



TRANSFER AND ESTATE FREQUENTLY ASKED QUESTIONS

TRUST MATTERS

1. How do I transfer my property into my trust?
 - a. The answer to this question may be complex and will depend upon a number of factors. A recorded deed evidencing a change of ownership is all that is required for one to transfer ownership into a trust. It is not necessary to change Third's membership record.

SUCCESSOR TRUSTEE, EXECUTOR OR ADMINISTRATOR

2. What is required in order to establish my authorization to act as a successor trustee?
 - a. Certified copy of death certificate(s) of member(s);
 - b. Declaration of trust page from trust named on the deed;
 - c. Page from trust naming current acting successor trustee(s);
 - d. Complete powers of trustee section from trust;
 - e. Signature and notary pages from trust;
 - f. Any subsequent trust amendment or restatement which would affect any of the above;
 - g. A current certification of trust with the powers of trustee section may be submitted in lieu of the trust;
 - h. If the membership was not titled in the trust, according to the corporate records, a copy of the deed showing transfer to the trust must be submitted.
 - i. Current driver's license or government issued identification of acting successor trustee(s);
 - j. Phone number and email address of acting successor trustee(s).
3. What is required in order to establish my authorization to act as an executor or administrator for the estate?
 - a. Certified copy of death certificate(s) of member(s);
 - b. Filed letters testamentary or letters of administration;
 - c. Current driver's license or government issued identification of administrator or executor;
 - d. Phone number and email address of administrator or executor.



4. Who does my estate agent (successor trustee, administrator or executor) contact in order to obtain community access and/or process a membership transfer?
 - a. A transfers and estates specialist will assist in establishing community access for authorized estate agents as well as processing membership transfer requests and may be reached at 949-597-4225.

CHANGE TO MEMBERSHIP

5. I am removing a member from the membership. Do I have to requalify financially?
 - a. It depends. Generally, when removing a deceased member(s) from a membership, financial qualifications are not required to be resubmitted. When removing any living individual from a membership, the remaining member(s) and/or added members are required to submit their financial qualifications.
6. Following the death of the owner(s), do I have to or may I transfer the membership to myself before I list or sell the unit?
 - a. No. The estate (successor trustee, executor or administrator) may sell the unit without transferring the membership.
7. Where can I find the documents required in order to put my membership in my trust or request any transfer or change of ownership?
 - a. Please contact the transfers and estates specialist at 949-597-4225 for assistance. The number and type of documents required will depend on the type of transfer being requested.

COMMUNITY OR UNIT ACCESS

8. Who can get into the community and/or my unit if I were to pass away?
 - a. After the death of the last surviving owner/shareholder, only an authorized agent for the estate may obtain community access in order to access the unit. Estate agents who may be permitted access include successor trustees, executors and administrators.
 - i. When ownership is vested (titled) in a trust, certain portions of the trust (or a certification of trust), a certified copy of a death certificate for the decedent(s) and valid identification and a phone number of the estate agent are required in order to establish authority to act on behalf of the estate.
 - ii. When the corporate records do not reflect that the property is held in a trust, a copy of the recorded deed showing transfer of title to an owner's trust (along with trust documents and death certificate) will allow a



successor trustee to access the community as well as facilitate their ability to transfer or sell the unit.

- iii. When ownership is not held in a trust, legal assistance may be necessary to establish an estate agent. Access into the community will be restricted generally by Golden Rain Foundation (GRF) facilities gate access rather than unit access until an authorized estate agent is established.

9. I am a successor trustee and need access to the unit. How do I get in to the community past the gates?

- a. After the proper documentation is provided to establish and authorize a successor trustee, a gate pass may be obtained from the Department of Resident Services. Gate passes are issued for four-month increments and may be renewed no sooner than five days prior to expiration. This authorization also will allow the successor trustee to approve third parties for community access (up to six individuals for up to two weeks at a time) by way of phoning Gate Clearance at 949-597-4301.

10. I do not have a death certificate yet, and I need to gain access into the community and the unit. How can I do so?

- a. The watch commander, community service manager and social services manager have the authority to allow community access. In certain circumstances they may authorize limited community access. This type of authorization may be provided to allow an individual the opportunity to resolve any immediate concerns inside the unit, such as care of pets, attending to perishables or other time-sensitive necessities. The Orange County Public Administrator also may authorize access for an estate agent, the decedent's beneficiary or a family member under very limited circumstances.

11. I am a successor trustee, administrator or executor. How long does it take for Laguna Woods Village to authorize my access into the community?

- a. Authorizations for community access for estate agents generally are processed within 24 hours and often sooner. Special consideration and attention will be addressed for immediate needs for community access.

12. How long are guest passes good for after an occupant passes away?

- a. Guest passes expire upon the death of the occupant who requested and distributed them. Any guest passes that were previously issued by an individual who is no longer residing in the unit are no longer valid.



13. An occupant who was leasing in Third has passed away, and I need to get into the unit to get the individual's affairs in order and retrieve personal belongings. Who should I contact for access? Will Laguna Woods Village let me in?
 - a. The member owner (lessor) should be contacted in this situation. That member owner is able to authorize community access for third parties. Laguna Woods Village does not have the authority to allow a third party's access into a unit of a deceased, former lessee.
14. I have a durable power of attorney. Can I still get community access or manage the affairs of the decedent after the owner or occupant passes away?
 - a. No. While a durable power of attorney enables the agent to act for the principal even after the principal is not mentally competent or physically able to make decisions for himself or herself, a durable power of attorney is in effect only while the principal is living.
15. Can I stay in the unit after the owner or occupant dies? I need to spend the night because I am from out of town.
 - a. After the death of the sole remaining owner, occupant or co-occupant, no one is permitted to reside or stay overnight in the unit absence of an approved occupant at any time.
16. Can the successor trustee, family or beneficiaries use the facilities after the death of the member?
 - a. Only approved occupants and their guests (when accompanied by said occupants) are entitled to use the community's facilities.
17. I am an estate agent. Can I use any gate to access other areas of the community?
 - a. A community access gate pass will authorize access only into the portion of the community in which the unit is located.
18. A car belonging to a deceased, former occupant has a decal on it. Can I just continue to drive their vehicle in order to gain community access?
 - a. No. The parking decal may be removed from the decedent's vehicle by the Laguna Woods Village Department of Security Services. The decal may be transferred to the vehicle of the surviving occupant who is living in the same unit or the vehicle must be removed from the community as soon as reasonably possible.

FINANCIAL OR PAYMENTS

19. Do the monthly assessments and/or carrying charges have to be paid after the death of the member(s)?



- a. Yes. The monthly assessment dues must be paid on time following the death of the member(s). Late fees will be assessed for payments that are not received on time.
20. Will the mutual reduce the monthly assessment dues, as the deceased member is no longer using the facilities?
- a. No. The mutual will not reduce the monthly assessment dues following the death of the member(s).
21. Can I cancel the automatic debit (EZPay) of a deceased member because their bank account is closed or frozen?
- a. An authorized estate agent may contact the Department of Financial Services at 949-597-4221 to obtain the required forms to cancel or enroll in EZpay.