



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 such as whether there is a loan currently outstanding, who the trustee is and more. It is recommended to contact a transfers and estates specialist at 949-597-4225 to review what is required for your circumstances.
2. What type of trust will be recognized by the mutual for membership in United?
 - a. Only a revocable living trust will be recognized by United for membership. An irrevocable living trust will not be accepted or recognized for membership.

SUCCESSOR TRUSTEE, EXECUTOR, ADMINISTRATOR OR POA

3. 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;
 - 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 certificate was not vested in the trust, an original stock assignment separate from certificate or a court order assigning the membership to a trust is required to be presented.
 - 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).
4. 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.
5. 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.
6. I filed a Heggstad petition with the court in order to establish the United membership certificate as an asset of the decedent's trust. How can I gain access to the community and manage the estates affairs?
 - a. Provide a copy of the filed Heggstad petition and include the required documents outlined in Section 3, Subsections a. through j., above.
7. Can a power of attorney be used when executing a stock assignment separate from certificate?
 - a. Yes. An attorney-in-fact may execute a stock assignment separate from certificate. In addition to obtaining the signature witness or guarantee, the power of attorney must accompany the stock assignment along with an affidavit stating the principal is still living (completion of an affidavit by attorney-in-fact) when the stock assignment is executed.
8. Can a successor trustee or beneficiary sublease my unit in after my death?
 - a. A successor trustee or beneficiary may not sublease beyond the expiration of any existing sublease permit term.

CHANGE TO MEMBERSHIP

9. I was not named on the membership certificate that I inherited following the death of the member(s). Must I qualify financially in order to transfer the membership?
 - a. Yes. All prospective transferees are required to submit their financial qualifications, satisfying the mutual's minimum financial requirements.
10. I am removing a member from the membership. Do I have to requalify financially?
 - a. This 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.
11. 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.
12. 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.
13. Can I add my son, daughter or other individual to my membership so we can avoid probate?
- a. Only those age and financially qualified individuals who intend to occupy the co-op immediately may be listed on the membership certificate as a shareholder.
14. I am seeking to add my son, daughter, parent or other individual to my certificate. Will this affect my property or income taxes?
- a. Adding an individual other than a spouse or registered domestic partner to a membership certificate may affect both property tax and income tax. Please consult your attorney and/or CPA to review how this may affect you and the individual(s) being added.

COMMUNITY OR UNIT ACCESS

15. 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 membership 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 membership is held in a trust, a previously completed, properly executed, signed and dated original stock assignment (along with trust documents and death certificate) will allow for a successor trustee to access the community as well as facilitate the 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 until an authorized estate agent is established.



16. 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 before expiration. This authorization will also 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.
17. 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.
18. 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 are generally processed within 24 hours and often sooner. Special consideration and attention will be addressed for immediate needs for community access.
19. 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.
20. An occupant who was subleasing in United 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 sublessee.
21. 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.
22. 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.
23. 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.
24. I am an estate agent. Can I use any gate to access other areas of the community?
- a. A community access gate pass will only authorize access into the portion of the community in which the unit is located.
25. 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

26. 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.
27. 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 amount following the death of the member(s).
28. 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.

CERTIFICATE

29. I cannot find my certificate, and I want to transfer or sell my co-op. Can I provide a copy instead?

- a. No. The original membership certificate must be surrendered at the time of transfer or resale. If the certificate cannot be produced, a lost instrument bond is required to be submitted in its place. Please be aware that a lost instrument bond may cost approximately two percent of the current market value of the co-op.

30. I have a loan, and I need to obtain a copy of my United membership certificate to prove ownership so I can move forward with insurance or permitting matters. Can you provide a copy?

- a. While the mutual may maintain copies of membership certificates, copies of the membership certificate are generally unavailable and will not be provided. Please contact your lender in order to obtain a copy of the certificate. A copy of the occupancy agreement may be provided to the member upon request.