

# 10<sup>th</sup> Annual Dynasty Trust State Rankings

Rank	State	Perpetuities Statute	Rule Against Perpetuities (40% weight)	State Income Tax (25% weight)	Third-Party Spendthrift Trust Provision Effective Against Divorcing Spouse/Child Support (Divorcing Spouse – 7.5% weight/Child Support – 2.5% weight)	Discretionary Trust Protected from Divorcing Spouse/Child Support (2.5% weight)	Domestic Asset Protection Trust Ranking (10% weight) <sub>1</sub>	Trust Decanting State Ranking (10% weight) <sub>2</sub>	Non-Judicial Settlement Agreement Statute (2.5% weight)	Total Score
1	SD	SD Codified L § 43-5-8	Perpetual	No	Protected	Protected	9	1	Yes	99
2	NV	NV Rev Stat § 111.1031	365 years	No	Protected	Protected	10	2	Yes	98.5
3	TN	TN Code § 66-1-202(f)	360 years	No (except dividends/interest on residents)	Protected	Protected	8	4	Yes	95.5
4	AK	AK Stat § 34.27.051	Perpetual/1,000 years if exercise power of appointment	No	Protected	Protected	7.5	9	No	92.5
5 (tie)	RI	RI Gen L § 34-11-38	Perpetual	No (except residents)	Protected	Protected	7	15	No	91.5
5 (tie)	WY	WY Stat § 34-1-139	1,000 Years	No	Divorcing spouse = Protected Child support = Not Protected (WY Stat § 4-10-503(b))	Protected	6.5	14	Yes	91.5
7	DE	25 DE Code § 503	Perpetual for personal property/110 years for real estate	No (except residents)	Divorcing spouse = Not Protected Child support = Not Protected (Garretson v. Garretson (1973))	Protected	8		Yes	87

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8	OH	Ohio Rev Code § 2131.09 (B) and (C)	Perpetual/ 1,000 years if exercise power of appointment	No (except residents)	Divorcing spouse = Not Protected Child support = Not Protected (Ohio Rev Code § 5805.02(B)(1))	Protected	8	6	Yes	86
9	MO	MO Rev Stat § 456.025	Perpetual	No (except residents)	Divorcing spouse = Not Protected Child support = Not Protected (Mo. Rev. Stat. § 456.5-503(2))	Protected	6.5	8	Yes	85
10	NH	NH Rev Stat § 564:24	Perpetual	No (except dividends/ interest on residents)	Divorcing spouse = Not Protected Child support = Not Protected (NH Rev Stat § 564-B:5-503(b)(1)-(2))	Protected	6.5	5	Yes	84.5

Source: Steve Oshins, Law Offices of Oshins & Associates<sup>3</sup>

## Benefits of a Nevada Dynasty Trust

A Nevada Dynasty Trust allows you to pass your assets to both existing children and grandchildren and to generations and descendants not yet born.

A Nevada Dynasty Trust has many advantages:

- It allows you to establish a 365-year legacy for your future descendants.
- No state income tax on undistributed Trust income.
- Potential protection from creditors.
- When properly set-up, it can allow you to establish the Trust without the burden of estate, gift, and generation-skipping transfer tax.

You can also use a Nevada Dynasty Trust to encourage each generation to continue to focus on areas that may be important to you. Some examples are:

- Encouraging each generation to contribute to society by tying distributions to certain behaviors.
- These Trusts can be used to provide a source of funding for the education of as yet unborn generations.
- To create, in essence, a family bank that could make loans, enabling your descendants to begin a business or purchase a home.

A Nevada Dynasty Trust is an excellent way to provide a benefit not only for your children or grandchildren, but for generations to come.

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## **DISCLOSURES:**

<sup>1</sup>11th Annual Domestic Asset Protection Trust State Rankings Chart created in April 2020. Original State Rankings Chart created in April 2010.

<sup>2</sup>This Trust Decanting State Rankings Chart created in April 2021. Original Trust Decanting State Rankings Chart created in January 2014. Copyright © 2014-2021 by Steve Oshins. All rights reserved.

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