



## Connelly Law Offices, Ltd. *Certified Elder Law Attorney*

Connelly Law is an elder law firm that specializes in estate planning and probate law, as well as a variety of fiduciary services. Our firm, established in 1970, continues to serve Rhode Island, Connecticut and Massachusetts. To ensure that our clients' assets are not only protected throughout their lives, but after they pass away as well, our firm helps clients create clear and concise estate plans.

For clients who are facing probate regarding a loved one's estate, we have the ability to assist them throughout the entire process.

Our firm offers clients the highest quality in legal representation and we are licensed to practice before the Rhode Island, Massachusetts, Connecticut and Federal Bars.

## RJ Connelly III

*Attorney and Counselor at Law*

Certified Elder Law Attorney  
Member National Elder Law  
Foundation

Member National Academy of  
Elder Law Attorneys



Attorney Connelly practices in the area of elder law. This area of law involves Medicaid planning and asset protection advice for those individuals entering nursing homes, planning for the possibility of disability through the use of powers of attorney for the both health care and finances, guardianship, estate planning, probate and estate administration, preparation of wills, living trusts and special or supplemental needs trusts.

Our firm handles contested and uncontested probate court matters and provides a wide range of fiduciary services to our clients in acting as trustee, attorney-in-fact, representative payee or other court appointments.

Attorney Connelly represents clients primarily in the states of Rhode Island, Connecticut and the Commonwealth of Massachusetts.

# Understanding Trusts

*Professional Fiduciary Services*



CLIENT SATISFACTION  
ESTATE PLANNING DIVISION  
American Institute of  
Legal Counsel™



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East Chop, Massachusetts**

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## What is a Living Trust?

A Living Trust is an agreement between you (the Settlor or Trustor) and an individual or entity (the Trustee) made during your lifetime. The trust agreement determines how assets placed in the Trust will be managed and distributed. Trusts can be Revocable or Irrevocable.



## Benefits of a Living Trust

A Living Trust can provide benefits for asset protection and management purposes including;

- Provides for the management of assets during your lifetime and usually names someone to assume responsibility for them should you become incapacitated. This can often eliminate the need to go to court to arrange for the appointment of a guardian.
- You determine how your assets will be managed by giving written instructions in the trust.
- With special planning and under certain circumstances, trusts can help plan for reducing long-term healthcare costs.
- You may be able to avoid the delay and expense of probate because the trust contains instructions for distribution of your assets after death (under certain circumstances).
- If you transfer ownership of out-of-state real estate to your trust during your lifetime, you may be able to avoid the need for a probate proceeding out-of-state.

## But I'm Not Wealthy...

There is a misconception that trusts are just for the wealthy when in reality, many individuals across the spectrum of incomes can benefit from a trust. Conversely, not everyone needs a trust. But there are many different types of trusts for many different purposes.

## Irrevocable Trusts

Irrevocable Trusts are trusts that cannot be cancelled after they are created because they receive special tax treatment. Careful drafting of this type of trust may permit it to be amendable for some purposes after it has been established.

## Revocable Trusts

A Revocable Trust is subject to amendment or termination according to the terms of the trust agreement. Revocable Trusts do not save any taxes and all income from the property in the trust is taxed to the person who established the trust.

## Special Needs Trusts

The Special Needs Trust, also called the Supplemental Needs Trust, is used to manage assets for a person who may receive public benefits. This trust can provide funds for items not covered by the public benefits without affecting the recipient's eligibility for the various public assistance they are receiving.

## Specialized Trusts

There are a number of specialized trusts that may fit your need. During the development of your plan, Attorney Connelly may recommend exploring how they could benefit you and your estate.

## Trust Expertise Counts

Trusts are not a one size fits all document. Use caution when attending a free seminar selling trusts or online sites which offer to develop a trust for minimal cost. Trusts need to be drafted in compliance with the trust laws in your state and for your unique needs.

At Connelly Law, Certified Elder Law Attorney and Professional Fiduciary RJ Connelly III, who has nearly three decades of drafting and administering trusts, will sit with you and do a thorough analysis of the extent of your assets, the types of assets you own, and your preferences when it comes to how they are to be managed.

## A Complete Estate Plan

A trust is just one element of complete estate planning. Like wills, trusts and other legal documents are best prepared by experienced professionals. Trusts and other documents should be reviewed regularly in response to changes in the law or family circumstances.

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*"Through careful drafting, a living trust can assure that your assets are managed for you by a trustee you have selected and that your preferences are followed as set out in the trust agreement. Remember, experience counts when it comes to drafting a trust. Call my office today at **401-724-9400.**"*

