

## Estate Planning- Old/Revoked Documents

I will be amending a trust and drafting new power of attorney, ACHD, etc... My question, do you have client destroy the old documents or save them in order to have a complete history of documents? I'm thinking that saving the documents would only confuse the client.

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I tell my clients to save all original trust agreements, amendments, and restatements. The others can be shredded, IMHO.

Deborah G. Matthews, Virginia

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What Deb said. Keep all trust docs, but shred other docs that have been superseded.

Andrew C. McDannold, Florida

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And for the love of all that is good, when you amend or restate a trust, please recite the history. Who created, when, source the authority to amend, restate, whatever, and do this for each iteration. Colleagues for years to come will think good things about you.

Deborah Matthews

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There are circumstances where saving the original of a superseded will may be advisable--i.e. when competency may be questionable.

Robert Thompson

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Thank you all for your advice.

Oscar Acuna, California

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I agree with both of Deb's posts. I advise saving the trust agreement and all amendments thereto because sometimes third parties want proof that the trust was/is amendable/revocable and has been amended properly and because even a restatement is still an amendment to the initial trust. Also, I recite the history of the trust agreement and amendments to avoid any confusion. I also number my amendments in the title of the document (eg - First Amendment to and Complete Restatement of the John Smith Revocable Living Trust)

Naomi Fujimoto, Hawaii

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Not to clutter everyone's in-box with a "ditto", but that's what I always did - for exactly the same reasons. An Amendment to a Trust is just that - an amendment - and except as amended or otherwise modified by the new Amendment, the original Trust, as it may have been subsequently amended or modified, remains in full force and effect and is a valid legal instrument.

Rod Klafehn, New York

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