

***Planning Ahead***



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## **Will DIY Changes to Your Trust Be Effective?**

It is not uncommon to see a Trust that has been marked up with cross-outs and hand-written additions. Sometimes there will be initials next to the changes or even dates. But will these interlineations be held up as valid amendments to the Trust? A recent California case in Sacramento said no.

In that case, the gentleman made handwritten interlineations to his Trust to add a new beneficiary. He sent the marked-up document to his attorney with a note intended for the attorney to create a proper Trust Amendment. Unfortunately, the gentleman died before the new Trust Amendment could be signed.

It was clear that the gentleman intended the new beneficiary to receive a portion of the Trust. The Trustee filed a Petition with the Court to rule on the validity of the interlineations. The Court ruled that the interlineations were not effective to amend the Trust and the new beneficiary received nothing.

This case turned on the requirement stated in the original Trust that any amendment must be signed for it to be valid. By law, if the Trust sets forth the method for amending or revoking the Trust, that method must be followed. If the Trust had not required a signature, the result might have been different. Had the gentleman understood that his Trust had a provision requiring that any amendment must be signed, he might have done so and his wishes might have been upheld.

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