

Just Moved Here? Update your Estate Plan

Q: My mother recently moved here. She had written a Will when she lived in Georgia. Does she need to do a new Virginia Will? She also mentioned she has a Living Trust – does she need a new Trust also?

A: It is prudent for her to write a new Virginia Will. Although her old Georgia Will is not legally invalid, it does not contain the necessary provisions under Virginia law.

The old Will, for example, will not mention specific sections of the Code of Virginia that are required to be placed in a Will to ensure that her Executor will have full authority to handle transactions while settling her estate.

On the other hand, if your mother had a properly drafted Living Trust, she does not have to do a new Trust.

Living Trusts are portable from state to state. As a result, she simply needs to do a Trust Amendment that incorporates Virginia's trust laws.

Your mother may want to make sure, however, that her Trust is properly funded. In other words, that she has re-titled her assets into the name of her living trust.

Because she has just moved here, it is a good idea for your mother to sit down with an estate lawyer to review exactly what she has planned.

Published April 2003 in *Blue Ridge Family Magazine*

Attorney Christopher Desimone is managing partner of Anderson & Desimone PC of Roanoke, Virginia. He focuses 100% of his law practice on estate planning. (540) 776-6434.