



MFEC

Montana Financial
Education Coalition

Using Montana Estate Planning Tools To Avoid Probate...While Saving More Dollars For Your Heirs

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Virtual Conference Participant *Engagement* Tools

Participant Engagement Tool #1

Opportunity
to write your
questions in
the Chat
Panel



Pine Drops

Participant Engagement Tool #2

- Wildflower *names* as “reminders” or *Key points* about today’s webinar





Steer's
Head

Objective

Steer



- YOU to an awareness of the various ways you can transfer property at death without the *cost* of probate.

Mountain Death Camas



Montana Estate Planning Tool



● PODs

- Payable
- On
- Death designations

Payable on DEATH Designation (POD)

- **Accounts at
financial
institutions**



(banks, credit unions)

Payable on DEATH Designation (POD)

- **Types of Financial Accounts**
 - **Savings Accounts**
 - **Checking Accounts**
 - **Certificates of Deposit**
 - **U.S. Savings Bonds**



Payable on DEATH

- At death, ownership passes to **POD** beneficiaries



- **No Probate !!!!!!!**
 - Affidavit of Death
 - Gov't issued photo ID

POD

- Charity/Nonprofit



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Tip from a Mountain Death Camas:

Use PODs:

To control
distribution of
checking,
savings,
CDs,

US Savings Bonds!

Avoid probate
fees at
DEATH



Heart
Leaved
Arnica

HEART to HEART legacy planning



**Joe
Heart**



**Brooke
Heart**

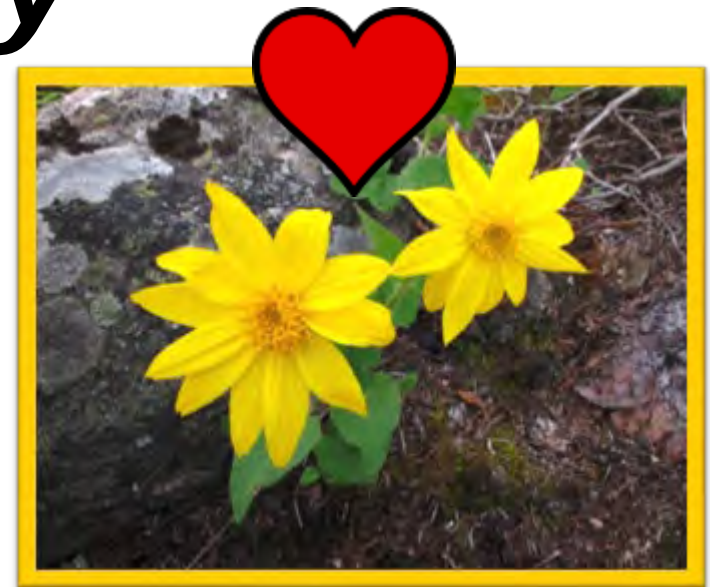
HEART-felt Intentions

- Joe has \$100,000 CD
- Designated Brooke, his sweetHEART, as his POD beneficiary



Joe later changes his **HEART**-felt intention & writes a will

- *“I bequest my
\$100,000 CD
to my son,
Erik **Heart**.”*



Chat Room

Who receives \$100,000?

A. Brooke?

POD

Beneficiary

B. Erik?

Named “devisee”
in will that was
written *most
recently*



\$100,000 CD

Brooke

- Why?
 - Brooke, his **sweet-HEART** is the POD beneficiary
 - Form is a contract
 - Provision in a Will is not validated

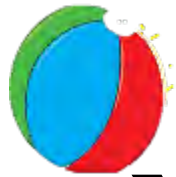


What should Joe do?

- Go to his bank or credit union
 - Fill out new POD beneficiary designation form naming Erik



Montana Uniform Probate Code Audience “sing” along 🎵🎵🎵



• You can't undo
a POD with
a will! 🎵🎵🎵



Tip from Heart Leaved Arnica:

Have a !
Review your
POD beneficiary
designations on:

- *Checking & Savings Accounts
- *Certificates of Deposits
- *US Savings Bonds

Albino Fairy Slipper

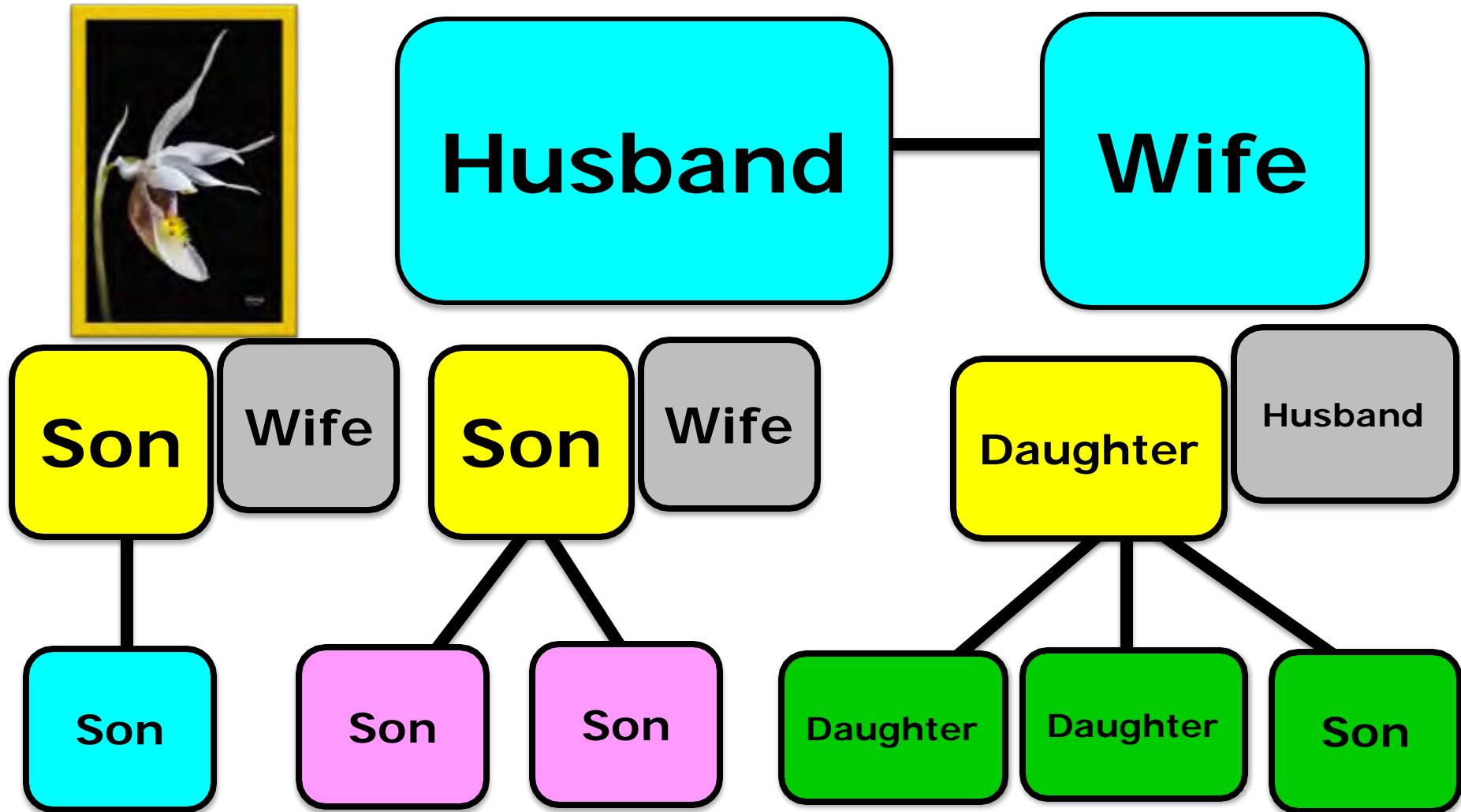


MAG
© 2016

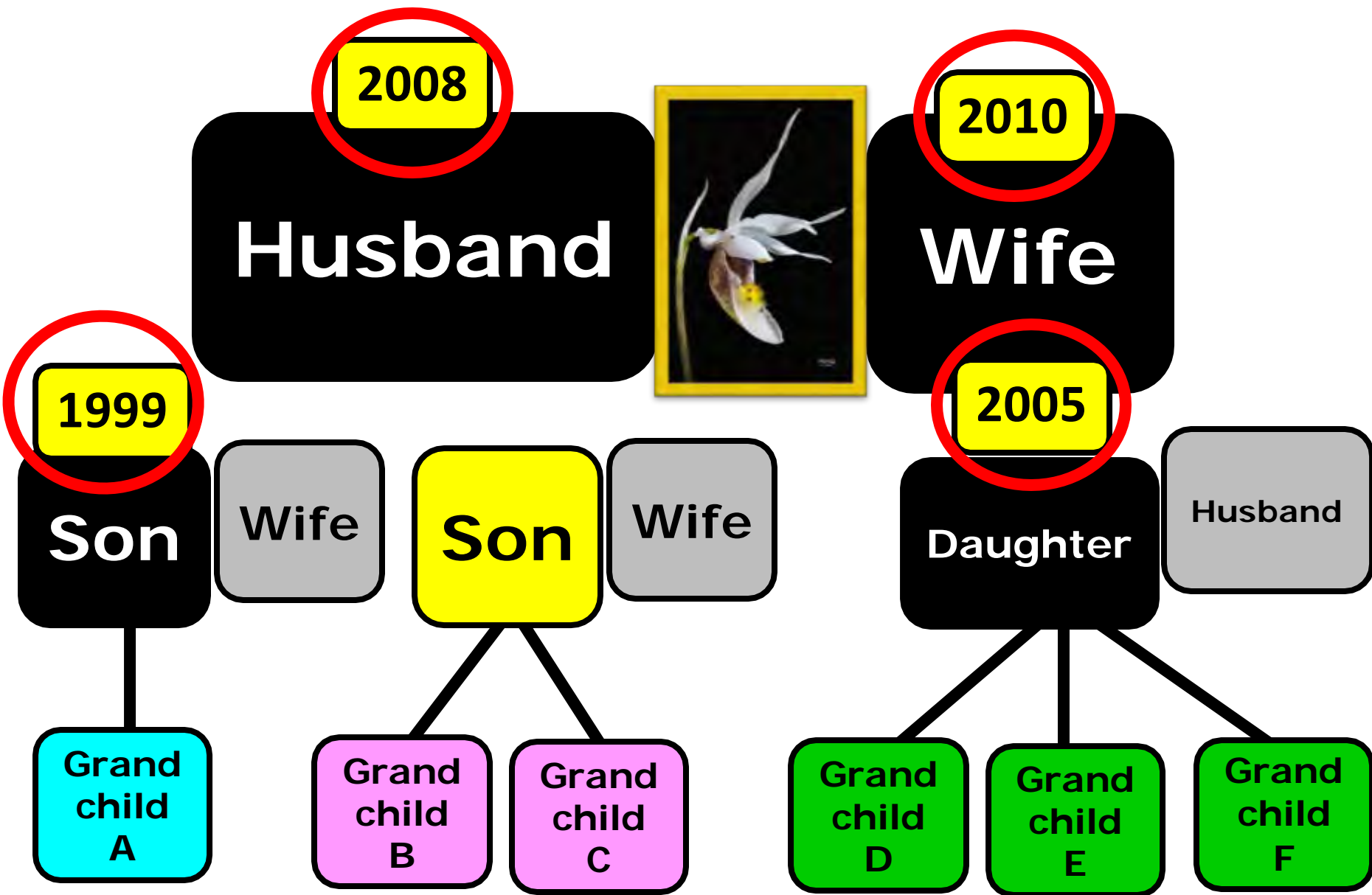
Fairy Slipper



Albino Family in the early 1980's: Children are "theirs"

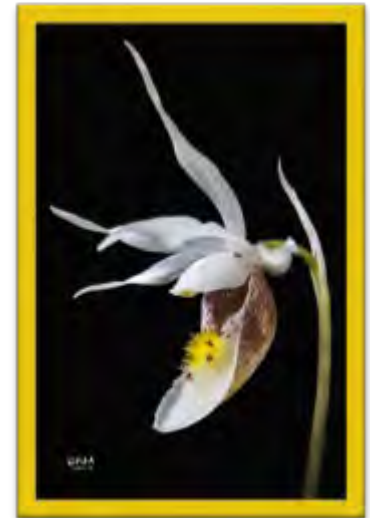


Mom has \$100,000 Certificate of Deposit

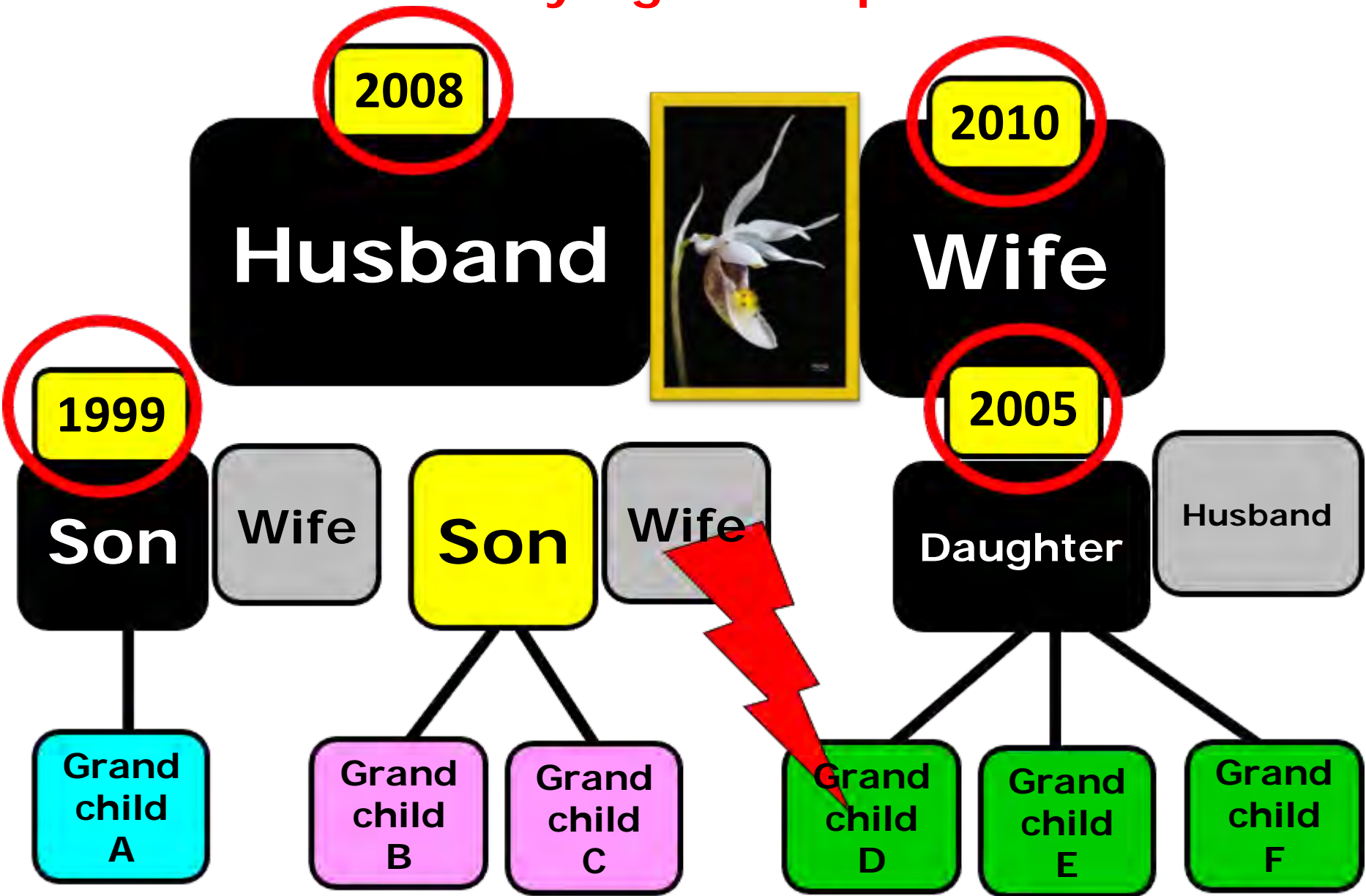


Look at Financial Institution's Form for the \$100,000

- Does it say, to my children.....
 - By right of representation?
 - Equally?



Mom's POD "by right of representation"



Chat room

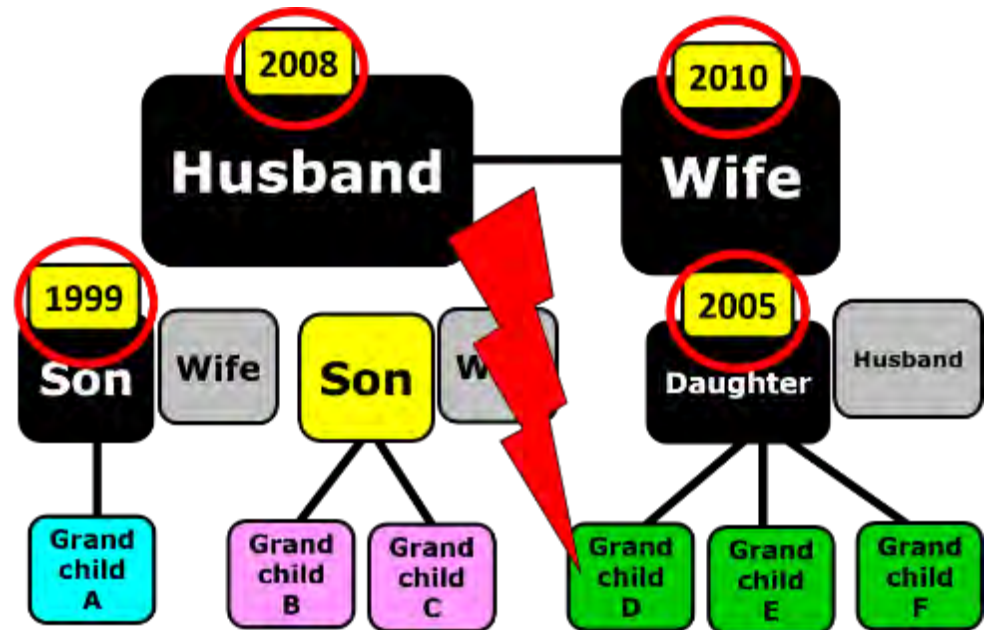
With **Right of Representation** on the POD form, what fraction, if any, does grandchild D receive of the \$100,000?

A. None

B. $1/6$

C. $1/7$

D. $1/9$



By Right of Representation

Husband



Wife

Son

Wife

Son
 $\frac{1}{3}$

Wife

Daughter

Husband

$\frac{1}{3}$

0

0

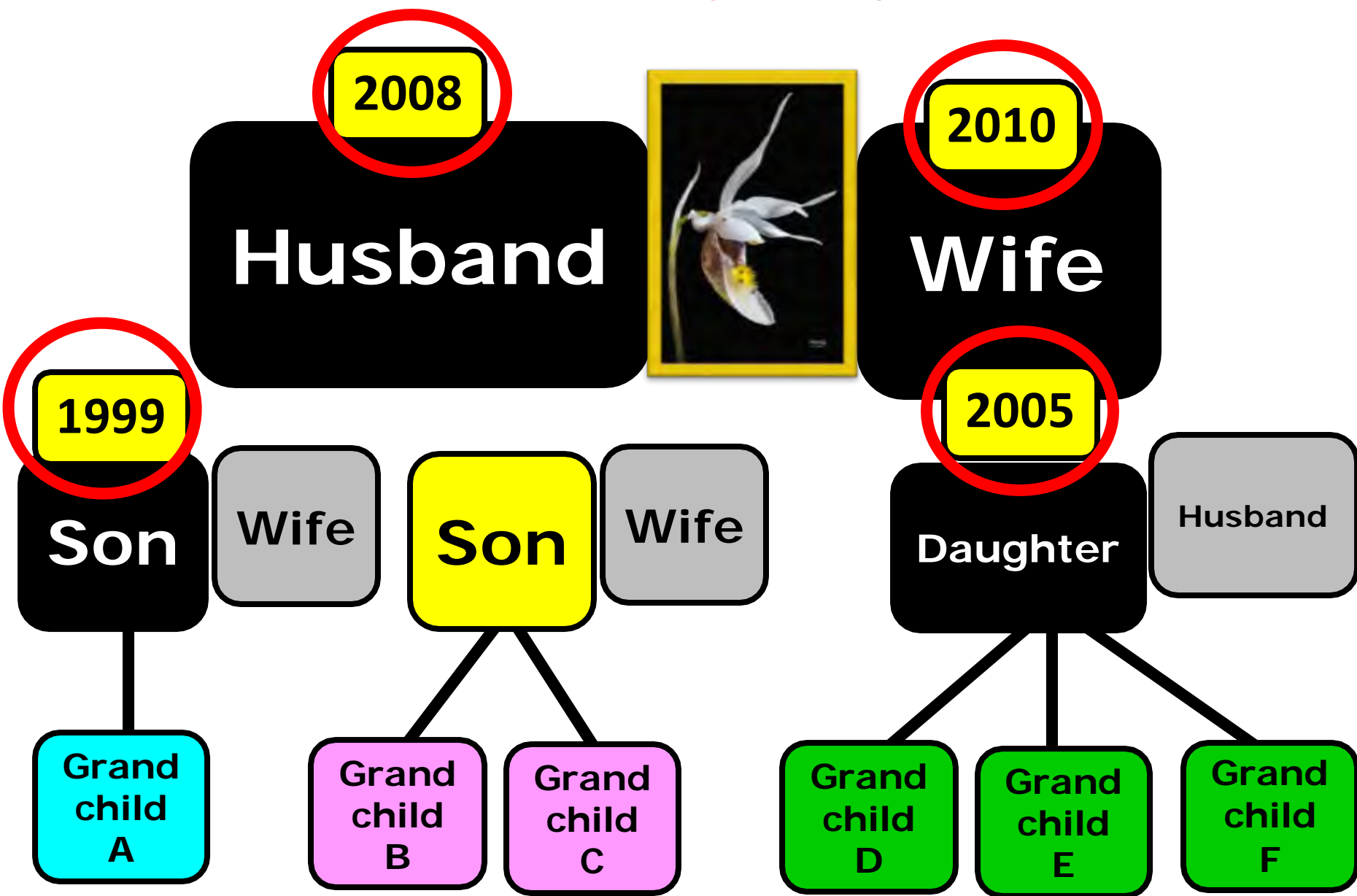
$\frac{1}{9}$

$\frac{1}{9}$

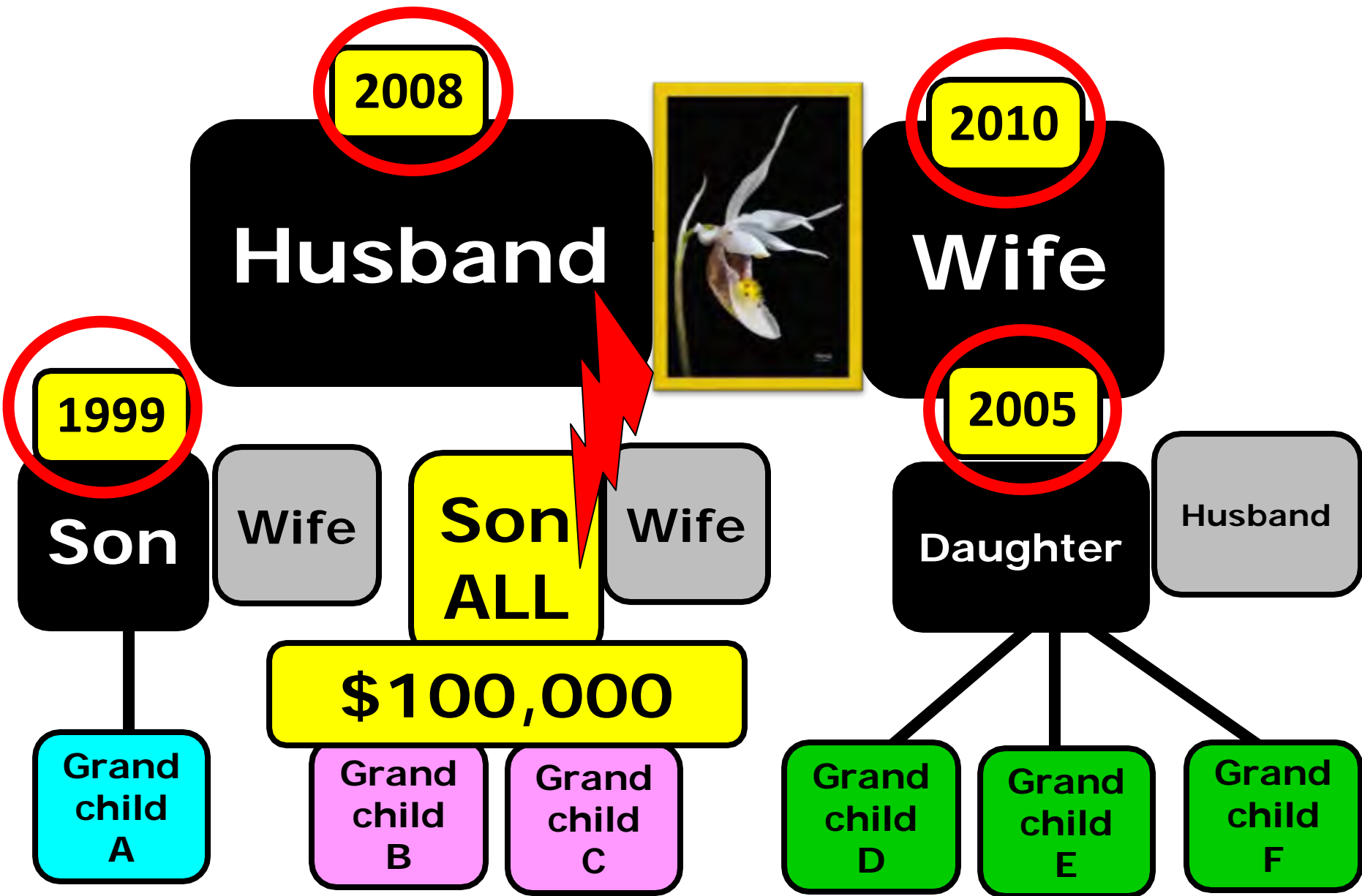
$\frac{1}{9}$

Albino Family

Mom's POD "equally to my children"



Mom's POD "equally to my children"





*Tip from the Albino
Fairy Slipper:*

- Montanans need to understand the difference between "right of representation" & "equally" when used in a will or on a POD



Meadow
Death
Camas

TODs

Transfer on DEATH Registration

● TOD

- Stocks

- Bonds

- Mutual Funds



Transfer on DEATH Registration (no probate)

- **TOD**

- **Transfers to
beneficiary
without
probate**



TOD & POD

- **Charity/
Nonprofit**



- **Montana
Community Foundation**



TIP from a Meadow Death Camas:

Use TODs to:

- Control distribution of stocks, bonds, & mutual funds
- Avoid probate fees at DEATH



Explorer's Gentian



EXPLORE: TODD

Transfer On Death Deed

- A way to convey **real property** to one or more designated **beneficiaries** upon death
 - *without the cost of probate*



EXPLORE: TODD

Transfer on Death Deed

- Effective
 - October 1, 2019
- Beneficiary Deeds prior
 - Do not have to redo

