



CLAIM MY LEGACY™

What Happens to My Home When I Die?™

A Plain-English Guide to Understanding
How Your Home May Pass to the People You Love

**Your home is more than an asset. Make sure you understand
what happens to it.**

UNDERSTAND IT → GET IT DONE → MAKE IT WORK.

START HERE

The Deed Matters More Than Most People Realize

For many families, the home is their largest asset. It is also the place filled with memories, routines and a lifetime of work.

So one of the most common estate-planning questions is simple:

What actually happens to my home when I die?

The answer usually begins with something most people rarely look at: **the deed**.

Your will or trust may say what you want to happen, but the way the property is legally owned can determine what process is required after death.

Important questions include:

- Whose name is on the deed?
- How is ownership described?
- Is there a right of survivorship?
- Is the property owned by a trust?
- Is there a valid transfer-on-death arrangement where state law permits one?

Estate planning documents matter.

But ownership matters too.

ONE HOME, DIFFERENT OUTCOMES

There Is More Than One Way a Home Can Pass

A home does not automatically follow the same path in every family. What happens depends on the ownership arrangement, applicable state law and the estate plan.

Depending on the circumstances, a home may pass through:

- Survivorship ownership, where the surviving owner receives the deceased owner's interest
- A properly funded revocable living trust
- A transfer-on-death or beneficiary deed in states that authorize that type of deed
- The probate estate under a will
- State intestacy law when there is no controlling plan

Transfer-on-death deeds are an example of why state law matters. Some states authorize a recorded deed that names a beneficiary to receive real property at death while allowing the owner to retain control during life.

**There is no single answer until you know
how the home is owned.**

That is why looking at the actual deed is often one of the most useful steps in an estate-plan review.

IF YOU HAVE A WILL

Does My Will Control My House?

Sometimes. But not always.

A will can direct who should receive property that becomes part of your probate estate. But property that passes by survivorship, a valid beneficiary arrangement, or a properly funded trust may pass outside the will.

If the home is individually owned and there is no other nonprobate transfer arrangement, the will may provide the instructions for who should ultimately receive it, while probate supplies the legal process for transferring it.

A will can provide the instructions.

It does not automatically change the name on the deed.

And if there is no valid will?

State intestacy law generally determines who inherits probate property. Those rules vary by state and can produce different results depending on marriage, children and other family relationships.

The important point is not to memorize those laws. It is to make sure your home is arranged to follow the plan you actually want.

IF YOU HAVE A TRUST

Is My Home Actually in the Trust?

Having a revocable living trust does not necessarily mean your home is owned by it.

This is one of the most important distinctions in trust planning.

Creating the trust is one step.

Funding the trust is another.

For real estate, funding commonly involves preparing and recording an appropriate deed that transfers ownership into the trust. The exact deed, recording requirements and legal consequences depend on state law and the property involved.

If the home was never properly connected to the trust, the trust document alone may not control what happens to that property.

That is why the better question is not:

“Do I have a trust?”

It is:

**Does my trust actually own or otherwise control
the home the way my plan intended?**

IF YOU OWN IT WITH SOMEONE ELSE

What Happens to the Other Owner?

Many homes are owned by spouses, partners, relatives or other co-owners. The result after one owner dies depends on the form of ownership and state law.

Some forms of joint ownership include survivorship rights, which can allow the deceased owner's interest to pass to the surviving owner without probate for that interest. Other forms of co-ownership do not work that way.

**Two names on a deed do not, by themselves,
tell you what happens at the first death.**

Questions worth asking

- Does the deed include survivorship rights?
- What happens after the first owner dies?
- What happens after the surviving owner later dies?
- Does the arrangement still match the family's wishes?
- If this is a blended family, could the ownership structure create an unintended result?

This is another reason estate planning should look beyond the documents and examine how important assets are actually titled.

THE TAX QUESTION

What About Capital Gains When Someone Inherits a Home?

Taxes are one reason not to make casual ownership changes without understanding the consequences.

Under current federal tax rules, the basis of inherited property is generally tied to the property's fair market value at the owner's date of death, subject to exceptions and special rules. That basis can affect the capital gain recognized if the property is later sold.

How property passes can involve both estate-planning and tax consequences.

This does **not** mean every inherited home produces a tax bill, and it does not mean every family receives the same tax treatment.

Community-property rules, joint ownership, prior gifts, estate-tax reporting and other circumstances can affect basis. This is an area where individualized tax or legal advice may be appropriate before changing title.

The practical lesson is simple:

Do not add someone to a deed, remove someone from a deed, or transfer property solely because it sounds like an easy probate solution.

A QUICK REVIEW

The Home Check™

- Do I know exactly whose name is on the deed?
- Do I know how ownership is described on the deed?
- If I own the home with someone else, do I know what happens when one of us dies?
- If I have a trust, have I confirmed whether the home is actually connected to it?
- Does my will say something different from the way the property is titled?
- Have I refinanced, purchased or moved since my estate plan was created?
- Have I added or removed anyone from the deed?
- If I use a transfer-on-death arrangement, is it valid under my state's law and still what I want?
- Would the people I love know where to find the deed and estate-planning documents?
- If something happened tomorrow, am I confident the home would pass the way I intend?

**If you are unsure about even one answer,
that does not mean something is wrong.**

It means you have something worth reviewing.

THE BIG PICTURE

Your Home Should Work With the Rest of Your Plan

Your home should not be treated as a separate estate-planning problem.

The deed, your will or trust, your family circumstances, your incapacity plan and your overall wishes should work together.

**The question is not simply:
“Who gets my house?”**

**The better question is:
“Have I arranged things so that can actually happen?”**

That may mean confirming that everything is already correct.

It may mean updating an outdated deed or estate plan. It may mean finishing trust funding. Or it may simply mean understanding why the arrangement you already have makes sense.

The purpose of a review is not to assume there is a problem.

The purpose is to know.

YOUR NEXT STEP

Complimentary Family Legacy Review™

If you are not sure what would happen to your home, you do not have to guess.

Claim My Legacy™ offers a complimentary **60-minute Family Legacy Review™** to help you understand how your current estate plan and important assets fit together.

Together, we can help you identify:

- How your home is currently owned.
- How that ownership fits with your estate plan.
- What questions may need answers.
- What, if anything, deserves another look.

Then you can decide what you want to do next.

No pressure. No obligation.

UNDERSTAND IT → GET IT DONE → MAKE IT WORK.

Claim My Legacy™

Helping families make sure the plans they create can actually work for the people they love.

IMPORTANT INFORMATION

Claim My Legacy™ provides estate planning education and support services. Claim My Legacy and its Legacy Specialists are not law firms and do not provide legal advice. Estate planning documents and legal services, where applicable, are provided through appropriately licensed legal professionals and service providers.

Real-property ownership, probate, survivorship, transfer-on-death deeds, trust funding and tax treatment vary by state and individual circumstances. This guide provides general educational information and is not a substitute for individualized legal, tax or financial advice.

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