

Wealth Transfer Planning™ Enhanced to Make Louisiana Estate Planning More Efficient

InterActive Legal's Wealth Transfer Planning,™ written by Jonathan G. Blattmachr and Michael L. Graham, now has been enhanced to add Louisiana state-specific concepts such as Usufruct, Forced Heirs, the Power to Redirect Trust Property, and many more Louisiana-specific options and language.

This development was lead by our Louisiana editors at the prestigious firm of Lehmann Norman & Marcus LC in New Orleans. Here are some of the details:

- **Revocable Trust vs. Will.** In Louisiana, attorneys do not generally use a revocable trust estate plan, so we have included wills but not revocable trusts as the testamentary documents for use in that state.
- **Forced Heirs.** Louisiana law provides for the concept of forced heirship, which prevents testators from disinheriting their children. We have included provisions that satisfy the Louisiana statues retarding this concept.
- **Usufruct.** State law provides for a property interest called a "usufruct" which is similar to a life estate. In Wealth Transfer Planning™, we have given users the option to grant the surviving spouse a usufruct over all property, as an alternative to using a Marital Trust to qualify for the marital deduction. The Marital Trust options remain available for use in Louisiana as well.
- **Power to Redirect Trust Property.** Powers of appointment (which are powers that allow someone to redirect trust property to others) are not recognized in Louisiana. The only time property in a Louisiana trust can be redirected is if the beneficiary dies without descendants (along with certain other requirements, if the beneficiary is a forced heir.) In that event, the testator can designate a "Substitute Beneficiary." Wealth Transfer Planning™ has given users the option to include substitute beneficiaries in their testamentary trusts.
- **Rule Against Perpetuities.** There is also no rule against perpetuities, but Louisiana does have a statute that provides when a trust must terminate, which is similar. Wealth Transfer Planning™ has stipulated that all trusts terminate before the statutory limit, or if not, then there is a specific reference to the Louisiana statute that causes them to terminate (so that the Louisiana statute is not violated).
- **Succession Representative.** In Louisiana, the general term for an Executor or Executrix is "Succession Representative." We have added an option so that users can choose to use the term Executor, Independent Executor, Administrator, or Succession Representative.

Wealth Transfer Planning™ has also added unique state-specific terminology in Louisiana wherever appropriate, such as Corporeal Moveable Property, Incorporeal Moveable Property, and Immovable Property. For multi-jurisdictional planning, expanded fiduciary powers provisions are included for use in situations where clients may be relocating to another jurisdiction. In addition, Wealth Transfer Planning™ will be further enhanced to include Irrevocable Trusts that fully comply with Louisiana trust law.

Our thanks to Lehmann Norman & Marcus LC and their expertise in making Wealth Transfer Planning™ a powerful tool for estate planning attorneys in the State of Louisiana!