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Trustee Advocacy Firm Klosek Law Offices Provides Guidance on Transferring Non-Titled Assets into Living Trusts

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Klosek Law Offices is providing guidance for successor trustees and beneficiaries addressing omitted trust assets through Heggstad Petitions, a California probate court process used when property was intended to be held in a living trust but was not formally transferred before the trust creator?s death.

The guidance responds to a recurring estate administration issue involving assets that were identified as part of a trust plan but were never retitled into the trust. This situation often arises after a decedent created a revocable living trust, signed supporting estate planning documents, and listed an asset in a schedule, but the deed, account title, or other ownership record remained in the individual?s name. The result can create uncertainty for successor trustees who must determine whether the asset can be administered under the trust or whether additional court action is required.

A Heggstad Petition is commonly used in California to ask the probate court to confirm that an asset belongs in a trust, even if the formal transfer was not completed during the decedent?s lifetime. The process is associated with California Probate Code Section 850 and the Estate of Heggstad decision, which addressed

whether written trust documentation could establish a decedent?s intent to include real property in a trust. Klosek Law Offices? target page explains that the petition may be used for real property, bank accounts, investment accounts, and personal property when sufficient evidence supports the intended trust ownership.

The issue is often referred to as a ?forgotten asset? problem. A trust may be properly created, but a home, parcel of land, financial account, or other significant asset may remain outside the trust because a deed was not recorded, transfer paperwork was incomplete, or an asset was acquired after the trust was established. In these circumstances, the successor trustee may be unable to sell, distribute, or otherwise administer the property without a court order confirming its status.

Klosek Law Offices notes that the key issue in a Heggstad Petition is evidence of the decedent?s intent. A schedule of assets attached to the trust, language in the trust instrument, correspondence, attempted transfer documents, and related records may all be relevant to the petition. The firm?s page identifies clear evidence of intent as central to the process and describes the schedule of assets as a document that can help show that the decedent intended the asset to be part of the trust.

When granted, a Heggstad Petition may allow the successor trustee to administer the asset as trust property rather than opening a full probate proceeding for that asset. This can be significant for families because formal probate can be time-consuming, public, and costly. A successful petition may offer a narrower court process for resolving the specific transfer issue while preserving the broader structure of the trust administration.

The firm?s guidance also emphasizes that the petition remains a judicial process. Filing generally requires the trust document, amendments, asset schedules, proof of death, evidence of intent, court forms, notice to interested parties, and a hearing before the probate court. Klosek Law Offices? target page identifies forms and procedural steps commonly associated with the petition process and notes that the court must review the evidence before issuing an order confirming property as part of the trust.

For successor trustees, these matters can involve both legal and fiduciary considerations. Trustees are responsible for identifying, protecting, and administering trust assets according to the trust terms and applicable law. When an asset appears to have been omitted from formal trust title, the trustee may need to act promptly to evaluate available records, notify interested parties, and determine whether a Probate Code Section 850 petition is appropriate.

Klosek Law Offices provides legal assistance to trustees, beneficiaries, and families navigating Heggstad Petitions, trust administration, probate, and related estate matters. The firm?s work includes reviewing trust documents, evaluating evidence of intent, preparing court filings, and representing clients through the hearing process when a judicial order is needed to confirm property as trust property.

The firm states that its Heggstad Petition resources are intended to help California families understand how omitted trust assets may be addressed, what documents may be relevant, and why court confirmation may be necessary before a trustee can move forward with administration. The guidance is also designed to help trustees reduce uncertainty when trust documents and title records do not match.

For more information about Heggstad Petitions and trust administration, visit Klosek Law Offices? Heggstad Petition resource page.

Klosek Law Offices is a California law firm providing estate planning, probate, trust administration, and trustee advocacy services. The firm assists individuals, families, fiduciaries, beneficiaries, and successor trustees with matters involving living trusts, probate court petitions, estate administration, heggstad petitions, and related legal issues. Klosek Law Offices helps clients address trust and estate concerns through document review, legal analysis, court filings, and representation in probate-related proceedings. The firm maintains offices in Northern California and provides legal services in estate planning, probate, trust law, and related property transfer matters.

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Klosek Law Offices, with locations in Sacramento and Palo Alto, specializes in trust, estate, wills, and probate matters. Dedicated to delivering reliable legal services in the Bay Area, California.

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