siblings or half siblings, unless specifically stated).

Beneficiaries may donate their gifts to the church, charity, non profit, arts organization, or memorial scholarship that they believe would best honor their deceased loved one, and take the Tax Deduction for doing so.

In the Successor Trustee's sole, but reasonably exercised Discretion, Distributions may be postponed as long as a Beneficiary lives, if there is a compelling reason such as the Beneficiary's serious disability, a pending Divorce, potential financial difficulty, a serious Tax disadvantage or similar substantial cause. The Successor Trustee shall withhold Distributions to a Beneficiary in Bankruptcy until after Discharge is entered.

Jane's Inventory & Letter of Instruction including Memo of Sentimental Property

All property that does not have a title and an associated Social Security Number (houses, cars, bank accounts, 401(k), IRA, & life insurance are examples of titled property; furniture, jewelry, art, antiques, collectibles, electronics, and clothing are examples of non-titled property has been assigned to this Trust. The inventory of assets and debts should include any sentimental possessions such as jewelry, art, antiques, collections, collectibles, photographs, scrapbooks, and souvenirs.

That means that following the Death of Jane Marie Doe (Date of Birth: S1BDay) (John's Spouse), the Successor Trustee of the Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 3, 2025 can distribute property according to Jane Marie Doe's wishes without any contact with the Probate Court.

If Jane Marie Doe leaves a Letter of Instruction to the Successor Trustees that would be very helpful to ease administration and make disputes less likely.

Here is an example of ideas for the Letter, including such items as contact information, care of children including ages for partial distributions, care of pets, funeral arrangements, wake or celebration of life, flame cremation, burial, human composting, liquid cremation, inventory of assets and debts, user names and passwords, safe or safe deposit box, sentimental possessions, legacy contact for electronic accounts, and any charitable giving wishes you may have allowing whomever you designate to take the tax deduction.

► **ARTICLE 1 DISTRIBUTE THE TRUST ESTATE FOR TAXES AND CREDITORS; THEN TO BENEFICIARIES** ◀

I Revoke all prior Washington state individual Revocable Living Trusts I may have Signed. My Successor Trustee shall have a Power of Appointment to name another Successor Trustee as necessary to carry out my wishes if no other Successor Trustee is named.

◀ **Warning** ► The Taxpayer Identification Number (TIN) of a Revocable Living Trust to be listed on any Beneficiary Designations is the Social Security Number of the Grantor/Trustor who owns the account or either for a joint account. The Trust will not have an EIN as long as you are alive. The Trust contains No Tax Planning or Asset Protection. Tax Return filing does not change.

A Trust may or may not be necessary, but Revocable Transfer On Death Deeds and Beneficiary Designations will be used for certain if you own the Asset when you Pass. Those two methods of transferring Assets take Precedence over the Trust, and are more important.

Trusts are insurance for special needs and circumstances which may cause gifts to be lost or wasted such as youth, addiction, disability, irresponsibility, Judgments, Bankruptcy, and Divorce. Separate Property Trusts become Irrevocable when you die which means they cannot be changed by anyone even a Judge.

Funding your Separate Property Trust protects your Beneficiaries even if you get married. Trusts are an inexpensive, quick, and private substitute for Probate by the Court which is expensive, slow, and public. A Trust may be created only to the extent its purposes are Lawful, not contrary to Public Policy, and possible to achieve RCW § 11.98.013.

Title to all Trust Assets shall be taken in the name of **Jane Marie Doe**, Trustee of the **Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017** as the Sole and Separate Property of **Jane Marie Doe**.

The Successor Trustee shall have all of the Powers originally given to **Jane Marie Doe** pursuant to RCW § 11.98.060 and RCW § 11.98.070 without any restrictions in dealing with Trust Assets as the Grantor, **Jane Marie Doe**, has directed.

► **Article 1.1 Distribution of Remainder to Beneficiaries** ◀

Following the Death of **Jane Marie Doe**, the Trust becomes Irrevocable meaning it cannot be changed by anyone, even a Court.

The Trust Estate is the Property that is Re Titled in the name of **Jane Marie Doe** as Trustee of the Trust during life, or Property that is Poured Over into the Trust after Death by the Successor Trustee through a Revocable Transfer On Death Deed or Beneficiary Designation or by the Personal Representative (Executor Appointed by the Court) through Probate. The Inventory is the list of all Assets and Debts of **Jane Marie Doe** with Date of Death Values prepared by the Successor Trustee. The Remainder is what is left after all Taxes and Valid debts are paid. Beneficiaries do not have the right to receive any Property unless and until all Taxes and Valid debts are paid, even if debt is joint debt. Beneficiaries can be sued by the IRS or creditors for failure to pay debts of the Estate. This Trust shall be liberally construed to give effect to the Grantor's wishes. Administration of this Trust requires a Certified Copy of **Jane Marie Doe's** Death Certificate.

For best results, keep paper Estate planning Documents with your paper Tax Returns, and create an encrypted Password Protected folder in the Cloud, and create a link to it, to store your separately Password Protected Documents including your Tax Returns, an Inventory of Assets in a Spreadsheet (Trust Agreement Schedule A), Letter of Instruction including sentimental Property, recorded Deeds, Beneficiary Designation screen prints, statements and bills, Tax Returns, and insurance policies.

If your Successor Trustee does not know about an Asset and it is abandoned, then it will eventually end up in the Unclaimed Property Registry with the WA Department of Revenue.

► **Article 1.2** **Young Beneficiaries** ◀

Gifts to Beneficiaries over age twenty five (25) are Outright and Free of Trust.

If Beneficiaries are already over that age, then the Age Restriction would apply to children of Beneficiaries (grandchildren). Gifts to Beneficiaries under age twenty five (25) are in Trust subject to the Conditions in this Trust. The Successor Trustee shall create a separate account for each, and shall have the Sole and Absolute Discretion to distribute funds to, or for the Beneficiary's benefit, in the manner the Successor Trustee believes **Jane Marie Doe** would have wanted.

Distributions shall be made for the Health Education Maintenance Support (HEMS) and General Welfare of the Beneficiary, either outright or to third Parties such as schools. The Discretion of the Successor Trustee is intended to protect against loss of gifts from youth, disability, addiction, irresponsibility, Judgments, Bankruptcy, and Divorce. The Successor Trustee is responsible for notice and Accounting for Distributions and for Prudent Investment of Trust Funds (RCW § 11.100).

► **Article 1.3** **Adult Beneficiaries** ◀

Beneficiaries over the age of eighteen (18) years shall create, if they do not already have one, a Trust in Order to receive their Bequests, and shall create a Prenuptial or Postnuptial Agreement as appropriate. Inheritance and gifts are presumed to be Separate Property (as are Pain and Suffering Damages. However, Separate Property during Marriage requires three things: (1) Writing, (2) not commingling with Community Property, and (3) Consent of your Spouse because your Spouse can threaten to Divorce you if you don't share). A Separate Property Trust gives the Beneficiary a separate way to title Property acquired before Marriage, gifts, and inheritance. This avoids disinheritance of grandchildren if an Adult Child of **Jane Marie Doe** with children predeceases and the Surviving Spouse remarries. Commingling of Separate and Community Property after Marriage can cause the loss of characterization as Separate Property. If **Jane Marie Doe** marries, then **Jane Marie Doe** should Fund this Trust, and keep it separate.

► **Article 1.4** **Predeceased Beneficiaries** ◀

If a Beneficiary predeceases **Jane Marie Doe**, then the Distributive Share of the Predeceased Beneficiary shall be given, transferred, and Distributed, **IN EQUAL SHARES**, to the then living children of the Predeceased Beneficiary (grandchildren, for example), if any, (which is the definition of *Per Stirpes* or by representation) subject to the age twenty five (25) years restriction. If a Predeceased Beneficiary has no children, then the gift Lapses to the remaining Beneficiaries in pro rata shares.

◀ **Warning Trap for the Unwary** ► This Trust will be primarily funded with Real Estate via a **Revocable Transfer On Death Deed** and with Retirement Accounts and stock via **Beneficiary Designations** after the Death of **Jane Marie Doe**. Both require the date of the Trust.

◀ **Warning** ► Therefore, it is imperative that this Trust be kept safe so that it can be used by the Successor Trustees to Administer Property, and not be Revoked by creating a new Trust. An Amendment and Restatement of the **Jane Marie Doe Revocable Living Trust** is what is needed rather than a new Trust. A gift to a Trust that does not exist is Void and triggers the need for Probate, defeating the purpose of creating the Trust.

► **Article 1.5** **Termination of the Trust** ◀

Once fully Distributed, the Trust is Terminated. The Trust may also be Terminated if the Successor Trustee determines that administration is unfeasible whether due to diminished value, Taxes, or any other reason. No Registry exists for Trusts because their purpose is to facilitate private transfers with minimal Government involvement.

◀ **Warning** ► Do not Administer the Trust without Counsel for the Estate and a CPA paid for by the Estate. Get approval from all Beneficiaries before making Distributions.

Beneficiaries should be aware that Counsel for the person creating an Estate Plan does not have a duty to timely create a Will or Trust for the protection of Beneficiaries named because Counsel does not represent the Beneficiaries. In Parks V. Fink PLLC (2013), the Washington State Appeals Court for Division I held that an Attorney no duty to care to prospective beneficiaries. The Decedent suffered from terminal cancer and underwent a stem cell transplant while he was engaged in Will revisions which were not timely completed.

The lesson here is to settle your affairs before you are sick in an enduring manner such that changes are not made while in the latter stages of medical treatment. Christopher S. Mulvaney has had clients on their deathbed asking for changes and clients in Hospice who hadn't yet recorded their Transfer on Death Deed so there was a race to record before death. These situations should be avoided. Any harm that comes to Beneficiaries as a result of the Grantor waiting too long is not actionable.

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Separate Property Revocable Living Trust Dated July 11, 2017

► **ARTICLE 2** **ESTATE PLANNING TO AVOID PROBATE** ◀

► **Article 2.1 Avoid Probate:** **Revocable Transfer On Death Deeds** ◀

The Washington Uniform Real Property Transfer On Death Act (RCW § 64.80) permits Revocable Transfer On Death Deeds to Avoid Probate for an unlimited number of pieces of Real Property of unlimited value. Beneficiaries take the Property subject to Liens, Taxes, Liabilities, and other Encumbrances to which the Decedent's Estate is subject. The Beneficiary receives a Step Up In Cost Basis to the Date of Death Value. nothing need be done with the Deed to Refinance or Sell. The Real Estate Excise Tax Affidavit (REETa) costs nothing to Record.

Recording is required to transfer Title to Real Property. In King County, Electronic Recording is available (not in Snohomish County) for four hundred (\$400) U.S. Dollars per Deed (as of 01 January 2024) payable via Zelle or E check or Visa or Mastercard in that order of preference at LawPay. If you Record a Quitclaim Deed to a Trust, then you do not need a Revocable Transfer On Death Deed because you have already avoided Probate. If the Quitclaim is to an LLC, then a Revocable Transfer On Death Deed can still be used to Avoid Probate.

◀ **Warning** ▶ The main drawback to Revocable Transfer On Death Deeds is that the Beneficiary may not be able to get Title Insurance to sell the Property for about twenty four (24) months because of the possibility of Claims by Creditors of the Estate. Probate Creditor Claims Period is usually terminated when the Probate concludes after about six (6) months, but Probate costs several thousand dollars.

► **Article 2.2 Avoid Probate:** **Beneficiary Designations** ◀

In In Re: Estate Of David A. Egelhoff (1999), the Washington State Supreme Court ruled that RCW 11.07.010 Non-Probate Assets Dissolution voiding x-spouse was not preempted by Federal Law such that the Children of the Decedent could take the pension plan and life insurance benefits instead of the x-spouse. You should take your x-spouse off your Beneficiary Designations, but if you forget, your children are protected.

Beneficiary Designations are Non Probate Transfers that is why they were created. To Avoid Probate, either Jane Marie Doe's children, or the Trust, should be named as Primary Beneficiary on 401(k) Accounts, IRA Accounts, Life Insurance, or Health Savings Accounts. Debts of the Estate of Jane Marie Doe must be paid first if the Trust is named as Beneficiary; if Beneficiaries are named directly, they are not liable for Estate Debts.

Inherited IRA'S and 401(k)'s are Taxable to the Beneficiary. For this reason, some clients (especially between the ages of fifty nine and a half (59 1/2) to avoid the ten percent (10%) Early Withdrawal Penalty and seventy two (72) to avoid the Required Minimum Distributions) prefer to convert to a Roth IRA and pay the Taxes, so that their Beneficiaries don't get in trouble by not withholding enough in Taxes to cover Distributions which are Taxed as Regular Income.

◀ **Warning** ▶ Do not leave Beneficiary Designations blank Probate is required if the Assets are over one hundred thousand (\$100,000) U.S. Dollars, and no living person or Trust is named.

The Successor Trustee Shall Have The Power to Elect, Pursuant To The Terms Of Any Inherited Retirement Plan, The Mode Of Distribution Of The Proceeds.

◀ **Warning** ▶ Once a Distribution is made, it cannot be changed; So, don't cash out a Retirement Account all at once.

The custodian of any Retirement Account shall be able to "Look Through" the Trust to the named Beneficiaries and Distribute over ten (10) years or however long is allowed (not Health Savings Accounts (HSA) which have different rules). The Successor Trustee shall have the right to Amend and Restate this Trust to comply with any Regulations to give effect to **Jane Marie Doe's** wishes.

◀ **Warning** ▶ The Estate should never be named as a Beneficiary because that triggers a Probate, and defeats the purpose of the Designation. Beneficiaries should be **Individuals or Trusts** (which have been Signed because the Date of Signing is required as it's birthday just like the birthday of the Individual is required). If you haven't Signed yet, your Trust doesn't exist yet.

▶ **Article 2.3 Avoid Probate: Payable on Death Accounts** ◀

Some accounts allow a Payable on Death (POD) Designation that **Jane Marie Doe** can use to make the account a Non Probate Asset. This creates liquidity for the Estate by providing faster access to Funds without the forty (40) day waiting period of an [Affidavit of Small Estate](#).

In *In Re: Estate of Catherine M. Burks* (2004), the Washington State Appeals Court for Division II held that a Payable on Death designation could be superseded by a Will. RCW 11.11.020 Disposition of Nonprobate Assets under Will.

In the opinion of Christopher S. Mulvaney, this is a reason to not have a Will or at least never address Non-Probate Assets in a Will. If bank accounts, retirement accounts, brokerage accounts, health savings accounts and life insurance with [Beneficiary Designations](#) cannot be relied upon by the named Beneficiary because of being superseded by a Will that is a recipe for litigation.

▶ **Article 2.4 Avoid Probate: Opening Trust Accounts** ◀

Doing so is known as Funding the Trust. Opening an account in your name as Trustee of your Trust keeps Property separate even after Marriage. The purpose of doing so is to give the Successor Trustee access to Funds (in conjunction with a Power of Attorney for Finances) while you are still alive to care for you and/or your children, in addition to avoiding Probate upon Death. For the greatest protection, after Signing, take a copy of this Trust to your Bank, open a Trust Checking Account and Savings Account, and transfer your money into it.

▶ **Article 2.5 Avoid Probate: Affidavit of Small Estate** ◀

As long as the Estate of **Jane Marie Doe** contains no Real Estate, and is valued less than one hundred thousand (\$100,000) U.S. Dollars, then no Probate is needed. A notarized [Small Estate Affidavit](#) may be the Beneficiary at least forty (40) days after the Death of the Departed (RCW § 11.62).

► **Article 2.6** ◀ **Warning** ► **Do not Avoid Probate by Holding Real Property as Joint Tenants with Right of Survivorship Unless You Are Married** ◀

Giving An Interest In Real Estate To An Adult Child During Your Life Will Avoid Probate, But May Have Other Unintended Negative Tax Consequences Because There Is No Step Up In Cost Basis For Gifts During Life As There Is For Gifts After Death (including Transfers With A Revocable Transfer On Death Deed).

Doing so may also include the Property in a Bankruptcy or Divorce Estate of an Adult Child, and refinance or sale requires the Adult Child's Signature. Ask a CPA about Capital Gains Taxation Rates which can be Short or Long Term and can be affected by Depreciation, income or marital status but is typically about fifteen percent (15%) (fifteen hundred dollars (\$1,500 per ten thousand dollars (\$10,000) in gain) which is less than Ordinary Income Tax, but can still be Significant.

Even if two people are on Title with equal shares of a Property, they can divide Equity based on unequal contributions to the home by Recording a Promissory note and Deed Of Trust on the Property.

► **Article 2.7** ◀ **Warning** ► **Don't Force a Probate by Holding Real Property as Tenants in Common** ◀

Each owner can pass their undivided interest to their Heirs, creating fractional ownership which is not marketable (nobody wants to buy half a house). Without a REVOCABLE TRANSFER ON DEATH DEED for the fractional interest, Probate is required. All owners must agree in order to Refinance or Sell the Property.

► ARTICLE 3 ESTATE PLANNING: AVOID ESTATE TAX ◀

Nothing is Certain, but Death and Taxes. Benjamin Franklin

◀ **Warning** ▶ This Trust contains No Tax Planning or Asset Protection. Tax related information is provided for information purposes only to form a basis for CPA questions.

► Article 3.1 WA State No Gift Tax; Only Estate Tax ◀

Washington Estate Tax Tables show a filing threshold and exclusion amount in 2025 is **\$3,000,000** U.S. Dollars (beginning July 01, 2025 – inflation adjusted starting in 2026, with a marginal tax rate starting at 10% and a top marginal tax rate of 35% - the highest in the nation). An estate tax return must be filed by the Successor Trustee if the total gross estate value is above three million dollars. See [MLO website for tax calculation](#).

► Article 3.2 Federal Unified Gift & Estate Tax ◀

IRS Lifetime Unified Exclusion Amount For Estate And Gift Tax in 2025 is **(\$13,990,000)** U.S. Dollars per person; **(\$27,980,000)** U.S. Dollars per couple). Projected to decrease to \$7,000,000 in 2026.

Federal Annual Gift Tax Exclusion From Reporting in 2025 is **(\$19,000)** U.S. Dollars. File IRS Form 709 if you give more than that amount to anyone other than your Spouse in a year to report the Gift. Transfers between Spouses during life and after death are not taxable regardless of amount.

Tax is owed only above the exclusion amount by the giver of the gift, not the recipient, so most givers have a reporting requirement, but pay no tax. The gift is deducted from the exclusion amount.

◀ **Warning** ▶ It is important to understand that: gifts made during life have your cost basis for the beneficiary; gifts made after death have a step up in cost basis to the fair market value of the property at the date of the decedent's death.

► **ARTICLE 4** **TRUST ADMINISTRATION** **PROCESS** ◀

► **Article 4.1** **Paying Taxes, Creditors and Beneficiaries** ◀

The Probate Court has Exclusive Jurisdiction over the right to transfer Real Property of deceased people when the Property is held only in the names of deceased people, with no Beneficiaries named. A REVOCABLE TRANSFER ON DEATH DEED avoids this Jurisdiction. The Trust shall be Valid for a maximum of one hundred fifty (150) years from the Date of Execution by Jane Marie Doe pursuant to RCW § 11.98.150. The Successor Trustee shall not be liable for acting, or failing to act, so long as the Successor Trustee's conduct is consistent with Principles of Loyalty (RCW § 11.98.078) and Good Faith (RCW § 11.98.040).

► **Article 4.2** **Inventory Assets/Debts Date of Death Value** ◀

The Successor Trustee should provide all Beneficiaries with an Inventory of all of the Assets of the Trust, and all debts and expenses paid by the Trust with Date of Death Values (Accounting) within forty (40) days after Jane Marie Doe dies and just prior to Final Distribution as well as at least annually in between (RCW § 11.106).

The Inventory of Assets and Debts prepared by Jane Marie Doe is traditionally referred to as "Schedule A."

The Estate Administrator has to prepare the Inventory regardless of whether the Grantor, Jane Marie Doe, assists with a list or not.

Listing is not the same as Funding the Trust. Funding requires a change in the Records of the Custodian of the Asset such as the County Recorder or financial institution. That is why the supporting records of Funding should be attached to the list of Assets.

► **Article 4.3** **Fiduciary Tax Returns (IRS Form 1041)** ◀

If the Trust will have earnings for a period of years after Jane Marie Doe dies, but before the Trust is fully Distributed, then the Successor Trustee is strongly advised to hire a CPA to prepare the required Fiduciary Tax Returns and get advice on Tax issues. Here are the instructions for IRS Form 1041 to have a basis for questions of the CPA for the Estate.

◀ **Warning** ► Successor Trustees should distribute earnings to Beneficiaries every year or face a tax penalty.

If undistributed to a Beneficiary, a Trust pays more in Tax on earnings than individuals. Washington adopted the Uniform Principal and Income Act (UPIA). The tax rate is the same for individuals and Trusts, but the threshold is much lower for Trusts. In **2025**, the single filer top marginal tax rate of 37% begins at \$626,350 of ordinary income; Trusts pay 37% at \$15,650 in earnings. Trusts and individuals may also be subject to the 3.8% Net Investment Income Tax (NIIT) for any undistributed investment income, bringing the total tax on earnings over 40%.

► Article 4.4 Successor Trustee Powers and Liability are Equal to the Grantor/Trustee ◀

The Successor Trustee has all of the Powers, Duties, and Discretionary Authority of the Original Trustee pursuant to RCW § 11.98.060. The Personal Representative is responsible for filing the Final Tax Return of **Jane Marie Doe** and paying any Federal or Washington Estate Tax due. The Tax Liability from the Decedent's Final Income Tax Return is separate and distinct from Estate Tax. Successor Trustee's are Fiduciaries; they have duties to safeguard Trust Property.

Trustors/Trustees and Successor Trustees have the Power to Bargain, Sale, Convey or Execute a Mortgage on any Property owned by the **Jane Marie Doe** at the Discretion of the Grantors/Trustees and Successor Trustees.

► Article 4.5 Broad Interpretation Gives Effect to Grantor's Wishes ◀

The Trust is to be interpreted broadly to give effect to the wishes of **Jane Marie Doe**, including, but not limited to, interpreting the plural and singular to include each other where applicable. Reformation by the Court to correct mistakes should be exercised if needed (RCW § 11.96a.080 90).

► ARTICLE 5 REVOCABLE LIVING TRUST ESTATE ◀

► Article 5.1 Trust Property: Grantor's Separate Property ◀

All of the Trust Property is the Sole and Separate Property of **Jane Marie Doe** who understands the right to hold Separate Property applies even during Marriage. Assets acquired before Marriage are presumed to be Separate Property, as are Gifts and Inheritance. Keep a Schedule listing all of the Property that has been transferred (by Re Titling) or will be transferred (via a Deed or Beneficiary Designation) into a Separate Trust. Add Gifts and Inheritance to an account titled in your name as Trustee of your Trust. As long as Trust Assets are not Commingled with Community Assets after Marriage, Trust Assets retain their character as Separate Property.

► Article 5.2 Assignment Trust Estate Contains Non Titled Property Automatically; Transfer Titled Property to Fund the Trust ◀

The Grantor, **Jane Marie Doe**, hereby Sets aside, Assigns and Causes the Transfer of all of Non Titled (doesn't have your name associated with it) Property to the Trust, as well as all future Non Titled Property acquired by **Jane Marie Doe**. Funding the Trust with titled Property requires changing the records of the account holder.

► ARTICLE 6 CONTROL, POWER TO REVOKE & AMEND ◀

► Article 6.1 Grantor Retains Control of Trust Property ◀

Grantor, **Jane Marie Doe** retains complete Control of Trust Property, and the rights to all income or profits from the Trust Property. **Jane Marie Doe** may add Property to the Trust or remove Property from the Trust at any time.

► Article 6.2 Grantor Can Revoke or Amend the Trust in Writing ◀

This Trust may be Amended and Restated or Revoked at any time by **Jane Marie Doe**. Amendment must be done in Writing and notarized by **Jane Marie Doe**. Revocation may be done by destruction or in Writing.

In In Re: Estate of Claire A. Malloy (1998), the Washington State Supreme Court held that changes to a Trust in pencil were invalid. You must re-execute your Trust, and have it notarized. Both can be done electronically post-COVID.

► Article 6.3 Severability The Whole Trust Is not Invalid ◀

If a Court invalidates or finds unenforceable any provision of the Trust, such invalidation shall not invalidate the whole of the Trust. All of the remaining provisions will be undisturbed as to their legal force and effect.

► Article 6.4 Perpetuities Savings Trust Can't Go On Forever ◀

Despite any other provisions of the **Jane Marie Doe Married Separate Property Revocable Living Trust Dated July 11, 2017** to the contrary, the Trust shall Terminate no later than twenty one (21) years after the Death of the Last Surviving Beneficiary who is alive at the time of **Jane Marie Doe's** Death or one hundred fifty (150) years (RCW § 11.98.130).

► **ARTICLE 7** **INCAPACITY OF THE GRANTOR** ◀

► **Article 7.1** **Successor Trustee Cares for the Grantor** ◀

If **Jane Marie Doe** becomes incapacitated and unable to manage **Jane Marie Doe**'s affairs, then the Successor Trustee shall use the Trust Estate to care for **Jane Marie Doe** with a Power of Attorney for Finances giving access to Trust Assets.

► **Article 7.2** **Income and Principal Paid for the Grantor's Benefit** ◀

Successor Trustees shall pay to **Jane Marie Doe** or apply for the benefit and care of **Jane Marie Doe**, in monthly or more frequent installments, as much of the net income of the Trust, and also as much of the Principal of the Trust Estate as the Successor Trustee deems appropriate for the **Jane Marie Doe**'s support, comfort, health, care and general welfare, taking into account **Jane Marie Doe**'s accustomed standard of living, and other resources available to **Jane Marie Doe** for these purposes.

► **Article 7.3** **Grantor's "Care" Emphasizes Remaining at Home** ◀

The term "Care" includes, but is not limited to, maintaining **Jane Marie Doe** during **Jane Marie Doe**'s lifetime in **Jane Marie Doe**'s regular residence, or elsewhere as may be appropriate, despite a need for extensive medical or personal care at a cost that may exceed the cost of care at a home for the elderly. **Jane Marie Doe** wishes the Successor Trustee, to the extent practical, to exercise Discretion under these provisions to enable **Jane Marie Doe** to live at home.

► **ARTICLE 8** **PROTECTION OF GRANTOR'S WISHES** ◀

► **Article 8.1 Spendthrift Clause Beneficiaries' Creditors Can't Reach Gifts** ◀

Gifts to any Beneficiary of this Trust shall not be Anticipated, Assigned, Encumbered, or Subject to Claims or Judgments of the Trust Beneficiary's Creditors or others, or liable to Attachment, Execution, Bankruptcy (under 11 USC § 541(c)(2) or other process of Law), for the Satisfaction of Judgments or Creditor's Claims.

Pursuant to RCW § 6.32.250(2) funds held in Trust are Exempt from Seizure. No Trust Beneficiary shall have any Right to Assign, Transfer, or Encumber the Trust Beneficiary's Interest in the Principal or Income of the **Jane Marie Doe** Revocable Living Trust in any manner.

◀ **Warning** ► If a Beneficiary is a Successor Trustee, then Creditor Protection is lost under the Doctrine of Merger which means when those roles are combined the Beneficiary has control over Assets which make them subject to Creditor Claims.

► **Article 8.2 No Contest (Ad terrorem) Provision If You Don't Respect Grantor's Wishes, Then You are Disinherited** ◀

If any Trust Beneficiary contests the **Jane Marie Doe** Revocable Living Trust or attempts to have declared invalid, or in any manner attempts to alter through Court any of the Beneficial Interests created by this Trust, then the Trust shall be Administered and Distributed as if such person (and all of that person's Heirs) had predeceased **Jane Marie Doe**. Instead the Successor Trustees and Beneficiaries should Mediate, and if that fails enter Binding Arbitration to resolve the dispute.

Will contests must be filed within four (4) months of a Will being admitted to Probate. This is strictly interpreted. In In Re: Estate of Bela E. Toth (1999), the Washington State Supreme Court held that 3 additional days are not added when served by mail like they are for a Summons and Complaint.

► **Article 8.3 Credit Freeze: Protect Estate from ID Theft** ◀

If you, **Jane Marie Doe**, do a Credit Freeze while you are alive, it protects you from Identity Theft. It also protects your Estate from theft, and negates the need for the Successor Trustee to submit a notice of Death to each Credit Bureau. Criminals steal the Social Security Numbers of recently deceased people for the purpose of fraudulently obtaining credit which can be hurtful to your loved ones.

► **ARTICLE 9 POWERS OF SUCCESSOR TRUSTEES** ◀

► **Article 9.1 Power to Appoint Successor Trustees and Successor Guardians to Avoid Court Appointments** ◀

Successor Trustees and Guardians shall have the Power to Appoint another Successor Trustee or Guardian to take their place if unable or unwilling to serve. The Successor Trustee or Guardian shall not be liable for an Appointment made in Good Faith. The Appointment must be made in Writing, Signed and notarized.

The Successor Trustee shall have the right to Amend and Restate the Trust to include any fee related provisions for Institutional Trustees such as Banks or Financial Services Companies or any other Amendment and Restatement to facilitate Administration without altering the Distributive Provisions for the Beneficiaries.

► **Article 9.2 Protector of the Trust Watching Over the Actions of a Bank Trust Department Appointed Successor Trustee** ◀

Successor Trustees may retain the Power to Remove and Replace any newly Appointed Successor Trustee. The Successor Trustee may also Retain the Right to Approve Discretionary Actions by the newly Appointed Successor Trustee. By retaining such Powers, the Successor Trustee may act as a Protector of the Trust. These Retained Powers specifically apply to Institutional Trustees, such as Bank Trust Departments.

► **Article 9.3 Powers of the Successor Trustee Include all Powers of Grantor/Trustee** ◀

Trustees shall have all Powers of the Grantor/Trustee, **Jane Marie Doe**, and all Powers appropriate to the Orderly and Effective Administration of the Trust including the Powers set forth in RCW §11.98.070.

► **Article 9.4 Successor Trustee's Power to Create Trusts, Consolidate or Dissolve this Trust if Uneconomical** ◀

The Successor Trustee shall have the Sole and Absolute Discretion to create Trusts for Beneficiaries of this Trust such as Special Needs or Spendthrift Trusts as the Successor Trustee deems appropriate. The Successor Trustee shall have the Discretion to Dissolve this Trust if Administering it is uneconomical for Tax reasons, small size, or otherwise.

In Riddell (2007), the Washington State Appeals Court for Division II upheld the Trial Court's right to create a Special Needs Trust due to changed circumstances, specifically the schizophrenia of the daughter. Going to Court should not be necessary. The Successor Trustee shall have the right to avoid going to Court and to form any Special Needs Trusts or similar or equivalent for the Benefit of Beneficiaries who should not have direct control over the gift.

► **Article 9.5 Compensation of Successor Trustee Must Be Reasonable and Necessary Customary Compensation** ◀

No bond shall be required of any Successor Trustee. The Successor Trustee shall not be liable for acting, or failing to act, as long as the Successor Trustee's conduct is in Good Faith. The Successor Trustee, as long as the Successor Trustee is not a Beneficiary, shall be entitled to Reasonable and Necessary Customary Compensation from the Estate of **Jane Marie Doe**. The Successor Trustee shall employ such Attorneys, accountants, or appraisers, as the Successor Trustee deems reasonably necessary; to rely upon their Tax, legal, or other expert advice, and pay them reasonable Fees for such Services.

Successor Trustees may refuse to accept compensation. The Successor Trustee shall be entitled to reimbursement of all necessary costs. The costs of others, relating to travel to and from any funeral or memorial, may be reimbursed at the Successor Trustee's Sole and Absolute Discretion. Guardians are entitled to the same regardless of whether they are Beneficiaries.

► **ARTICLE 10** **KEEPING GOOD RECORDS & FINISHING ESTATE PLAN ADMINISTRATION** ◀

► **Article 10.1** **Domestic Trust.** **Not Foreign No Additional Taxes** ◀

This Trust shall not be deemed to be a Foreign Trust even if the Successor Trustee Appointed is not a U.S. Citizen (or Lawful Permanent Resident or “Green Card” holder), and does not live in the U.S.. The Successor Trustee has the Power to Appoint a Citizen resident to carry out the duties, and shall be required to do so to avoid Taxation and Reporting Requirements.

Foreign gifts received during **Jane Marie Doe's** life over one hundred thousand (\$100,000) U.S. dollars in one (1) year need to be reported to the IRS on Form 3520, but are not Taxable.

One common way to address situations in which family members live on the other side of the Country, or the World, is to name local people temporarily as Successor Trustees and Guardians, if applicable, and then name distant family members permanently.

► **Article 10.2** **An Effective Estate Plan Includes a Copy of Recorded Revocable Transfer On Death Deeds on All Real Property and a Copy of Beneficiary Designations on All Accounts** ◀

A Spreadsheet Inventory of Assets and Debts and a Letter of Instruction round out effectiveness. Communication about where to find all of these things is key. It is up to you to let your family know how to access your electronic and paper records. That includes user names and passwords, keys, and combinations. Keep everything safe and secure during your life, and after you are gone.

► **Article 10.3** **Trust Provisions to be Followed in Probate** ◀

It is my, **Jane Marie Doe's**, wish that any Personal Representative (gender neutral term for Executor) Appointed in an Intestate (without a Will) Probate, honor the wishes in my Trust, and use Appointment by the Court to Fund the Trust and Distribute as directed. The Washington Legislature has essentially already executed a Will for every resident of Washington in the form of the Intestacy Statute. Under the Statute your Next of Kin are your Heirs. So, your children share equally automatically. You don't need a Will for that.

The Personal Representative (formerly known as Executor) must live in the County where your Property is located, so if you have named ineligible people in your Will the Beneficiaries need to consent by Affidavit, which is the same result as if you didn't have a Will. Your Estate is much safer when all of the Beneficiaries communicate before a Probate Petition is filed. not having a Will forces this to happen. A Will does not require the Personal Representative to consult Beneficiaries in advance.

► **Article 10.4 Electronic Wills May Become Invalid** ◀

The Uniform Electronic Wills Act became effective January 1, 2022. The Washington Bar News published an article describing the changes. However, as a result of the Pandemic, all Signing at MULVANEY LAW OFFICES, PLLC is electronic and unwitnessed (no ink Signatures or live or electronic witnesses). Since an Electronic Will may become invalid after Execution if a “Qualified Custodian” (not you or your Heirs) has not been in possession of the will from the Date of Execution to the Date of Death, I have decided not to Execute Electronic Wills.

A Will is not required for Probate and there are some advantages to Probate without a Will. The main reason for having a Will is if you wish to disinherit a child, which is rare. You should not need a Probate if you record Revocable Transfer On Death Deeds and use Beneficiary Designations.

► **Article 10.5 Repository Paper Wills Won't Become Invalid** ◀

Wills are frequently lost. In In Re: Estate of Margaret Black (2004), the Washington State Supreme Court applied RCW 11.20.070 Proof of lost or destroyed Will to determine whether evidence was clear, cogent, and convincing.

If you, **Jane Marie Doe**, believe that you absolutely must have a Last Will And Testament with two witnesses' notarized Signatures, then finding Counsel who is willing to Sign and notarize with witnesses in person, and using the King County Will Repository into which Wills of living people can be kept for one hundred (100) years for twenty (\$20) U.S. Dollars is the best option.

► **Article 10.6 Wills Can Conflict with Trusts** ◀

RCW 11.11.020 Disposition of Nonprobate Assets under Will allows Wills to potentially take precedence over Trusts such that even if Real Property has been Quit Claimed to a Trustee of a Trust, a Will may validly give the house to someone else. That is what the Supreme Court of Washington decided in Manary V. Anderson (2013). Anderson was the Beneficiary of the Will; Manary was the Successor Trustee of the Trust. Anderson prevailed.

► **Article 10.7 No Funding of or Amendments and Restatements of Married Separate Property Trusts without Spouse's Written Consent** ◀

You cannot fund your Married Separate Property Revocable Living Trust without your Spouse's written consent to prevent disinheritance of a Surviving Spouse.

You cannot Amend and Restate your Married Separate Property Revocable Living Trust without your Spouse's written consent regardless of whether a Spousal Consent Form is Signed or not to prevent disinheritance of a Surviving Spouse since Revocable Living Trusts become Irrevocable upon the Death of the Trustor who created the Trust, which means they cannot be changed by anyone, even a Court.

DocuSigned by:

Jane Marie Doe

A6E4A42844E6464

Electronically Signed by: **Jane Marie Doe**
on **Thursday, July 3, 2025** at **11:29 PM**

DocuSigned by:

John David Doe

A6E4A42844E6464

Electronically Signed by: **John David Doe**
on **Thursday, July 3, 2025** at **11:29 PM**

Pursuant to [RCW § 45.280](#), in Bellevue, WA, I, Christopher S. Mulvaney, Notary Public in the State of Washington, certify that I have satisfactory evidence that **John David Doe** (Date of Birth: S2BDay) is the person who appeared before me on **Thursday, July 3, 2025** at **11:29 PM**, signed, and attested this Instrument; and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this Instrument.

Notarial act performed by audio-visual communication in Zoom/DocuSign.

Given under Christopher S. Mulvaney's Hand and Seal of Office

Notary Public residing in Bellevue, WA My Commission Expires: **09 - 01 - 2028**

State of Washington County of King

DocuSigned by:

Christopher S. Mulvaney

A6E4A42844E6464

Christopher S. Mulvaney

CHRISTOPHER S. MULVANEY
Notary Public
State of Washington
Commission # 20105562
Commission Expires 9/1/2028

Notary Stamp

Page 21 of 23 **Jane Marie Doe** Married
Separate Property Revocable Living Trust Dated July 11, 2017

◀ **Warning** ▶ Under [RCW 11.103.030\(2\)\(a\)](#), to the extent the Trust consists of community property, it may be amended only by joint action of both spouses to protect the surviving spouse.

So, the best practice is to have both spouses sign to create a Married Separate Trust, and to have both spouses sign to Amend and Restate a Married Separate Trust. If only one spouse signs, and the Trust contains any Community Property at all, then the Amendment and Restatement is not valid.

There could be litigation to determine if the Trust only contains Separate Property. That means if documentation is not complete, and traceable for every dollar in the Trust, then the presumption of Community Property applies, and the Amendment and Restatement signed by only one spouse is invalid.

Prepared by Christopher Sean Mulvaney on **Thursday, July 3, 2025** at **11:29 PM**
MULVANEY LAW OFFICES, PLLC 14205 SE 36th St Ste 100 Bellevue WA 98006 1553
E Mail: Chris@MulvaneyLawoffices.com Text: (425) 998-6352 Web: AttorneyMulvaney.com

Schedule A

Separate Property of
Jane Marie Doe
to be Distributed to Beneficiaries:

from the:
Jane Marie Doe Married
Separate Property Revocable Living Trust
Signed on
Thursday, July 3, 2025 at 11:29 PM

Keep the Inventory with Supporting Documents
Proving that the Inventory is Correct, Recorded
Revocable Transfer On Death Deeds, Screen Prints
of Beneficiary Designations, and Letter of
Instruction In This Schedule.

Schedule B

Married Separate Property of
Jane Marie Doe
to be distributed to Spouse:

from the:
Jane Marie Doe Married
Revocable Living Trust
Signed on
Thursday, July 3, 2025 at 11:29 PM

Keep the Inventory with Supporting Documents
Proving that the Inventory is Correct, Recorded
Revocable Transfer On Death Deeds, Screen Prints
of Beneficiary Designations, and Letter of
Instruction In This Schedule.

EXAMPLE

<u>U.S.</u>	<u>LAST 4</u>	<u>SHARE</u>	<u>SHARE</u>	<u>GROSS</u>	<u>DEBTS/</u>	<u>NET</u>
<u>ASSETS (HIGH TO LOW)</u>	<u>ACCT #</u>	<u>#</u>	<u>VALUE</u>	<u>VALUE</u>	<u>LIENS</u>	<u>VALUE</u>
1234 Main St Seattle WA 98107				\$2,000,000	-\$500,000	\$1,500,000
Fidelity 401(k)	5678	100	\$100	\$640,000	-\$50,000	\$590,000
S&P 500 Index	1234	200	\$200	\$490,000	\$0	\$490,000
Nasdaq Index	1234	300	\$300	\$630,000	\$0	\$630,000
Fidelity Roth IRA	1234	400	\$400	\$250,000	\$0	\$250,000
Russell 3000	1234	500	\$500	\$160,000	\$0	\$160,000
Microsoft	1234	600	\$600	\$90,000	\$0	\$90,000
Fidelity Brokerage	1234	700	\$700	\$80,000	\$0	\$80,000
Dow Index	1234	800	\$800	\$70,000	\$0	\$70,000
Sustainable Index	1234	900	\$900	\$60,000	\$0	\$60,000
Fidelity Health Savings	1234	1,000	\$1,000	\$50,000	\$0	\$50,000
MetLife Insurance Cash Value	1234			\$40,000	\$0	\$40,000
2017 Nissan Leaf	ABC86			\$45,000	-\$12,000	\$33,000
BECU Checking Account	1234			\$30,000	\$0	\$30,000
BECU Savings Account	1234			\$20,000	\$0	\$20,000
BofA Checking Account	1234			\$10,000	\$0	\$10,000
BofA Savings Account	1234			\$5,000	\$0	\$5,000
Fidelity Money Market	1234			\$3,000	\$0	\$3,000
Limited Liability Company	5678	2,000	\$1,000	\$2,000	-\$500	\$1,500
BECU VISA	1234				-\$10,000	-\$10,000
BofA MASTERCARD	1234				-\$20,000	-\$20,000
AMEX	1234				-\$30,000	-\$30,000
Signature Loan	1234				-\$40,000	-\$40,000
Personal Loan	1234				-\$50,000	-\$50,000
<u>TOTAL+DEBT/WEALTH RATIO</u>	17.98%	7,500	\$6,500	\$4,675,000	-\$712,500	\$3,962,500

Prepared by Christopher Sean Mulvaney on **Thursday, July 3, 2025** at 11:29 PM
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