

EXPLORE: Designated Beneficiary “Rights”

- *Remember, Beneficiary **does not** become owner until original owner dies.*



EXPLORE: Owner **"Rights"**

- **Beneficiary**
 - **Can't sell out from under you**
 - **Can't use as collateral for loan**



EXPLORE: Where to record transfer on death deed?

- **Clerk & Recorder**
 - **Montana county where real property is located**

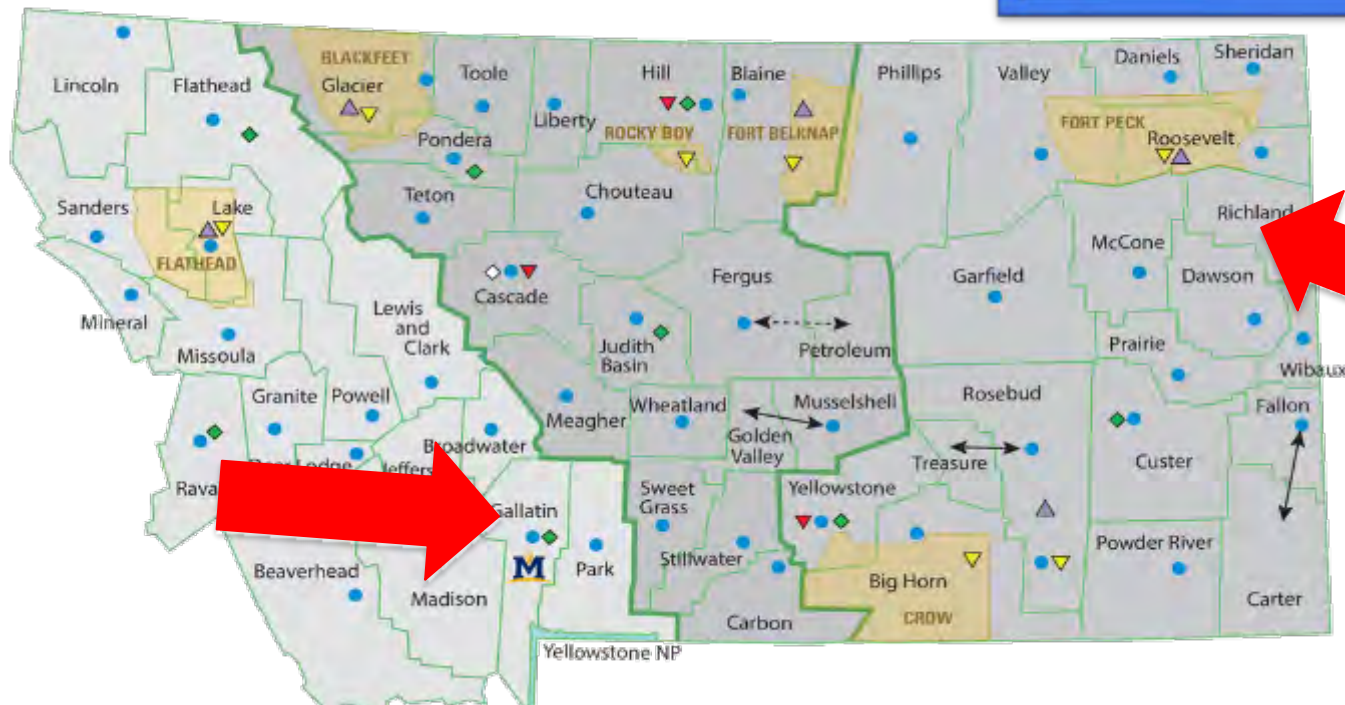


EXPLORE: Property in more than one county



Western Region

Central Region



EXPLORE: Who can be designated beneficiaries?

- **Spouse**
- **Children**
- **Relatives**
- **Friends**
- **Corporation...**



EXPLORE: Designated beneficiaries

Non-Profits

- **Montana Community Foundation**



-  **MFEC**
Montana Financial
Education Coalition

EXPLORE: Caveat

- Title Companies
 - Some will not issue title insurance for a *year*
 - Reasoning: because there is no probate, title companies do not know if there are outstanding creditor claims.



EXPLORE: Solution

- **Write a will**
- **Have PR submit for probate**
- **Probate fee**
“reasonable”



Tip from an Explorer's Gentian:



- Continue to EXPLORE if a transfer on death deed is an appropriate estate planning tool for your situation



Fox Glove

more on
TODDs

Out **FOX** the law...

What if
*designated
beneficiary*
dies before
owner?



Be *Foxy*



- Specify a *successor* beneficiary

Mark “Fox” files & records Transfer on Death Deed

Mark **Fox**
(Dad)
Owner

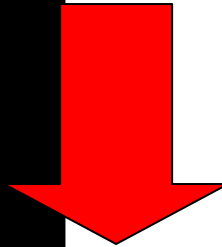
Evan **Fox**
(Son)
Beneficiary

Luke **Fox**
*Successor
Beneficiary*



Mark Fox dies..Evan **"Fox"** is *designated beneficiary*

Mark Fox
(Dad)
Owner

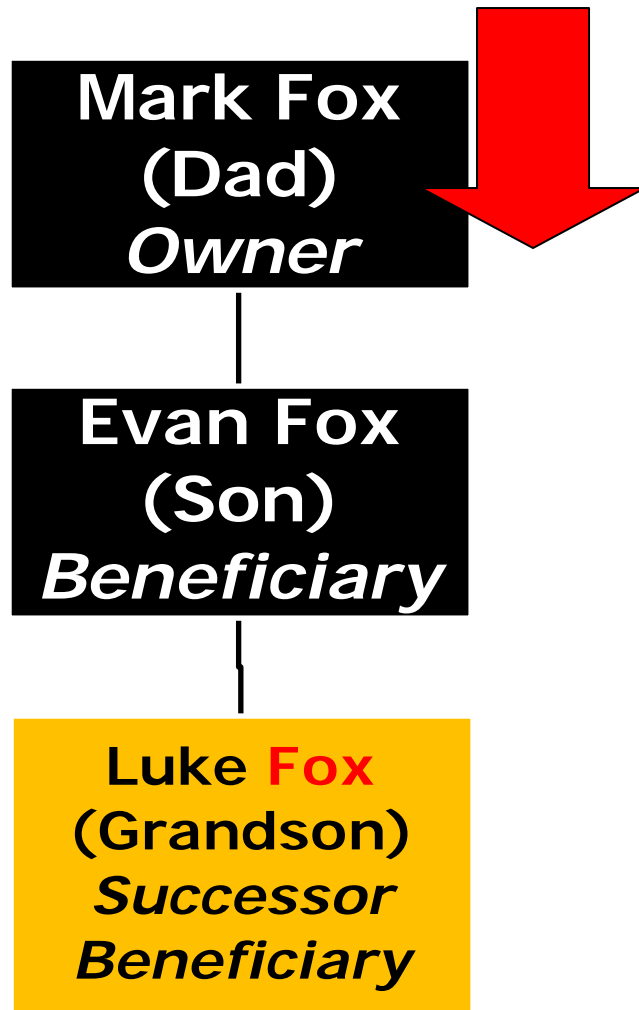


Evan **Fox**
(Son)
Beneficiary

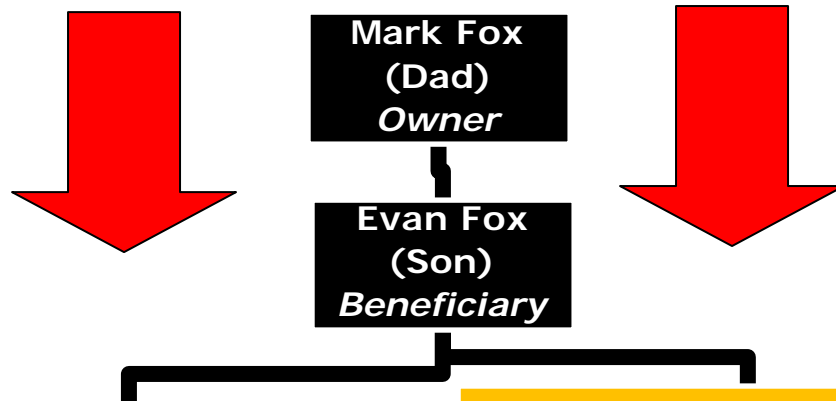
Luke **Fox**
(Grandson)
*Successor
Beneficiary*



Evan dies before Mark, Luke **"Fox"** is Successor



Luke & Lily "Fox" are Successor Beneficiaries



Luke Fox

(Grandson)

*Successor
Beneficiary*

1/2

Lily Fox

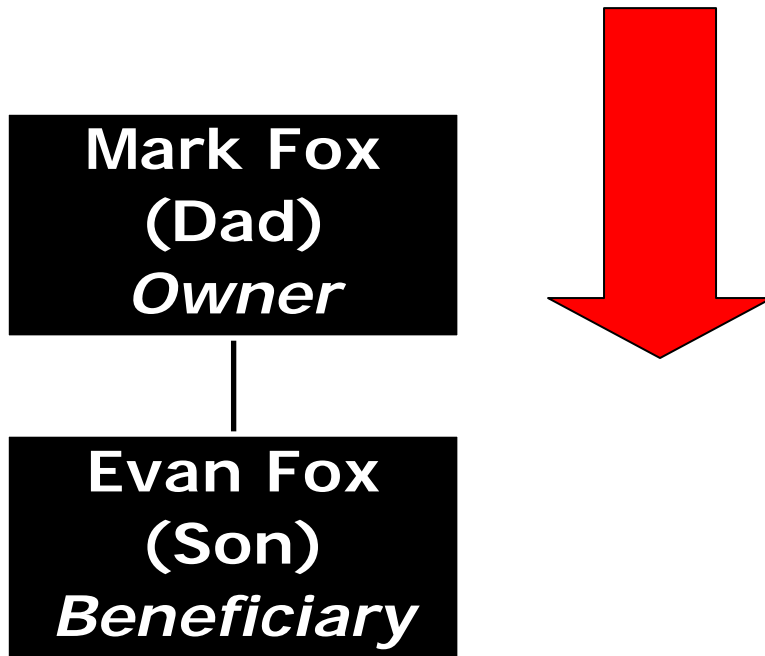
(Granddaughter)

*Successor
Beneficiary*

1/2



Non-profit as Successor



MFEC
Montana Financial
Education Coalition



Tip from Fox Gloves:

Out **FOX** the
law by naming
a nonprofit as
a successor
designated
beneficiary

Blue Flax



Introducing: Gary BLUE & his two BLUE Children

Gary Blue
(Father)
Owner



Linda
Blue
(*Daughter*)

Matt
Blue
(*Son*)

Gary **BLUE** files **transfer on death deed** naming his daughter, Linda, **BLUE** as designated beneficiary

Gary **Blue**
(Father)
Owner

Linda
Blue
*Designated
Beneficiary*



Later, Gary wrote a **will** leaving same property to his son

Gary (Father)
Owner



Linda
Blue

(Daughter)
*Designated
Beneficiary*

Matt **Blue**
(Son)
Named in will

Who gets property when Gary BLUE passes away? Answer in Chat Room

1. **Linda Blue**
Designated
Beneficiary

2. **Matt Blue**
named in the will
written after the
filing of transfer on
death deed



Beneficiary receives property (A TODD is a *Contract*)

Gary Blue
(Father)

Owner

Matt Blue

0

Linda Blue

(Daughter)

Beneficiary

ALL



Beneficiary receives property (A TODD is *Contractual*)

Gary Blue
(Father)
Owner

Matt is
Singing the
BLUES 🎵🎵🎵

Linda Blue
(Daughter)
Beneficiary
ALL



Gary Blue leaves to 4-H Foundation

Gary Blue
(Father)
Owner

Matt & Linda
are Singing
the BLUES 🎵🎵

0



Tip from a Blue Flax:

- You can't undo a transfer on death a will, *Regardless* of whether the will was written earlier or later than the filing of the Transfer on Death Deed!



Evening Primrose



Even Primrose

- **Wants to name his son Evan Primrose as a Beneficiary on his Super-duper Pickup truck**



Definition Vehicle/Vessel

- Motor vehicle
- Trailer
- Semitrailer
- Pole trailer
- Camper
- Motorboat
- Personal watercraft
- Sailboat
- Snowmobile



New Montana Law

- **Beneficiary Designation for Vehicle or Vessel Title**
- **Form MV13**
- **Effective**
 - **October 1, 2021**



MV13



1. Designate beneficiary(s) on form when applying for a Montana Title

- New vehicle purchase
- Purchasing another used vehicle

MV13



2. Add a new beneficiary to the current beneficiary(s) on record.

- **Titles may have up to 2 beneficiaries on file**

MV13

3. Change current

**beneficiary on record
to the beneficiary on
MV 13.**

- The name in the file will be replaced



MV13

4. Revoke current beneficiary(s) on record

- **Leave Beneficiary section blank**



Tip from an Evening Primrose:

Take
advantage of
the new law.
Name a
beneficiary
for your
vehicle/
vessel on
FORM MV13





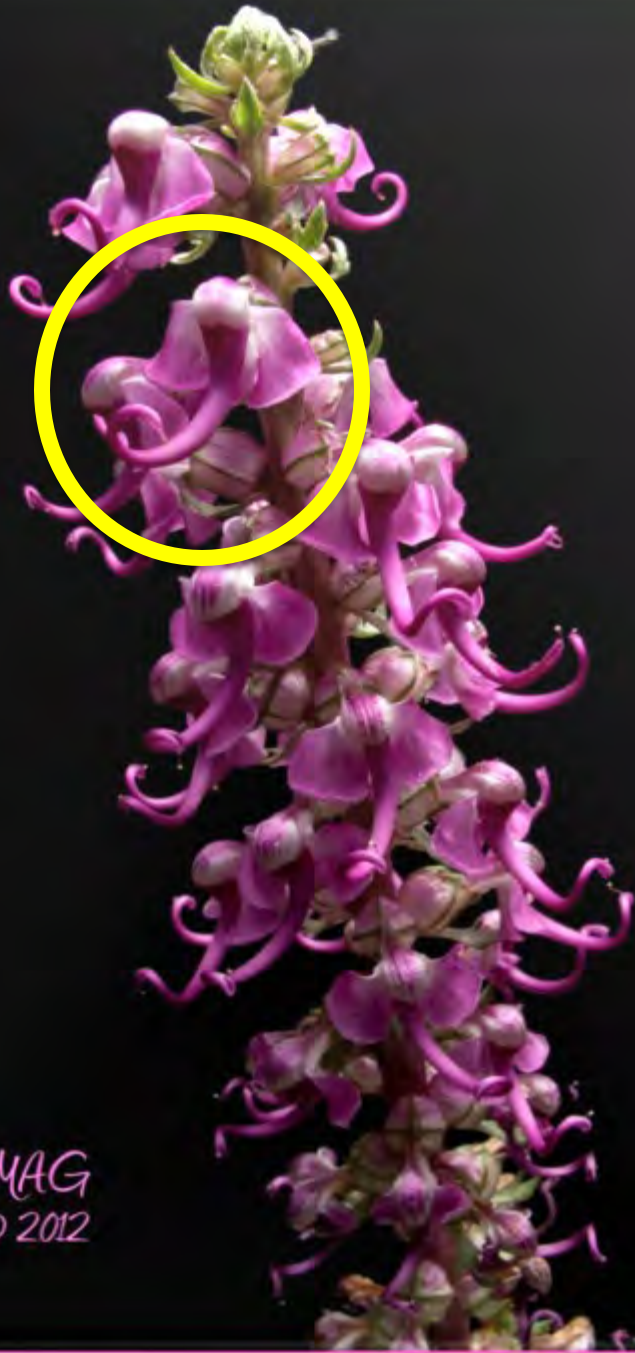
Observation
from a
Lady
Slipper:

It's time to
Wrap
it up

Steered

- YOU to an awareness of the various ways you can transfer property at death without the *co\$t* of probate.





MAG
© 2012

If you
don't have
a memory
like this
Elephant's
Head



MSU Extension MontGuides

50 topics

www.montana.edu/estateplanning

- Click on
Estate
Planning
Publications

Don't
FORGET!!

MontGuides
(fact sheets)
are also available
From MSU County & Reservation
Extension Offices





MFEC

Montana Financial
Education Coalition

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

February 23, 2022