

Understanding Corporate Trustees

As we live longer, our time in retirement may also increase which means our savings and investments may need to last longer. With a multitude of investment options to choose from, deciding where to invest your money can be very confusing. And if you make a wrong decision, it can be very costly.

One option you shouldn't overlook is the bedrock of asset management and personal service - the corporate trustee.

What is a Corporate Trustee?

A corporate trustee is a bank trust department or trust company. They can help you build, manage and protect your wealth when you put your assets in a trust.

A trust is simply a legal document that allows you to keep control over your assets while you are living, if you become physically or mentally incapacitated during your life, and after you die. Trusts can also help in reducing legal costs and can be used as a tax savings tool.

When you set up a trust, you need to name someone (a trustee) to manage the assets your trust controls. While you can choose just about any adult, there are very good reasons why you should consider a corporate trustee.

Reasons to Use a Corporate Trustee

- 1. You will benefit from years of experience.** A corporate trustee manages trusts on a daily basis, and is familiar with many trust types, the legal responsibilities of a trustee, as well as tax and estate planning strategies.

Corporate trustees can manage the assets in your trust now and/or after you die as your trust directs - buying and selling assets, paying bills, filing tax returns, maintaining accurate records, and distributing income and principal. Most have experience with all kinds of assets, including stocks and bonds, real estate, closely held businesses, mineral properties, farms, international investments, and collectibles.

- 2. You will enjoy the potential of even greater investment returns.** Corporate trustees give their full attention to managing trust assets – that's their job. Since their staff collectively has more experience and resources than an individual, they often can achieve better results.

After discussing your financial goals, risk tolerance and long-term objectives, a corporate trustee will recommend the best investment strategy for you. Depending on how involved you want them to be, they can provide ongoing advice, or even make decisions for you, to ensure your investments stay on track.

3. **You will protect your wealth because corporate trustees are regulated by both state and federal agencies.** Also, most courts consider them “experts” and expect them to meet higher standards than a nonprofessional.
4. **You will receive reliable, professional service.** A corporate trustee will not become ill or die, get divorced, go on vacation, move away or be distracted by personal concerns or emotions.
5. **You will value their objectivity.** They will follow your trust instructions objectively and faithfully, something family members are often unable to do.
6. **You will tap their rich sources of advice and referrals.** They routinely provide advice on investment, tax, retirement and estate planning issues, and can refer you to attorneys and other qualified professionals as needed.
7. **You will enjoy peace of mind.** Knowing you have selected someone with experience and integrity to manage your financial affairs now and/or when you are no longer able to do so can offer you peace of mind.

When would I use a Corporate Trustee?

If you set up an irrevocable trust (like a charitable or life insurance trust), or you plan to make gifts via a trust—strategies often used to save estate taxes by removing assets now from your taxable estate—you will probably need to name someone other than yourself as trustee for tax reasons. A corporate trustee is a natural choice to ensure your irrevocable trust is administered properly.

If you set up a revocable living trust—which will avoid probate when you die and prevent court control of your assets at incapacity—you can be your own trustee. Even so, there are many benefits to having a corporate trustee involved. They can assist you in several ways:

1. **As Trustee**

As trustee, a corporate trustee has full responsibility for managing your trust assets according to your instructions.

This is an excellent choice if you have no one on which you can rely to take care of your financial affairs. Even if you are capable of managing your own trust, a corporate trustee can be a wise choice. You may not have the time, desire or investment experience to manage your trust. Perhaps you may feel that someone with more time and experience could do a better job.

2. As a Co-Trustee

If you want to take advantage of a corporate trustee's investment experience and still be involved, you could have one work with you as co-trustee. Developing a working relationship now with a corporate trustee lets them become familiar with your objectives, your trust and your beneficiaries' needs and personalities while you are around and able to provide guidance and input.

3. As Investment Agent

You can also name a corporate trustee as agent. While a co-trustee has equal responsibility with you (usually both signatures are required to transact business), an agent can have as much responsibility as you wish.

You can have an agent manage only a portion of your trust's assets (your stocks and bonds, for example) or provide you with investment advice, with you making all final investment decisions.

4. As Successor Trustee

If you decide to be your own trustee (for example, of your revocable living trust), consider naming a corporate trustee as your successor trustee. In this capacity, they will step in and manage your trust for you when you can no longer act due to incapacity or death. Many people like the idea of having a professional take care of the paperwork, tax filings and other final details.

Can I name a relative or friend instead?

You could, but keep in mind that family and friends are not always a good choice to be involved with your trust.

They may be too busy with their own affairs, may reside in a distant area, may not interact well with other family members, or may not be responsible or experienced enough to manage the trust assets. An innocent error by a well-meaning but inexperienced relative or friend could negate your careful planning and cost your beneficiaries thousands of dollars.

One option is having a relative (perhaps one or more of your adult children) and a corporate trustee work together. This would give you the professional experience and objectivity of a corporate trustee and the personal involvement of someone who knows you.

Do I lose control, if I use a corporate trustee?

No. With most trusts, you can change your trustee at any time if you aren't satisfied. Even with an irrevocable trust, you or your beneficiaries can have the right to change the corporate trustee.

The trustee you select must follow the instructions you put in your trust—while you are living, if you become incapacitated, and after you die. That's because a trust is a binding legal contract, and your trustee can be held liable if he or she doesn't follow your instructions.

How safe are trust assets?

Even if a bank or trust company fails, trust assets are safe. By law, trust assets must be kept separate from all other corporate assets. They cannot be loaned out, mixed with the corporate trustee's own assets or used to satisfy its creditors. Because of these safeguards, trust assets are not insured by the FDIC.

You are also protected against fraud, theft (for example, if an employee takes trust assets and disappears), or if an error is made administering your trust. Of course there is no insurance or guarantee that will protect you if your assets lose value simply due to a decline in market values.

Should everyone use a corporate trustee?

No, of course not, however, many more people should consider one. Most people are just not aware of the many benefits a corporate trustee can offer them and their families.

You need to look objectively at your situation and your needs. If you have a modest estate and your trust is fairly simple, you may be fine being your own trustee and having a capable family member step in for you when you can no longer manage the trust yourself.

If your estate is larger, has a variety of assets, is more complex, or if you doubt your relatives' capabilities or intentions, definitely consider a corporate trustee.

Are there any disadvantages to using a corporate trustee?

Since corporate trustees must objectively follow the instructions for the trusts they manage, some beneficiaries (especially those who may want the money sooner than the trust allows) have found them to be uncooperative.

However, that may be exactly what you intended. One reason why many trusts are set up, and a corporate trustee chosen, is to keep a beneficiary from getting the money all at once.

However, if you are concerned about a corporate trustee being too "impersonal," you can always name a family member or close friend to act with them as co-trustee.

Is a corporate trustee expensive?

Most are reasonable, especially when you compare their fee to the costs of paying others for estate and tax planning advice, investment management, or preparing tax returns.

A corporate trustee typically provides all these services and more for only a small percentage fee based on the value of the assets they manage for you. Corporate trustee fees are shared with you in advance so you know how they are compensated. Since their compensation is based on how much those assets are worth—instead of how many trades they make for you—a corporate trustee is motivated to help your assets grow.

How can I evaluate a corporate trustee?

Talk to several. Visit them if you can. Ask how long the trust department has been in business, how many trusts they manage, minimum and average size of trusts they manage (most require a certain amount of assets) and how much experience their people have in the trust business.

Compare investment returns, fees, and services. Ask to see samples of statements or reports you will receive and see how easy they are to understand.

Facts and numbers are important, but so are the people. Do they seem to care about you and your family? Do they listen and understand your concerns? Can you understand them? How comfortable are you that they will be there for you and your family when you need them?

Could a Corporate Trustee Help You? Look at these 5 Real-Life Situations

If you can relate to any of these situations, you could probably benefit from the services of a corporate trustee.

Building Wealth with Professional Asset Management

- My spouse took care of all our investments. Since he (she) died, I don't know what to do or who to trust.
- I don't know where and how I should invest my money.
- I just received a large inheritance. I've never had to invest this much money before.
- I travel quite a bit now (business or pleasure) and I don't have time to manage my investments.
- I recently sold my business (or other assets). Now I just need to determine how to invest my money.
- I just received a large settlement from a lawsuit, divorce, etc.

Wealth Protection with Retirement/Estate Planning

- I'm retiring soon. I'm not sure how I should take distributions from my IRA and other plans.
- I'm a business owner/professional and need to understand my options are for retirement savings.
- I'm changing jobs. How do I rollover my 401(k) balances? Should I take a lump sum distribution from my current retirement plan?
- I want to avoid probate and minimize estate taxes.

Smooth Settling of an Estate

- I'm executor/personal representative of my father's estate (trustee of my father's trust). I don't know what I'm supposed to do or how to do it.

Peace of Mind at Incapacity

- I worry about what will happen to me and my money if I become mentally or physically incapacitated.
- I'm concerned about my mother. I don't have the time to help her with her finances, and I'm worried she might be taken in by some scam.

Caring for Loved Ones/Gifts

- One of my children is not responsible with his own money. I shudder to think what will happen to his inheritance - my money - after I die.
- I want my children to be responsible and productive - not spoiled or lazy from a large inheritance.
- I'd like to make gifts to my children and grandchildren and save estate taxes.
- I have a child with special needs. I worry about what will happen to him/her when something happens to me.