Probate Counsel Publishes Guide Comparing Wills and Trusts

September 28, 2026

September 28, 2026 -
Probate Counsel has published The Comprehensive Guide to Wills and Trusts, an educational resource explaining how the two documents differ, when each tends to fit, and the misconceptions that most often lead families to the wrong choice.

The guide starts from a point many readers find surprising. Wills and trusts are not competing options so much as tools that do different jobs, and most trust-based plans still include a will. A pour-over will catches any assets left outside the trust at death and directs them into it. A will is also where parents nominate a guardian for minor children, something a trust cannot do.

The central difference is probate. Assets passing under a will generally go through court-supervised administration, which in Florida involves appointing a personal representative, notifying creditors, allowing a claims period of at least three months after publication of notice, and filing documents that become part of the public record. Assets properly titled in a revocable trust pass to beneficiaries without that process. For some families, avoiding probate matters a great deal. For others, particularly those with modest, straightforward estates, a well-drafted will is entirely adequate and costs less to put in place.

The guide walks through situations where a trust usually earns its higher upfront cost. Owning real estate in more than one state is a common one, since a will-based plan may require a separate ancillary probate in each state where property sits. Privacy is another, because probate filings are public. Blended families often benefit from a trust's ability to provide for a surviving spouse during their lifetime while preserving assets for children from a prior relationship. Beneficiaries who are young, have difficulty managing money, or receive government benefits may be better served by assets held in trust and distributed over time rather than inherited outright. A trust also allows a successor trustee to step in during incapacity without a court guardianship proceeding.

Several misconceptions receive direct treatment. A revocable trust does not shield assets from the grantor's own creditors during life, and it does not by itself reduce taxes. Signing a trust accomplishes little if accounts and property are never retitled into it, and an unfunded trust often leaves a family facing probate anyway. Adding an adult child to a deed or bank account as a shortcut can expose those assets to the child's creditors or divorce and can create gift tax reporting issues. Beneficiary designations on retirement accounts and life insurance override both wills and trusts, so they must be coordinated with the rest of the plan.

Florida-specific rules appear throughout, including witnessing requirements for wills, homestead restrictions when the owner is survived by a spouse or minor child, and the fact that Florida imposes no state estate or inheritance tax. Readers who relocated from another state are encouraged to have prior documents reviewed rather than assume they operate the same way here.

The firm is also hosting seminars based on the guide and invites readers to submit questions, which will help shape future updates. Anyone preparing to meet with a wills and trust lawyer in Coral Gables will find a checklist in the guide covering the documents, account statements, deeds, and beneficiary forms worth gathering in advance.

This release is general information and not legal advice. The right structure for any estate depends on individual circumstances and the law in effect at the time, and contacting the firm does not by itself create an attorney-client relationship.

The guide, seminar schedule, and consultation requests with a wills and trust lawyer in Coral Gables are available through the Probate Counsel website.

###

For more information about Probate Counsel, contact the company here:Probate CounselProbate Counsel305-446-0702emj@probatecounsel.com

Probate Counsel

Website: https://probatecounsel.com/

Email: emj@probatecounsel.com

Phone: 305-446-0702