



Trust-Based Planning vs. Will-Based Planning

A general overview for Florida domiciliaries

At Ascension Nexus Law, we understand that estate planning is not one-size-fits-all. Every client has different goals, family dynamics, asset structures, and concerns about privacy, probate, control, and long-term planning.

For Florida domiciliaries, both a Will-based estate plan and a Trust-based estate plan can be effective tools. The right approach depends on your individual circumstances. In many cases, clients have options, and a cohesive estate plan can be tailored to meet their specific needs, priorities, and goals.

This overview is intended to provide a general comparison so that you can better understand the planning tools available to you.

Will-Based Estate Planning

A Last Will and Testament allows you to state who should receive your assets, who should serve as your Personal Representative, and who should be named as guardian for minor children.

For many Florida residents, a Will serves as the foundation of an estate plan. However, a Will generally does not avoid probate. It instead provides the instructions the probate court follows in administering your estate.

A Will-based plan may be a good fit if: relatively simple assets, assets passing by beneficiary designation or joint ownership, a preference for a more straightforward planning structure, or a desire to ensure guardianship nominations are in place for minor children.

Important considerations: probate may still be required for certain assets, probate is a court-supervised process, a Will does not by itself manage assets during incapacity, and additional documents are still important for a complete plan.

Trust-Based Estate Planning



A Revocable Living Trust is a planning tool created during your lifetime that can hold assets for your benefit while you are living and provide instructions for management and distribution after death or incapacity.

A Trust-based plan is often used by clients who want a more comprehensive structure for management, privacy, and administration.

A Trust-based plan may be a good fit if: you want to reduce the likelihood of probate for properly funded assets, value privacy and streamlined administration, own property in more than one state, want a stronger framework for incapacity planning, or want more detailed control over how and when beneficiaries receive assets.

Important considerations: a trust should be properly funded in order to work as intended, a trust-based plan usually still includes a pour-over will and other supporting documents, and trust planning can offer greater flexibility in certain family or asset situations.

For Florida domiciliaries, estate planning should always be considered in light of Florida-specific laws, including homestead considerations, rights of a surviving spouse, planning for minor children, incapacity planning, probate administration, and coordination of beneficiary designations and titling of assets.

These issues can affect both trust-based and will-based plans, which is why individualized guidance is so important.

There Is No One Right Plan for Everyone

At Ascension Nexus Law, we work with clients to create plans that reflect their actual lives, concerns, and goals. Some clients are best served by a well-drafted Will-based plan. Others benefit from a Trust-based plan. In many situations, the best result comes from a carefully coordinated combination of documents and strategies designed to work together.

The goal is not simply to choose between a trust and a will in the abstract. The goal is to create a cohesive estate plan that is tailored to the individual client and supports their wishes during lifetime, in the event of incapacity, and after death.



General Overview Only

This handout is provided as a general overview for clients and potential clients of Ascension Nexus Law. It is intended for educational purposes only and does not constitute legal advice. Estate planning recommendations should always be based on your specific circumstances, assets, family structure, and objectives.

To discuss which planning options may be most appropriate for you, we encourage you to schedule a consultation so that your plan can be thoughtfully tailored to your needs.