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## **Coordinating Your Asset Protection Trust With Your Estate Plan**

*If You Are Doing Your Estate Planning With An Estate Planning Trust*

Provided that the Settlor has actually settled an estate planning trust (hereinafter Settlor's Estate Planning Trust) specifically directing that Settlor's Estate Planning Trust control the disposition of the Trust Fund, the Trustee shall distribute such portion to the Trustee of Settlor's Estate Planning Trust, as amended, to be held, administered and distributed in accordance with its provisions.

Notwithstanding the foregoing, the Trustee may, with the consent of the Protector, defer distributions to the Trustee of Settlor's Estate Planning Trust if such delay would be necessary to protect the deceased Settlor's account from claims of his or her creditors.

In case of such delay, the Trustee shall continue to hold the Settlor's account, in trust, and administer and distribute it in accordance with the provisions of the Settlor's Estate Planning Trust as amended as of the date of the deceased Settlor's death as if the terms of said Trust were set forth herein.

## **Coordinating Your Asset Protection Trust With Your Estate Plan with Settlor's Will**

### *If You Are Doing Your Estate Planning With A Will*

Upon the death of the Settlor, the Trustee shall distribute the Trust Fund or any part thereof to such one or more Discretionary Beneficiaries, on such terms and conditions, either outright or in trust, as the Settlor may appoint by an instrument in writing (including without limitation a Will or a Codicil) signed by the Settlor and delivered to the Trustee, specifically referring to and exercising this power of appointment.

Notwithstanding the foregoing, the Trustee may with the consent of the Protector, defer any distributions pursuant to such power of appointment if such delay would be necessary to protect the deceased Settlor's account from claims of his or her creditors.

In case of such delay, the Trustee shall continue to hold the deceased Settlor's account, in trust, and administer and distribute it in accordance with the provisions of such power of appointment as of the date of the deceased Settlor's death as if the terms of said power of appointment were set forth herein.

## **Coordinating Your Asset Protection Trust With Your Will**

### *If You Are Doing Your Estate Planning With A Will*

Upon the death of the Settlor, the Trustee shall distribute the Trust Fund or any part thereof to such one or more Discretionary Beneficiaries, on such terms and conditions, either outright or in trust, as the Settlor may appoint by an instrument in writing (including without limitation a Will or a Codicil) signed by the Settlor and delivered to the Trustee, specifically referring to and exercising this power of appointment.

Notwithstanding the foregoing, the Trustee may with the consent of the Protector, defer any distributions pursuant to such power of appointment if such delay would be necessary to protect the deceased Settlor's account from claims of his or her creditors. In case of such delay, the Trustee shall continue to hold the deceased Settlor's account, in trust, and administer and distribute it in accordance with the provisions of such power of appointment as of the date of the deceased Settlor's death as if the terms of said power of appointment were set forth herein.