

# Ask a KKC Attorney



Attorney Allison Poirier

## **Question:**

What are some options for avoiding probate?

## **Answer:**

Here are three simple ways to avoid probate:

1. Assets that are jointly owned by you and at least one other person do not pass through probate upon your death.
2. Any assets that are instructed to pass pursuant to a specific beneficiary designation will not be required to pass through probate. Make sure you complete the beneficiary designations on assets such as life insurance policies, retirement accounts, and financial accounts.
3. Any assets that are owned in a trust are not required to pass through probate. If you are concerned that you will lose the ability to control assets in a trust, you can name yourself as the trustee of the trust, ensuring that while the assets will not be deemed to be owned by you for probate purposes, you will still have full access and control over the assets during your lifetime.

Even if you have 100% of your assets passing outside of probate, if you have a will, your executor will need to submit it to the probate court. The executor will also need to file an estate tax return and pay probate fees to the court.

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