

South Dakota Tops List as Best State for Dynasty Trust

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For the second year in a row, South Dakota tops the list as the best U.S. state for a dynasty trust, followed by Alaska and Nevada which are tied for second place. A dynasty trust is an irrevocable trust that continues for as long as applicable state law allows and in South Dakota that's virtually forever.

Regardless of where they live, families looking to avoid sacrificing their wealth to estate taxes, creditors or divorcing spouses should consider placing their trust in South Dakota. South Dakota is one of only seven states that doesn't tax trusts, which can increase the investment returns by almost 200% more than states with high income taxes.

All this can be accomplished without sacrificing control or losing the families trusted advisors. The primary beneficiary can be named as the controlling trustee and the family's investment advisor, attorney and CPA all remain in place.

According to Steve Oshins, a Nevada asset protection attorney, other states favorable to the creation and maintenance of dynasty trusts include Tennessee, Ohio, Wyoming, Delaware, New Hampshire, Illinois and Florida.

For a comprehensive report comparing desirable trust laws across the country, please contact CS@NATrustSD.com.

2nd Annual Dynasty Trust State Rankings Chart

Rank	State	Rule Against Perpetuities (30% weight)	State Income Tax (30% weight)	Third-Party Spendthrift Trust Provision Effective Against Divorcing Spouse / Child Support (Divorcing Spouse – 12.5% weight / Child Support – 2.5% weight)	Domestic Asset Protection Trust State Ranking (10% weight)	Decanting Statute (7.5% weight)	Directed Trust Statute (5% weight)	Reputation/ Other Adjustments (2.5% weight)	Total Score
1	South Dakota	Perpetual	No	Protected	Ranked #2	Yes	Yes	Significant	98
2 (tie)	Alaska	Perpetual/ 1,000 years if exercise power of appointment	No	Protected	Ranked #5	Yes	Yes	Significant	95
2 (tie)	Nevada	365 years	No	Protected	Ranked #1	Yes	Yes	Significant	95
4	Tennessee	360 years	No (except dividends/ interest on residents)	Protected	Ranked #3 (tie)	Yes	Yes	Relatively High	91
5	Ohio	Perpetual/ 1,000 years if exercise power of appointment	No (except residents)	Divorcing spouse = Protected Child Support = Not Protected (Ohio Rev. Code Ann. §5805.02(B)(1))	Ranked #3 (tie)	Yes	Yes	Relatively High	89
6	Wyoming	1,000 years	No	Divorcing spouse = Protected Child Support = Not Protected (Wyo. Stat. Ann. §4-10-503(b))	Ranked #7	Yes	Yes	High	87.5
7	Delaware	Perpetual for personal property/ 110 years for real estate	No (except residents)	Divorcing spouse = Not Protected Child Support = Not Protected (Garretson v. Garretson (1973))	Ranked #6	Yes	Yes	Significant	79
8	New Hampshire	Perpetual	No (except dividends, interest on residents)	Divorcing spouse = Not Protected Child Support = Not Protected (N.H. Rev. Stat. Ann. §564-B:5-503(b)(1)-(2))	Ranked #9	Yes	Yes	High	75
9	Illinois	Perpetual	No (except residents)	Divorcing spouse = Protected Child Support = Not Protected (735 Ill.Comp. Stat. Ann.5/2-1403 codifying <i>Matt. v. Matt</i> (1985))	None	Yes	Yes	Medium	74
10	Florida	360 years	No	Divorcing spouse = Not Protected Child Support = Not Protected (Fla. Stat. Ann. §736.0503(2)(a) codifying <i>Bacardi v. White</i> (1985))	None	Yes	Yes	Medium	62.5

Honorable Mention (in alphabetical order): Rhode Island, Washington, Wisconsin

The Domestic Asset Protection Trust State Ranking column is based on the 4th Annual Domestic Asset Protection Trust State Rankings Chart (updated) created in July 2013 at http://www.oshins.com/images/DAPT_Rankings.pdf.

Original Dynasty Trust State Rankings Chart created in October 2012.

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