



The eStatePlan™

(featuring)

– Nevada Law w/Corporate Trustee Advantage –

– I N D E X –

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1) Advantages with Using a Corporate Trustee –

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Significant opportunities are available for trustors who appoint a chartered corporate trustee as the (successor) trustee of their living trusts, *especially when combined with the functionality of The eStatePlan™ platform*. By using professional trustee services situated in a favorable jurisdiction, estate planning clients can be assured that their trust estates will have maximum protection while being administered with professional standards and regulated accountability. State licensed corporate trustees can provide those principles and more through:

- Experience & compliance in working with applicable legal requirements;
- Objectivity & impartiality in carrying out all of the trustor's intentions;
- Reliability & continuity that can avoid costly administrative interruptions;
- Consistency & longevity for the administration of multi-generational plans;
- Custodial admin over Designated Beneficiary Trusts for Inherited IRAs;
- Custody of all advisor-directed investments with professional oversight;
- Flexible business-succession management options for family entities;
- Formal record-keeping protocols for trust accounting requirements; and
- Estate settlement administration by a professional, state-regulated entity.

2) Selecting a Pro-Trust Jurisdiction –

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The dynamics of The eStatePlan platform provide a way for clients to select and apply an optimal jurisdiction as the situs for their living trust *regardless of where they reside*. The system also makes it easy to utilize regulated corporate trustee services. Combining a pro-trust jurisdiction with professional trustee services forms a solid and enduring trust estate plan, destined for a proper (future) settlement.

- Five states – Alaska, Delaware, **Nevada**, South Dakota, and Wyoming – are considered by consensus as being those jurisdictions which provide a superior body of law for pro-trust administration.
- More specifically, with the combination of (i) grantor-favored fiduciary administration rules, (ii) clear/complete electronic signature laws, and (iii) the commitment to codify common law by statute, **Nevada** stands above the rest in providing the most attractive trust administration venue in the country.
- When applied with the services of a **Nevada** corporate trustee, clients equipped with eStatePlan's proprietary online dynamics are able to create and maintain *full integration* with their eStatePlan service providers.

3) Why Nevada Trust Law is Premium –

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Trust administration law in the State of Nevada is codified primarily in [Nevada Revised Statutes \(NRS\) / Chapter 163 of Trusts](#). Under Nevada jurisdiction, there are prominent estate planning benefits for both residents *and non-Nevada residents*, including:

- ✓ No State Income Tax. **Nevada** allows for ALL trusts situated in Nevada to be EXEMPT from (NV) state income tax *and* realized capital gains on principal otherwise imposed at state taxation levels. Taxable income retained, rather than distributed outright to a beneficiary(s), will be added to the corpus of the trust without the imposition of a state income tax liability regardless of the grantor's state of domicile. (NOTE: this exempt rule applies to living trusts of non-resident grantors only after the non-resident grantor's decease where the grantor was a resident of a state that imposes an income tax.)
- ✓ No Unnecessary Trustee Accountings. **Nevada** law allows for the trust instrument to avoid having the corporate trustee provide frequent accountings (at least annual) and unnecessary reporting to the trust beneficiaries. Such accounting/reporting requirement(s) can otherwise prove costly and affect a spenddown from that mandated activity. All trusts situated in Nevada can be grantor-opted-out of cumbersome reporting requirements (or, if annual reporting is otherwise prescribed by the grantor, trustee reports may be submitted electronically by email) and beneficiary-opted-out if so chosen.
- ✓ Recognition of Independent Advisors. **Nevada** is one of only a few jurisdictions who have codified "directed trust" statutes. Applied "directed trust" law recognizes the authority of a client-appointed advisor to the trustee – *a Trust Investment Advisor (TIA)* – to direct the general investment-decision activities concerning a trust's assets. Therefore, a client's financial advisor may continue to manage the client's assets for trust investment purposes even after the client's decease, unimpeded by state law.
- ✓ Recognition of Trust Protectors. **Nevada** is one of only a few jurisdictions who have legislatively recognized the authority of a "trust protector". Trust protectors can be granted broad-based authority, second only to the client-grantor, to entirely remove any trustee including the initially appointed corporate trustee and/or the investment advisor, either during or after the client's decease.
- ✓ Allows Practical Administrative Procedures. **Nevada** recognizes (a) realistic and flexible trust administration procedures, (b) established prudent fiduciary rules governing trusts, (c) judicial precedent favorable to trust administration, (d) the determination to maintain an advantageous environment for trust management activity, (e) the right to deny any class of pretermitted heirs (those born or adopted after the establishment of the trust) to receive benefits unless otherwise expressly

stated in the trust, and (f) the doctrine of multi-jurisdictional trust administration, which may be applied when necessary.

- ✓ Enhanced Asset Protection Laws. **Nevada** incorporates maximum applications toward “spendthrift trust” law, which provides full creditor protection for assets held in a Nevada-sitused trust. Nevada also recognizes “self-settled” asset protection trusts, more commonly known as the Nevada Asset Protection Trust (NAPT). NAPT allows a grantor to be deemed as a *permitted beneficiary* of the trust while protecting the trust corpus from potential civil creditor claims against the grantor (as well as other beneficiaries of the NAPT) including the additional protection with Nevada's *no-statutorily-exempt-creditor* laws.
- ✓ User-Friendly Investment Standards. **Nevada** has enacted standardized trust investment laws. Among other benefits, this code allows for trusts to be invested and administered by the TIA in a more uniform manner. That promotes the rules that have been modernized for today's investment standards for the benefit of all concerned parties. Chapter 163 code provides for:
 - A trust's entire investment portfolio to be considered when determining the prudence of an individual investment (not just a singular investment);
 - The prevention of a client-appointed TIA being held liable for individual investment losses (provided that the investments, at the time of acquisition, are reasonably consistent with the overall portfolio objectives of the account); and,
 - Diversification as a recognized investment protocol where no category or type of investment is deemed inherently imprudent (suitability to the client's purposes and beneficiaries' needs is considered the determinant).

4) The Nevada Situs for Non-Residents –

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Designating Nevada as the situs (applied jurisdiction) for a trust created by a grantor who is not a citizen of Nevada can be accomplished by decree in the trust instrument. The *Restatement (Second) of Conflicts of Laws § 268-270 (1971)* states that courts are to uphold a grantor's selection of jurisdiction to govern a trust as long as the trust is valid under the law of the state selected (and that rule applies even though the laws of the grantor's domicile may not recognize the trust as enforceable).

- Nevada's version of the Uniform Trust Code provides that the statutory laws of the state, when selected by the transferor/grantor in the governing trust instrument, control the meaning and legal effect of the trust as long as the grantor's application of that law is not contrary to Nevada public policy.

- Under [NRS Chapter 164-045](#), Nevada allows anyone, regardless of what state they are currently residing in now or upon decease, to establish a Nevada-situated trust. Unless otherwise opted by the client, the Dynamic Trust Portfolio trust documents “default select” Nevada law in order to use the pro-trust administration laws provided under Nevada jurisdiction.

5) Nevada's Electronic Signature Laws –

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According to the "**Electronic Signatures in Global and National Commerce Act**" (ESIGN), the "**Act**" – enacted by Congress and specifically referred to as *The Consumer Consent Provision in CFR §101(c)(1)(C)(ii) of the "Act"* – the effect of an "electronic signature" will be legally **sufficient to acknowledge, authenticate, and validate** digital documents. Nevada law recognizes electronic signatures under [NRS Title 59, Chapter 719](#).

- The primary reasons for enacting institutional electronic-signature "ESIGN" law was to facilitate e-commerce efficiency with its transactional speed, ease of implementation, simplistic confirmation, and electronic-record archiving.
- The eStatePlan platform features *proprietary* ESIGN technology that enables electronic signatures for estate planning documents under Nevada law and asset-transfer-to-trust Schedules/Ledgers, which allow client/users to utilize the speed and enjoy the convenience of electronically funding their Dynamic Trust Portfolios.

6) A Revolutionary Auto-Processing System –

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► The dynamics of **The eStatePlan™** processing platform are made possible through bundled software applications that auto-merge both field and custom text entries unto certain software-selected document templates. The templated documents can be further tailored with data-entry-driven *replacement/removal code*. And IT IS FAST.

- The data entries for The eStatePlan creation are made ONLINE as a turn-key, client controlled (*howbeit, office-assisted*) system complete with electronic signature (ESIGN) applications to implement the Dynamic Trust Portfolio document set and the electronic Funding Kit.
- The eStatePlan's bundled platform applications empower the client/user within a secure environment to generate a personalized, fully-funded and properly implemented Revocable Living Trust estate plan *in about an hour!*
- The eStatePlan system also provides comprehensive “Custom Trust Directives” that can be imported by the user, and/or the assisting attorney-of-record,

through the ONLINE Data Entry page. The result is a customized, Revocable Living Trust Estate Planning document set electronically generated when the Data Entry page is submitted, which can be modified within the Client Console.

► The eStatePlan user dynamics and benefits are available only through a password protected, subscription-based Client Console. The Console serves as the dashboard tool that enables The eStatePlan user to electronically implement, manage, store, and modify (without limitation) his estate plan in a web-based, secure cloud environment.

► The eStatePlan Client Console also features a “Share Console” functionality where the user can “share” any selected portion of the data in the Client Console to anyone including his legal counsel through an ancillary, password protected code. This allows the user’s legal counsel (personal attorney) to review the user’s data and trust draft, and make any changes that counsel deems necessary to obtain the estate planning goals of the client/user.

► The eStatePlan processing system equips client/purchasers to not only electronically create but also to *modify without limitation (24/7)* their personalized estate planning packages in a secure, user-friendly environment – The eStatePlan Client Console – if the user opts for and maintains the My LifeCard Plan (MLCP) Membership Subscription beyond the 90-day, provisional term.

7) The eStatePlan’s “Try Before You Buy” Module –

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► The eStatePlan platform also provides a *Try Before You Buy (TBYB)* user experience enabling a client/prospect to generate his estate plan with no obligation through a system-generated, last-name “demo badge” with watermarked PDF documents.

► The TBYB feature not only allows a potential user to experience the navigation and user-friendly dynamics of the Client Console, but it also provides an opt-in purchase page within the Client Console when the decision is subsequently made to buy.

8) Secure Access Portal for Client/Members –

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► Full 90-day access to the Client Console is initially provided for all patrons through eStatePlan’s FREE (My LifeCard Plan) Provisional Membership, which is always included with The eStatePlan purchase.

► The Client Console features powerful dynamics that enable users to modify (24/7) their Dynamic Trust Portfolio documents, Funding Kit ledgers, Advanced Medical Directives, PostScript Page, and E-vault Center portals.

► Membership access to the Client Console beyond the FREE 90-day Provisional term requires a one-year renewable subscription (required for the first-time membership opt-in) payable with the user's choice of either monthly or annual recurring billing.

► The MLCP Membership Subscription, while not required for the client/purchaser, is a vital component of the system. There are several benefits and dynamic features available to Member subscribers through their Client Consoles including:

- **Document Modification Functionality** – allows client/users to modify their Dynamic Trust Portfolio *at any time and as many times* as may be necessary to maintain the updates associated with family planning conditions, goals and objectives that can frequently change.
- **Electronic Trust-Funding Applications** – enables client/users to fund their trusts electronically by listing personal assets, including personal real estate interests, onto "Assignment Ledgers" that can be modified anytime as needed.
- **NotePad Center** – provides a method for client/users to instantly communicate with all service parties concerning questions and/or obtaining professional assistance while having such digital exchanges permanently recorded and filed.
- **Advanced Medical Directives (AMD)** – presents a comprehensive health care directive document that can be filled out ONLINE, electronically signed, and modified at any time later.
- **Emergency Online Medical Access** – grants an attending physician or other health care provider immediate access to the AMD through the Physician Login Page using only the subscriber's Membership Card ID number.
- **Share Console** – provides select-limited access of the Client Console for the subscriber's (outside) legal counsel, tax advisor, other service providers, to view entered data, personal documents and other information.
- **Postscript Page** – presents entry fields to log wishes, family and/or personal references and directives, and provides a place to record password information under the *Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA)*.
- **E-Vault Center** – provides a secure storage venue for various digital documents and important records and/or other items such as digitized photos.

9) The eStatePlan's Electronic Signature Technology –



► The eStatePlan system provides electronic signature applications in compliance with the “**Electronic Signatures in Global and National Commerce Act**” (**ESIGN**) and Nevada law under [NRS Title 59, Chapter 719](#). Among other features, ESIGN technology records an *electronic effective date* for the living trust and all other ancillary trust-portfolio documents.

- The Electronic Effective Date (EED) application enables user/grantors to electronically modify their own document sets at any time and as many times as desired *without* having to use amendments or restatements of trust.
- The integration of proprietary ESIGN & EED technology with The eStatePlan’s complete *no-limit-to-modifications* service platform enables users to confidently address the (otherwise difficult) inevitable duties associated with personal estate plan maintenance.

► The ESIGN design also allows users to remove the recorded “ESIGN date” if that were ever to become necessary, enabling the user/grantor to simply start over again and recreate a new effective date for the RLT.

10) Electronic Funding & Digital Implementation –



► The eStatePlan's electronic signature technology also enhances the user's trust funding experience with the platform's Funding Kit. The Funding Kit serves an important segment since proper funding – *an often incomplete, but quite necessary, implementation activity* – is essential to realize a fully completed plan.

► The eStatePlan's cloud-based funding process has, in fact, revolutionized the way living trusts can be funded through the speed, efficiency, and convenience of electronically implemented asset-transfer ledgers, which circumvents the otherwise time consuming (and neglected), asset-retitling-to-trustee process.

► The Funding Kit’s ESIGN system helps facilitate the user when redirecting beneficiary designations of an IRA, life insurance policies and other POD type accounts.

- The bundling of Funding Kit applications with ESIGN technology enables eStatePlan end users to generate a properly implemented, fully funded, and effective-date-established living trust estate plan *in about 90 minutes!*
- The Funding Kit is easy to use for recording data on a multi-page HTML Asset-Transfer Ledger where additions/deletions are made by keystroke entries.

11) Corporate Trustee/Executor Login Access –

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► With The eStatePlan process, a corporate trustee's time-consuming and often difficult process of gathering and retrieving client information relative to the client's estate plan is a thing of the past. All such information will be stored in The eStatePlan cloud and available for easy access to the corporate trustee through the Trustee/Executor Login portal.

► To facilitate the duties of performing trust administrative services, including future estate settlement activities, the selected corporate trustee will have seamless, cloud-based access to ALL of the clients' documents (to view/print only), implementation dates, and other trust asset information regardless of how many times it has been changed and updated by the client. *(ONLY the "view/print" component is available to the Trustee/Executor inside the Client Console.)*

12) Seamless Platform Integration for All Parties –

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► The eStatePlan platform supports and facilitates inter-connectivity between all the parties, who are: (i) the client/grantor; (ii) the Client Management Services (CMS) office; (iii) the client's investment advisor of record; (iv) the client's attorney of record; and (v) the client's appointed successor (corporate) trustee.

► The NotePad Message Center makes it easy for the parties to communicate with one another directly through the processing platform. And, as with all other client-based information, the communication records are permanently stored in The eStatePlan cloud-based server and back-up files.
