Sawyer & Sawyer, P.A., an Estate Planning and Elder Law Firm in Orlando, Florida, Outlines Three Probate Avoidance Strategies

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Sawyer & Sawyer, P.A., an estate planning attorney in Orlando, Florida, has released guidance describing how Florida residents can transfer assets outside of the probate court system. The firm handles estate planning, probate, and elder law matters for families throughout the Orlando area, where the cost and length of probate are frequent concerns for clients organizing their estates. The guidance, set out in an article titled How to Avoid Probate in Florida: 3 Strategies That Work, identifies three tools available under Florida law for passing assets to heirs without court administration.

Probate is the court process required when assets are titled solely in a deceased person's name without beneficiary designations. Under Florida law, a probate attorney and the personal representative who administers an estate are each entitled to a fee of three percent of the estate, a combined six percent that, on a one million dollar estate, totals sixty thousand dollars before any assets reach heirs. The process also includes a petition for administration, the issuance of letters of administration by a judge, and a creditor publication period of at least three months. According to the firm, a will does not avoid this process; it provides instructions for it.

For families in Orlando and Windermere, the article describes a revocable living trust as a primary tool for avoiding probate. The trust holds assets during the owner's lifetime, with the owner serving as trustee and retaining control, and transfers those assets to named beneficiaries at death without court involvement. The firm notes that a trust also addresses incapacity, because a successor trustee can manage trust assets without a court ordered guardianship. Sawyer & Sawyer emphasizes that a trust must be funded to work, meaning each account or property must be retitled in the name of the trust or name the trust as beneficiary. Retirement accounts such as individual retirement accounts and 401(k) plans cannot be transferred into a trust during the owner's lifetime without triggering a taxable event, so those accounts rely on beneficiary designations instead.

The article also outlines two additional probate avoidance tools for residents of Winter Garden and Winter Park. For real estate, a lady bird deed, formally known as an enhanced life estate deed, allows an owner to keep full control of a property during life, including the right to sell it or change the beneficiary, while directing the property to a named beneficiary at death without probate. For financial accounts, retirement assets, insurance policies, and annuities, beneficiary and ownership designations such as payable on death and transfer on death registrations move funds directly to a named recipient. The firm cautions that these designations are not suited to every situation: when a beneficiary receives government benefits, a direct inheritance can affect eligibility, and a special needs trust may be named instead. Adding an adult child as a joint owner of an account or property can avoid probate but exposes the asset to that child's creditors, which is why the firm generally favors durable powers of attorney and beneficiary designations for clients in the surrounding communities.

The combined cost of probate is a central reason the firm encourages early planning. "It's quite substantial," said Thomas P. Moss, Esq., a senior attorney at Sawyer & Sawyer, P.A. whose practice focuses on estate planning, guardianship, probate, and trust administration, and a member of the National Academy of Elder Law Attorneys and the Orange County Bar Association. "That's why probate avoidance is so important." Moss, who holds advanced degrees in law and business and formerly served as co-chair of the Estate, Guardianship and Trust Law Committee section of the Orange County Bar Association, has noted that the appropriate strategy depends on each client's assets and family circumstances.

The firm's elder law practice also assists clients in Orlando and Winter Park with long term care planning, an area where asset titling and Medicaid considerations frequently intersect with probate planning. Sawyer & Sawyer, P.A. is located at 8913 Conroy Windermere Rd. in Orlando, Florida, and serves clients throughout Orange, Lake, Osceola, and Seminole Counties, including the communities of Orlando, Windermere, Winter Garden, and Winter Park. The firm offers consultations for individuals and families seeking estate planning, probate, and elder law guidance in Central Florida and can be reached by telephone at (407) 909-1900.

For more information about estate planning and probate avoidance representation at Sawyer & Sawyer, P.A. in Orlando, Florida, visit the firm?s website or view their Google Business Profile. The firm continues to provide estate planning, probate, and elder law services to families across the Orlando area as part of its ongoing work in Central Florida.

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For more information about Sawyer & Sawyer, Professional Association, contact the company here:Sawyer & Sawyer, Professional AssociationSawyer & Sawyer, PA407-909-1900info@sawyerandsawyer.com8913 Conroy Windermere Rd, Orlando, FL 32835

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Sawyer & Sawyer, P.A. is a law firm dedicated to helping you and your family plan for life, deal with disability and death, and protect inheritances for generations to come.

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