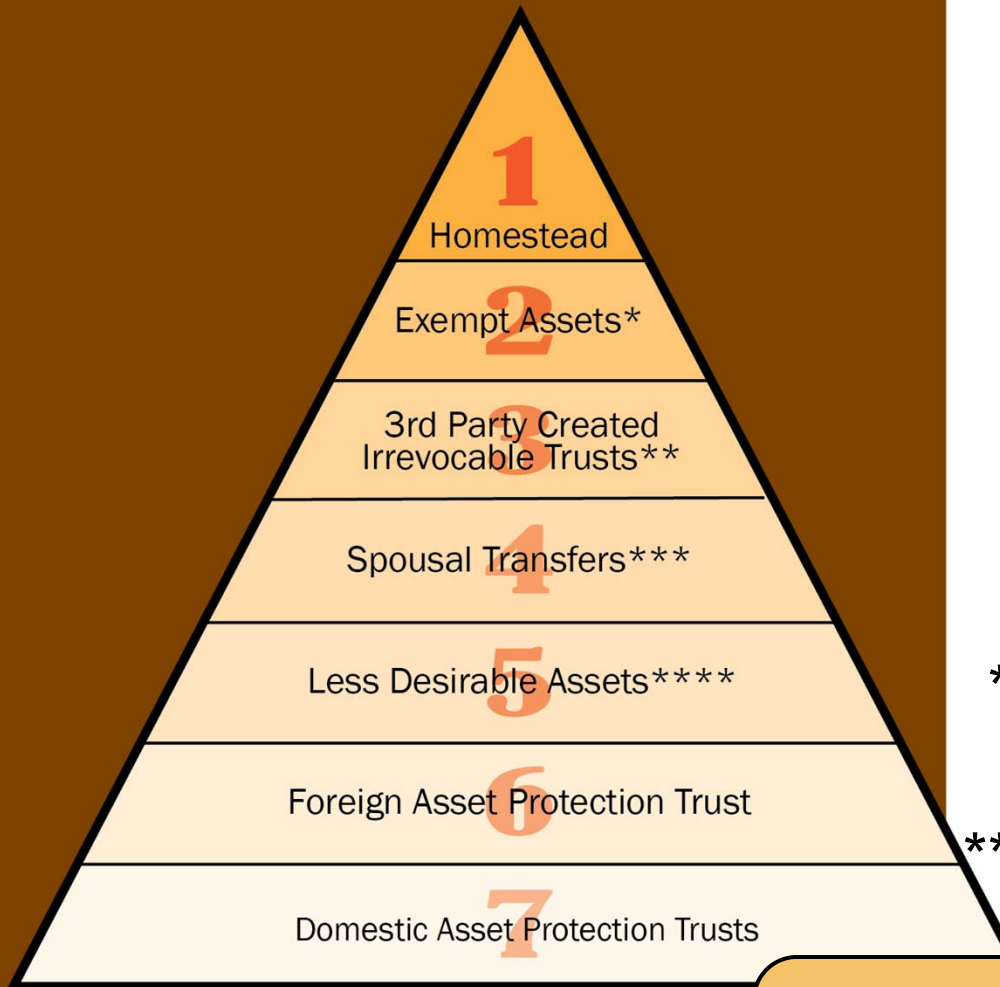


Asset Protection and Estate Planning Levels of Protection



* **Exempt Assets include:** pension money, qualified retirement plans, IRAs, 401Ks, qualified tuition programs such as 529 plans, annuities (domestic and foreign), cash value life insurance, hurricane savings accounts, wage accounts, disability income benefits, life insurance proceeds on life of insured not paid to insured or insured estate, accumulated IRA, and Social Security.

** **Trust Protected Assets include:** third party created spendthrift trust and discretionary trusts where the creditor is someone other than a spouse. Note that *In re Berlinger* limits asset protection where creditor is a spouse with a judgment for support. Other exception creditors/debtors such as child support will expose assets held in a Florida third party created irrevocable trust.

*** **Spousal Transfers include:** transfers outright to spouse, transfers to Trust for spouse – QTIP, and tenants by the entirety.

**** **Less Desirable Assets include:** FLP charging order protection and LLC charging order protection.

See *Estate Planning and Asset Protection in Florida: A Plan to Survive Unexpected Financial Threats*

By Barry A. Nelson

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