

Stake Self-Reliance & Emergency Preparedness

Quarterly Newsletter

Estate Planning:

Using TOD Statutes for Real Estate and Vehicles outside of Probate

Introduction



Everyone should have a will. Many would benefit from a trust. Estate planning is often perceived as complex and expensive, but it should not be ignored or put off to “another day.” This article will not go into detail on wills and trusts, but to better understand the purpose of this article, there are some basics of wills and trusts that should be understood. First, for a will to transfer ownership of a titled item, such as real estate or a vehicle, it must go through probate court. A trust document, by itself, cannot take or transfer title to real estate or a vehicle. The trust must already be the legal (titled) owner of the vehicle or the real estate to transfer or control the asset. Granting legal title is often part of setting up a trust. Title must be legally transferred (re-titled) from the existing owners to the trust, which is a separate legal entity.



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Spiritual Insights

“It is my purpose to provide for my saints, for all things are mine.

But is must needs be done in mine own way...”
(Doctrine and Covenants 104:15-16)

Pathway Deadlines

Block 3 (May-June)

- Dec. 7: Priority
Jan. 6: Final
- Jan. 6: 1st Day of Courses

Trusts

Those who transferred these items to the trust can then act as Trustees in the name of the trust with all the authority granted them in the trust document. Named successor trustees can continue to control the assets in the name of the trust without going through probate court since the trust owns the assets. Transferring assets to a trust is very common, and if you have already done this with your titled assets, then the following discussion on TOD may not be helpful, except for property or vehicles you obtain afterwards that are not directly acquired by the trust.



Transfer of Death (TOD)

Often individuals are reluctant to transfer assets to a trust but don't want their real estate and vehicles to go through probate. There is paperwork to transfer title to the trust, going forward they act (and sign) as trustees to the trust rather than as simple owners. Insurance policies must list the trust as a named insured, as well as naming the trustees. Some individuals prefer to keep things in their own name but would like property to go directly to someone or for a trust to take the property upon their death without probate.

Both Missouri and Kansas offer a powerful option that simplifies the process for transferring title to real estate and vehicles at the death of the owner without probate: the Transfer on Death (TOD) designation. TOD is like Pay on Death (POD) that is available for bank accounts or beneficiary designations for life insurance or retirement accounts. The TOD legal mechanism allows individuals to transfer ownership of real estate and vehicles directly to a beneficiary—an individual or an existing trust—upon death, bypassing probate. This article explores how and why to use the TOD statutes in either Missouri or Kansas for real estate and vehicles.

What Is a TOD Designation?

A Transfer on Death (TOD) designation is a legal method of naming a beneficiary, which could be a trust or individual(s), who will receive ownership of an asset upon the death of the current owner. These transfers are based on state statutes. When initially purchasing real estate or a vehicle, a TOD designation may be listed without any extra paperwork. If the real estate or vehicle is already titled, new documents need to be filed.

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TOD Designations

In Missouri, TOD designations are available for:

Real estate (via a Beneficiary Deed under § 461.025 RSMo).

Vehicles (via a TOD title designation through the Missouri Department of Revenue using Form 108—the application for title; § 301.681 RSMo).

If requesting a new title a TOD designation may be made on the original application for title by marking the “TOD” and naming the beneficiary, or by submitting a new application for title, with the TOD information completed. (Note: if marking a TOD, you would not typically also mark “Tenants in common.”)¹

<input type="checkbox"/> JUNK (A)	<input type="checkbox"/> DUP. JUNK (B)	<input type="checkbox"/> TRANSFER ON DEATH (TOD)	<input type="checkbox"/> TENANTS IN COMMON
TOD BENEFICIARIES, IF APPLICABLE			

In Kansas, TOD designations are available for:

Real estate (via a Transfer on Death Deed or Beneficiary Deed under K.S.A § 59-3501).

Vehicles (by including a TOD title designation in the certificate of title through the Kansas Department of Revenue; K.S.A. § 59-3508). This can be done when requesting a new title by filling out the TOD section on form TR-212, or by submitting a new application for title, with the TOD information completed.

Transfer on Death			
1 st TOD Name	City	State	Zip
Address			
2 nd TOD Name	City	State	Zip
Address			

The TOD designation does not transfer any ownership rights during the owner’s lifetime. The beneficiary only gains legal ownership upon the owner’s death.

Why Use a Trust as a TOD Beneficiary?

A revocable living trust is a popular estate planning tool that allows for the management and distribution of assets without court involvement. Naming a trust as the TOD beneficiary offers several advantages:

1. Avoiding Probate

Probate is the court-supervised process of distributing a deceased person’s estate. It can be time-consuming, expensive, and public. TOD designations allow assets to pass outside of probate, saving time and money.

¹ If you have two titled owners on the car and leave the “tenants in common” box unchecked, the TOD does not take effect until the death of the last titled owner. Marking “tenants in common” could move the deceased person’s “share” of the title into probate upon the death of the first titled owner, causing the ownership to be shared with the surviving titled owner.

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2. Centralized Asset Management

By naming a trust as the TOD beneficiary, all TOD assets funnel into the trust upon death. This allows the trustee to manage and distribute assets according to the trust's terms, ensuring consistency and control.

3. Privacy

Unlike probate, which is a public process, trust administration is private. Using a trust as the TOD beneficiary helps keep your estate matters confidential.

4. Flexibility and Control

Trusts allow for conditional distributions (e.g., age-based inheritance, staggered payments), which TOD designations to individuals cannot provide.

How to Use the TOD Statute for Real Estate

Step 1: Create a Revocable Living Trust

Work with an estate planning attorney to draft a simple revocable living trust. You will be the grantor (creator) and typically the initial trustee. Name your desired successor trustee and beneficiaries.

Step 2: Draft a Beneficiary Deed (Missouri) or Transfer on Death Deed (Kansas)

Under Missouri or Kansas law, you can execute and record a Beneficiary Deed (Missouri) or Transfer on Death Deed (Kansas) that names your trust as the beneficiary. The deed must:

Clearly state that it is not effective until your death.

Identify the trust by name (e.g., "John Smith Revocable Living Trust dated January 1, 2025").

Be recorded with the Recorder of Deeds in the county where the property is located before your death (or the death of the last surviving titled owner). Recording fees vary by county, for example, at the time of this article, Jackson County charges \$21 for the first page and \$3 for each subsequent page of a deed. For Johnson County, Kansas, \$21 for the first page and \$17 for each additional page.

Step 3: Maintain the Trust

You can amend or revoke the trust at any time during your life. The beneficiary or transfer on death deed remains valid as long as the trust exists at the death of the last surviving titled owner.

Naming Individuals Rather than a Trust

To name an individual or individuals rather than a trust, only step two above is needed, rather than naming the trust, list the name(s) of the intended beneficiary or beneficiaries.

How to Use the TOD Statute for Vehicles that are already Titled

Step 1: Title the Vehicle in Your Name

Ensure the vehicle is titled solely in your name or jointly with another person (if applicable).

Step 2: Add a TOD Designation

Visit your local Department of Revenue office or use Form 108 (Application for Missouri Title and License) or title update (Kansas) to add a TOD designation. You can name a trust as the TOD beneficiary by listing it as, for example:

"John Smith TOD John Smith Revocable Living Trust"

Step 3: Submit Required Documents

You'll need to submit:

The completed title application

Proof of ownership

Any applicable fees

Upon your death, the trust, or the named TOD beneficiary, becomes the legal owner of the vehicle without probate.

Important Considerations**1. Trust Must Exist at Death**

The trust must be valid and in existence at the time of your death. If the trust has been revoked or terminated, the TOD designation may fail.

2. No Ownership Rights During Life

The trust (or any beneficiary) has no rights to the property or vehicle during your lifetime. You retain full control and can sell or refinance the asset.

3. Revocability

You can revoke or change the TOD designation at any time by recording a new deed (for real estate) or updating the title (for vehicles).

4. Tax Implications

TOD transfers are generally not subject to gift tax because they are not completed gifts during life. However, consult a tax advisor for specific guidance.

Example Scenario

John Smith, a Missouri resident, owns a home and a car. He creates the John Smith Revocable Living Trust and names his daughter as the beneficiary of the trust. He then: Executes a Beneficiary Deed naming the trust as the beneficiary of his home.

Updates his car title to read: "John Smith TOD John Smith Revocable Living Trust." Upon John's death:

The home and car automatically transfer to the trust.

The successor trustee manages and distributes the assets according to the trust's terms. No probate is required.

Common Questions

Can I name multiple beneficiaries?

Yes, but if you want to control how and when they receive assets, it's better to name a trust as the TOD beneficiary and manage distributions through the trust.

Can I use TOD for jointly owned property?

Yes, but the TOD designation only becomes effective after the last surviving owner's death.

What happens if the trust is revoked?

If the trust is revoked and not replaced, the TOD designation may fail. Always ensure your trust is current and valid.

What if I re-title my vehicle in another state after putting a TOD on my Missouri or Kansas title?

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Whenever a vehicle is retitled, the new title controls. If the new state has a similar TOD statute, then you could make the TOD selection when applying for the new title. If not, then the newly-titled vehicle will not have a TOD in place and will be subject to probate unless it is titled in the name of a trust. _____

Conclusion

The TOD statutes in Missouri and Kansas offer a simple, cost-effective way to transfer real estate and vehicles upon death—without probate. By naming a revocable living trust as the TOD beneficiary, you gain the benefits of probate avoidance, centralized asset management, and privacy, while retaining full control during your lifetime.

This strategy is especially useful for individuals with modest estates who want to avoid the complexity and cost of full probate proceedings. It's also a great tool for those who already have a trust and want to ensure all assets flow into it seamlessly. Consult an attorney who does estates (wills and trust) planning for further information. This article is provided for general information and does not constitute legal advice or create an attorney-client relationship. It is not intended to be a substitute for qualified legal counsel.



Just Serve Blessings Abound

Blessings Abound is a newer organization on JustServe.org. Blessings Abound Thrift Store is a Christian not for profit organization called to serve the metro Kansas City Community by selling and recycling donated merchandise in order to provide aid to people in need. Blessings Abound provides significant unrestricted funding on a monthly basis to many of the best service providers in the area. Grants through the Blessings Fund have supported over 50 local nonprofits to address emergency services, education, empowerment, and aid to a historically disadvantaged population.

Achieving their mission goes beyond being good stewards and expands to many different avenues of community growth. They serve as an umbrella to allow many different community outreach channels and ministries to connect. Allowing them to give resources and opportunities from within their stores, and to achieve community goals together.

Blessings Abound has 2 metro locations where you can donate items and shop too. Find opportunities to serve at Blessings Abound on the JustServe.org organization page [HERE](#).

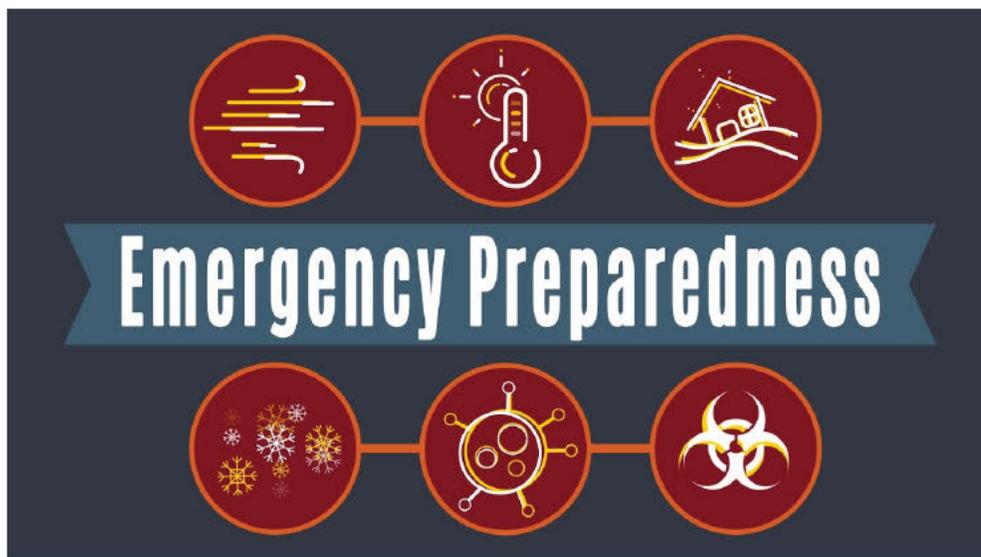
Emergency Preparedness Plans

A Ward Emergency Preparedness Plan is the playbook for how each Ward responds to a crisis, such as severe thunderstorm, tornado, flood or a pandemic event like the flu or COVID 19. Moreover, it is written to prepare and organize Ward leaders and members in the event of an emergency. It addresses standard operating procedures and provides guidance based on the Kansas City Stake Emergency Operations Plan. Church guidance for emergency plans is based on the following guiding principles:

Simplicity, Family Focus, Priesthood Involvement, Initiative, and Faith. Ward/Stake emergency plans do not address planning or response to active shooter incidents. Please consult your High Council representative for guidance regarding active shooter events.

One of the most important aspects of any plan is to communicate as a ward and as a stake during an emergency. Another important component is how we account for members, including those who are inactive, or those unable to attend church meetings. These items are addressed in ward and stake emergency plans.

For assistance with your ward emergency plan contact the Stake Emergency Preparedness Director, Brother Lee Lacy, KCStakeEM@gmail.com



Self-Reliance Services

What is Self-Reliance?

“Self-reliance is the ability, commitment, and effort to provide the spiritual and temporal necessities of life for self and family”

(Handbook 2: Administering the Church[2010], 6.1.1).

President Thomas S. Monson has counseled, “[Self-reliance] is an essential element in our spiritual as well as our temporal well-being.” (“Guiding Principles of Personal and Family Welfare,” Ensign, Sept. 1986, 3)

12 Principles of Self-Reliance

The Lord has declared, “It is my purpose to provide for my saints” (D&C 104:15). This revelation is a promise that the Lord will provide temporal blessings and open the door of self-reliance. He has also declared that “it must needs be done in [His] way” (D&C 104:16). To receive the blessings of self-reliance, we must accept and live the principles of self-reliance, which include the following:

Exercise Faith in Jesus Christ (D&C 104:15)

Use Time Wisely (Alma 34:32)

Be Obedient (D&C 130:20–21)

Manage Money (D&C 104:78)

Work: Take Responsibility (D&C 42:42; 2 Nephi 2:16, 26)

Solve Problems (Ether 2:18–19, 23; 3:1, 4)

Become One, Work Together (Moses 7:18; D&C 104:15–17)

Communicate: Petition and Listen (D&C 8:2)

Persevere (Hebrews 12:1; D&C 58:4)

Show Integrity (Mosiah 4:28; Job 27:5; Articles of Faith 1:13)

Seek Learning and Education (D&C 88:118–119)

Stay On Task, Receive Ordinances (D&C 84:20; D&C 136:4; 1 Nephi 18:2–3)

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<https://KCStake.org/Self-Reliance>