Marshall Law, P.A. Publishes Estate Planning Guidance on Choosing Between a Will and a Trust

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Marshall Law, P.A., an estate planning and elder law firm in Wildwood, Florida, has published a new article explaining how families can decide whether a will or a revocable living trust is the right foundation for an estate plan. Led by estate planning attorney John Thomas Marshall, the firm concentrates in estate planning, probate, trust administration, guardianship, and elder law for clients in Wildwood, The Villages, and communities across Sumter County. The article, titled ?Will vs. Trust: Which One Do You Actually Need??, expands on a recent episode of the firm?s podcast and takes up one of the questions families most often raise at the start of the planning process.

Families weighing estate planning options often assume one document is simply better than the other, but the article explains that the right choice depends on a person?s assets, family situation, and goals. It also cautions that a trust is not automatically the right tool for everyone, and that a will can be the better fit depending on the size and type of an estate. A will takes effect only after death and generally must be validated through probate, the court process Florida uses to settle an estate, and Florida probate records are generally open to the public. A revocable living trust can hold assets during a person?s lifetime and after death, and assets that are properly transferred into the trust can pass to beneficiaries without probate, which

can keep those assets out of the public record.

When a person owns real estate in more than one state, the article adds that a trust can help avoid a separate probate proceeding in each state. It notes that a Florida will must be signed with the required witnesses to be valid, and that adding a self-proving affidavit is not necessary for validity but can make the will easier to admit to probate. The article also explains that Florida generally recognizes a will that was valid in the state where it was signed, although proving an out-of-state will can involve additional steps, and that certain wills, such as handwritten wills without witnesses, are not valid under Florida law.

The article also addresses a point that surprises many families: a trust does not remove the need for a will. The firm explains that people who use a trust still generally need a pour-over will, and that parents of minor children need a will to nominate a guardian. On questions of guardianship and elder law, the article notes that when a minor inherits assets directly, Florida courts oversee that inheritance until the child reaches adulthood, when the full amount is distributed at once, while a trust lets a family set the timing and conditions of distributions to younger beneficiaries. It further notes that a standard power of attorney can end if a person becomes incapacitated, while a durable power of attorney remains in effect, which makes incapacity planning part of a complete plan.

John Thomas Marshall, Esq., founded Marshall Law in 2018 and brings more than 20 years of legal experience and a background in taxation to the firm?s estate planning and elder law practice in Wildwood, Florida. He was admitted to The Florida Bar in 2006 and is a member of WealthCounsel and ElderCounsel. Rather than applying a single template to every situation, the firm reviews each family?s assets and circumstances before recommending a will, a trust, or a combination of the two. ?The question many families ask is whether they need a will or a trust, but that is the wrong place to start,? said John Thomas Marshall, Esq., Owner and Founder of Marshall Law. ?The right answer depends on what someone owns, how their family is structured, and what they want to happen, and two families with similar assets can need very different plans.? He added, ?A trust also lets a family plan for the people they are providing for, not just the assets themselves. Distributions can be structured to protect a beneficiary who has special needs, or one who is in recovery or going through a divorce, and planning for incapacity with a durable power of attorney can matter as much as planning for what happens after death.?

Marshall Law, P.A. is located at 1305 Cleveland Ave Ste D, Wildwood, FL 34785, and serves clients across Sumter, Lake, and Marion Counties, including the Wildwood and The Villages area.

The full article, ?Will vs. Trust: Which One Do You Actually Need?,? is available on the firm?s website at marshalllawpa.com, and additional information about the firm appears on the Google Business Profile for

Marshall Law, P.A. in Wildwood, Florida. Marshall Law continues to provide estate planning and elder law guidance to families in Central Florida.

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Marshall Law

Marshall Law is your premier estate planning attorney serving all of Central Florida. Our firm is distinguished for bespoke legal solutions tailored to each client's unique estate planning, probate, and guardianship needs.

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