INSTRUCTIONS
"FUNDING" YOUR TRUST

PRIMARY RESIDENCE / PERSONAL USE REAL ESTATE

You must transfer your home to <u>you, as Trustee(s) of your Trust</u>, in order to avoid probate after your death.

A. **RIGHT WAY – Warranty Deed**. With few exceptions, you want to transfer the title to your home for you, as individual(s), to <u>you, as Trustee(s) of your Trust</u>. This is done by preparing a Warranty Deed. In a Warranty Deed you "warrant" or guarantee that you have title and will back up your warranty deed. You purchased title insurance at the time you bought the property, so you have the title insurance guarantee to back you up. Besides, you are only transferring the title from you to yourself as the Trustee, so there are not third parties involved.

   If you originally took title via a Quit Claim Deed, contact us.

   Mail Warranty Deed and check for $40 (payable to "Salt Lake County Recorder") to:

   Salt Lake County Recorder
   2001 S State Street, N1600
   Salt Lake City, UT 84114

   The County Recorder will record the deed and send the original back to you for safe keeping. File it behind Tab 7 "Transfers" in your binder.

B. **WRONG WAY – Quit Claim Deed**. Generally, you do NOT want to use a Quit Claim Deed. With a Quit Claim Deed, you only transfer or give up whatever interest you have in the property, but you make no guarantees as to your rights to transfer.

C. **WRONG WAY – 'Transfer on Death' Deed**. Some states, like Utah, allow for a 'Transfer on Death Deed.' In this case, you sign a deed that names a new owner(s) who will be the new owners upon your death(s). These deeds will trump any other planning you may have done, like your Trust. You can change your mind by doing another deed which cancels out the Transfer on Death Deed. The risk is that changing the Transfer on Death Deed in addition to amending your Trust introduces one more step and one more chance of making a mistake or failing to update. Just do it the right way by Warranty Deed and avoid the potential pitfalls of a Transfer on Death Deed.