

Contents

Acknowledgments	xv
Foreword	xvii
Preface	xxv
Introduction	1
<i>Keith Whitaker</i>	
Principles	3
Notes	13
Part One: Introducing the Trustscape	15
Chapter 1 Navigation Works Better When You Have a Destination in Mind	17
Beyond the Thought Experiment	20
Questions for Reflection	22
Note	22

Chapter 2	The Trustscape	23
	Introducing Your Trustscape	25
	A Dynamic Tableau	26
	A Closing Exercise	27
	Note	28
Chapter 3	Some Key Terms	29
Chapter 4	Know Your Narratives	33
	Depends Where You're Sitting	35
	A Thirst for Education	36
	Note	39
	Part Two: The Players	41
Chapter 5	The Trust	43
	A Short Description of a Long History	44
	A Closing Exercise	47
	Notes	50
Chapter 6	The Trustee	51
	The Trustee	52
	Choices	55
Chapter 7	Beneficiaries and Trust Creators	59
	Beneficiaries	62
	Trust Creators	66
	Notes	75
Chapter 8	The Trust Protector and the Trust Adviser	77
	Trust Advisers	78
	Trust Protectors	79
	Choices	81

Part Three: Building Great Relationships	85
Chapter 9 Considerations Prior to Accepting Appointment as Trustee	87
So—You’ve Been Asked to Serve as Trustee	89
Now for Some Homework	89
If You Are New to the Trustscape	90
Understanding the Technical Side	91
Almost There	93
A Final Step	94
Note	95
Chapter 10 Creating Preambles	97
Preambles and Purpose	98
“But My Trust Was Drafted 20 Years Ago!”	100
Themes and Schemes	101
Preambles Created by Trustees and Beneficiaries	102
Revisit the Preamble	103
As You Begin to Create Your Preamble	104
Note	105
Chapter 11 Action Steps Prior to the First Trustee-Beneficiary Meeting	107
If You Are a Trustee	108
If You Are a Beneficiary	110
Note	113
Chapter 12 Positive Events, Supportive Responses	115
Matching Mind-set to Task	116
Supportive Responses to Positive Events	119
Play to Your Strengths	121
Notes	122

Chapter 13	Trustee-Beneficiary Meetings	123
	Premeeting Checklists	124
	If This Is the First Meeting	126
	A Sampling of Agenda Items	128
	An “Appreciative” Exercise	130
	Note	131
Chapter 14	Requests for Distribution	133
	“‘This Worked because I Knew Susan . . .”	135
	The Request Process	137
	Analysis of a Request	139
	About Enhancement	142
	Note	143
Chapter 15	Working with Addictions	145
Chapter 16	Trusts and Marriage	153
	Prenuptials	154
	Within Marriage	157
	Second Marriage: and Beyond	161
	Notes	163
Chapter 17	Transitions	165
	Solomon’s Ring	165
	This Too Shall Pass	166
	Changing the Trust	167
	Changing the Players	169
	Coming to an End	171
	Note	173
	Part Four: A Comprehensive Model for a Humane Trustscape	175
Chapter 18	A Promise and a Challenge for Trust Creators	177
	A Trust Creator’s Challenge	178

First, an Exercise for Trust Creators	179
Note	180
Chapter 19 The Highest Duty of the Trustee and the Corresponding Responsibility of the Beneficiary	181
I Wrote These Great Docs, but My Clients Won't Sign . . .	183
The Highest Duty of the Trustee and the Corresponding Responsibility of the Beneficiary	184
Support for the Trustee	186
Support for the Beneficiary	188
Chapter 20 The Distribution Committee and the Office of the Beneficiary	191
Distribution Committee	192
The Office of the Beneficiary	195
Conclusion	201
Chapter 21 The Trustee and the Trust Protector Revised	203
Which Cap's on Top?	205
A Different Approach	206
Reconsidering the Institutional Trustee	209
Note	211
Appendices	213
Appendix 1 Sample Legacy Letter	215
Appendix 2 Sample Language Regarding Addiction	223

Appendix 3 The Distribution Committee	235
The Core Concept	236
Committee Members	237
Drafting Points	238
Appendix 4 Private Trust Companies	243
Definitions	243
PTCs versus Individual Trustees	244
Governance	246
Best Practices	248
Appendix 5 Family Trust Review	253
Purpose	253
Content	253
Process	254
Why Commission a Family Trust Review?	254
Opportunities for Commissioning a Family Trust Review	255
Note	256
Appendix 6 Reflections on the Often Unexpected Consequences of the Creation of a Perpetual Trust	257
<i>By James E. Hughes Jr., Esq.</i>	
Notes	273
About the Authors	275
Index	279