

Pour-Over Will

The so-called “pour-over will” is designed to function in most every respect as a typical last will and testament; however, the beneficiary of the will is not a member of the testator’s family. Rather, the sole beneficiary is the revocable trust established by the testator.

Estate planning involving a revocable trust is premised on the notion that assets owned by the grantor of the trust will be transferred, or re-titled into the trust. If that grantor should pass away with assets in her name, then they are not yet governed by the terms of the trust. Thus, the pour-over will leaves any property still titled in her name, or payable to her estate (such as life insurance proceeds) to her revocable trust. In this way, the trust functions as a safety net to ensure that property which was not placed in or made payable to the trust prior to death can ultimately be collected and managed by the named successor trustee(s), pursuant to the instructions in the trust. Of course, the pour-over will, and therefore your named executor, will be subject to the usual requirements of probate administration.

If there are minor or disabled children, the pour-over will names the guardian or guardians whom you have chosen to care for your loved ones.

If all of the trust grantor’s assets have been transferred into trust, the pour-over will does not need to be admitted to probate.