

### NO. 5 UNIFORM DIRECTED TRUST ACT

The The Uniform Directed Trust Act provides statutory authority for a trust to name a person who can direct the trustee to make certain changes to irrevocable trusts. We refer to this person as a “trust protector” or a “trust advisor.” This trust protector can be given the power to direct the trustee in investing, managing or distributing trust property or other matters. A trust protector can also be given the power to make changes to irrevocable trusts that otherwise could only be made by a court of law (which, as we all know, can be time-consuming and expensive). The Act allows irrevocable trusts to be updated for law and tax changes, to correct errors and ambiguities, and to make the trustmaker’s wishes effective – all without court involvement. (Actually, we have already been including provisions for a trust protector in our trusts. But the powers given haven’t been as broad as the new Act allows. Plus, now we have clear Montana statutory authority for doing so.)

### NO. 6 UNIFORM TRUST DECANTING ACT

The Uniform Trust Decanting Act allows us to “decant” an irrevocable trust into another irrevocable trust that has more favorable terms – without court involvement. Yes, the Act contains guidelines and limitations to make sure that the trustmaker’s wishes are followed. The law allows a family to update a trust when changed circumstances make it clear that, if the Trustmaker were available to make the changes, he or she would do so. Again, without the time and expense of court involvement.

#### TO VIEW KEITH’S WEBINAR ON THESE SIX BILLS:

Contact Danica to receive a link to watch the recording online at: [DanicaH@MontanaEstateLawyer.com](mailto:DanicaH@MontanaEstateLawyer.com)  
Or scan the QR code below to be taken to the video now.

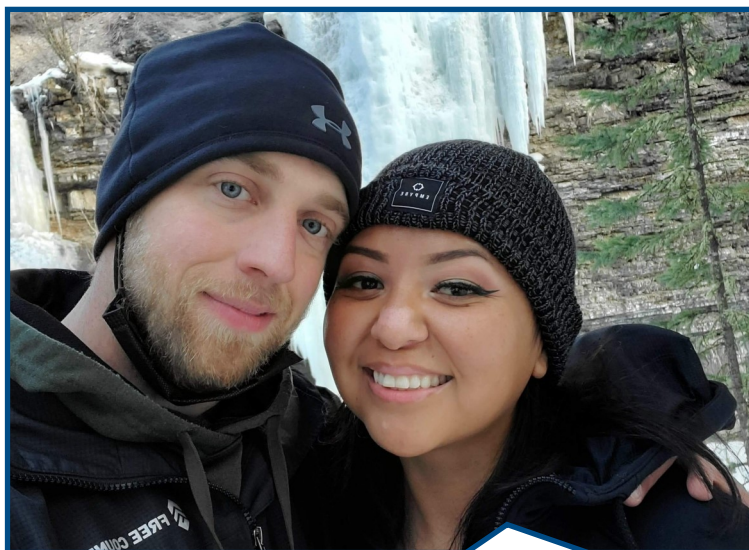
**SCAN TO VIEW KEITH’S  
SIX BILLS THAT IMPACT ES-  
TATE PLANNING  
WEBINAR**



## NEW TO THE TEAM

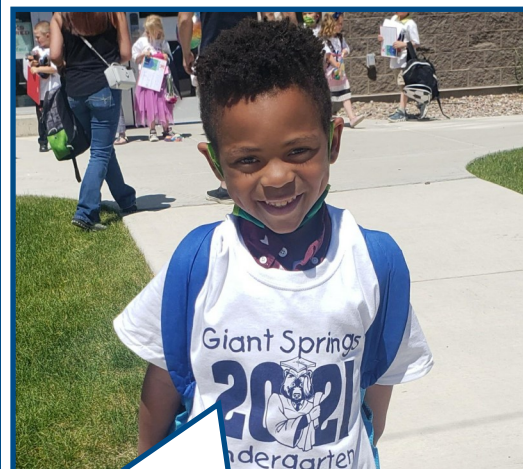


We are excited to announce that we have added a new associate attorney to our team! Lauren was raised in Montana and recently returned in Great Falls after spending the last ten years in Bozeman, Missoula, and Billings. Lately, Lauren has been busy planning her wedding, enjoying the warm weather, and walking her dog on River’s Edge Trail.



We are happy to introduce you to Tressia who has joined the team to take over for LaTonya. Tressia grew up in New Mexico but recently relocated to Great Falls with her boyfriend Matthew and her 13 year old cat, Kitty Witty. She’s an outdoor enthusiast who loves volunteering at food banks and senior centers, training for half marathons, and hiking. She looks forward to becoming an active member of the Great Falls community and exploring the beautiful state of Montana.

# FIRM NEWS



LaTonya and Darryal are so proud of their 3 kids! Rosey is 11 months now and walking like a pro! Tré graduated from kindergarten and is reading at a 2nd grade level! And Jayden has completed middle school and received the President’s Award for Academic Excellence! HIGH SCHOOL HERE WE COME!

Danica took an unexpected trip to Montana, and was there just long enough to spend an evening playing tag with her nephews and her niece.



Keith and Becky started to venture out of their COVID-induced hibernation. They spent time with Hannah (without masks or social distancing, since all are vaccinated) and went to Missoula to see a friend who is under the weather - and to get Keith an ice cream cone at his favorite spot: the Big Dipper!



Jon and Rhonda’s son Ryan was home for a week and Rhonda’s sister Gayla was in town for 10 days. They attended their nephew’s wedding in Great Falls, hosted a mini-family reunion on Rhonda’s side, and also attended a wedding in Hamilton and visited with Jon’s brother Rory, his sister Wendy, and their families while in the beautiful Bitterroot Valley.



Charlene, Caleb and Theo spent a weekend at the Taylor County Boondocks off-road park, camping and riding side-by-sides with friends. Theo then spent a week with his Grandma in Missouri, while Caleb and Charlene had their first child-free vacation in Florida with Caleb’s brother and sister-in-law. Theo had a blast on the farm with Grandma, but all three are glad to be back in Alabama for a bit.



The Crosslands welcomed a new bouncing baby foal on June 7<sup>th</sup>. He has been fondly named Buck – he is all boy! Chris has already had a halter on him and the next step is learning to lead. The Portland grandkids will be here for a few days in June and they are very excited to see Buck and Jazz (last year’s foal).







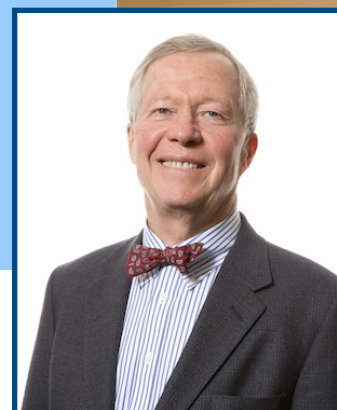
### Special Olympics Summer Games

This year our team had the opportunity to volunteer at the Award Ceremony for the Great Falls Area Special Olympics Summer Games. Keith, Jon, Lauren and LaTonya helped check-in athletes and volunteers, and distributed goodie bags to award winners. LaTonya sang the National Anthem with area athlete, Jamie Darko, proudly holding our flag. Although Chris was not able to participate in the award ceremony, she holds title for the most hours volunteered to Special Olympics with nearly 18 hours volunteered for the MTN Chevy Raffle! Our remote employees, Danica and Charlene, prepared handmade ribbons for the Champion's Challenge awards.

*Jamie Darko is on the Wild Hornets team from Great Falls. He has competed in 124 events in 48 games. He has participated in basketball, alpine skiing, bowling, swimming, golf, soccer, equestrian, cycling, floor hockey, powerlifting, athletics, snowshoeing, kayaking, and bocce.*



# THE LEGACY INSIDER



## SIX BILLS THAT IMPACT ESTATE PLANNING

*Written by Keith Tokerud*

The Montana State Legislature enacted a number of new laws that impact estate planning. Here are six that we thought you would want to know about.

### NO. 1 VEHICLE TRANSFERS

Montana law now allows a vehicle owner to designate a beneficiary on the title to inherit the vehicle. This allows a named beneficiary to assume ownership of the vehicle after the original owner has died without going through probate. We commonly use such beneficiary designations for other assets to avoid probate in will-based planning and in trust-based planning. We'll have to wait to see how the law is enacted, but it should give us a great new tool for our estate planning toolkit.

### NO. 2 REAL PROPERTY TRANSFER ON DEATH ACT

Montana law has long allowed real property owners to name a beneficiary the inherit their property. This is accomplished by recording a Transfer-on-Death (TOD) deed. Unfortunately, there were inconsistencies in the legislation between the treatment of these deeds and the other methods of transferring real property. The new Act does away with these inconsistencies.

### NO. 3 HOMESTEAD EXEMPTION FOR A REVOCABLE TRUST

When a homeowner who has transferred their personal residence into a revocable living trust faces loss of their home to a creditor, Montana practitioners have felt it prudent to transfer the home back into the individuals' names to make sure that the homestead exemption would shield their equity in the home from creditors. The new law clarifies that property owners will receive the same protection when they leave title to their personal residence in their revocable living trusts.

### NO. 4 AMENDMENT TO THE BUSINESS CORPORATION ACT RE VIRTUAL MEETING

We are always urging our clients with corporation to hold regular corporate meetings. In a previous legislative session, the law was changed to allow some participants to attend virtually. This amendment to the Montana Business Corporation act clarifies that corporate meetings may be totally virtual, making it even easier to hold regular meetings. So, hold your meetings!

*(Cont. on page 2.)*