

JCA - CONSUMER PROBATE COURT AVOIDANCE

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When your property is in a TRUST, and when the mortgage company wants to take it OUT OF THE TRUST in order to re-fi and promise to put the property back into the trust after, tell them to put it in writing with a guarantee!

They RARELY, if ever, put the property back into the trust! Then when a Trustor dies, the property is subject to probate (lotsa \$\$\$), or you have to pay legal fees to TRY to put it back into the trust.

Either way, you lose!

Now, in California (and many other states), the mortgage company employees (clerks!) are lying to you, or are greedy, or are ignorant, or are stupid BECAUSE there is a simple legal mechanism (a one or two page document) that allows a mortgage company to accept a mortgage on property WITHOUT taking it out of the trust!!!

In addition, it has been estimated that over 40% of Trusts prepared by Sole Practitioner (one man shop) attorneys are never put into the trust (called, "Funding the Trust") because it is time consuming and expensive and if they run into problems, they just put it on a "backburner" – forever!

Oh, also, in the event that there is a death and the property is not in the Trust, it requires a Motion (typically requires an attorney to prepare) to the court to return the house to the Trust, and it costs \$2,000 or so! Otherwise, the Trust goes through the Probate Court, and that's a whole nother world of trouble and expense!

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