Recent Developments with Asset Protection

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The Crucial Importance of Timing When Protecting Assets from Creditors

• Does an offshore asset protection trust shield against federal taxes?
• *Campbell v. Commr. Of Internal Revenue, T.C. Memo. 2019-4.*
Lessons

• If you are going to do asset protection, do it as early as possible with “clean hands.”
• Asset protection trusts are more likely to work if you truly divest yourself of control.
Using Trusts for Divorce Protection May Not Be Enough

- Levitan v. Rosen, Mass. Appeals Court No 18-P-847, May, 6 2019
Lessons

• Trusts are a great first step for divorce protection.
• The law is constantly evolving, and you never know where a beneficiary will get divorced.
• For best results, combine irrevocable trusts with premarital agreements.
Name Irrevocable Trusts as Beneficiaries of IRAs and other Retirement Accounts

Lessons

- Laws are always changing.
- You never know where the beneficiaries of your IRA may live, or be sued, after you die.
- Leave IRAs and other retirement accounts to a spendthrift trust.