

Jurisdiction Comparison for Wealth Transfer Planning

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The following chart summarizes state laws that client families should consider when establishing wealth transfer plans and structures, including taxation, trust laws, asset protection, and regulated and unregulated private trust companies.

TAXATION

LAW	WYOMING	DELAWARE	NEVADA	SOUTH DAKOTA
Tax Imposed Due to Resident Settlor	No	Yes	No	No
Tax Imposed Due to Resident Fiduciary	No	No	No	No
Tax Imposed Due to Resident Beneficiary	No	Yes	No	No
<i>Resident Non-Grantor Trusts</i>				
Maximum Resident Non-Grantor Trust Income/Capital Gains Tax	None	6.6%, deduction allowed for nonresident beneficiaries	None	None
Corporate Income Tax	None	8.7% of DE income	None	None
LLC Income Tax	None	None	None	None
Estate/Gift Tax	None	None	None	None
<i>Life Insurance Premium Tax</i>				
Qualified	None	1.75%	None	2.5% for the first \$100K, 0.08% thereafter
Non-Qualified	0.75% below \$100K, 0.075% thereafter (EFFECTIVE JANUARY 1, 2021)	2% below \$100K, none thereafter	3.5%	2.5% for the first \$100K, 0.08% thereafter
Retaliatory	Yes	Yes	Yes	Yes, but only on first \$100K annual premium



MODERN TRUST LAWS

LAW	WYOMING	DELAWARE	NEVADA	SOUTH DAKOTA
Directed Trust	Yes	Yes	Yes	Yes
Trust Protector	Yes	Yes	Yes	Yes
NJSA Statute	Yes	Yes	Yes	Yes
Virtual Representation	Yes	Yes	Yes	Yes
By Holder of General Power	Yes	Yes	Yes	No
By Parent/Guardian	Yes	Yes	Yes	Yes
By Person with Identical Interest	Yes	Yes	Yes	Yes
Rule Against Perpetuities (RAP)	1,000 years	Perpetual / 110 years for real property	365 years	Perpetual
Court Records Sealed	Automatic, inquiring party must show cause	No	Upon court order	Automatic, inquiring party must show cause
Trust Required to Register	No	No	No	Optional
Decanting	Yes	Yes	Yes	Yes
Forced Heirship Precluded	Yes	No	No	No
Regulated PTC Authorized	Yes	LPTCs only	Yes	Yes
Unregulated PTC Authorized	Yes	No	Yes	No



STATUTE REFERENCES

MAXIMUM RESIDENT NON-GRANTOR TRUST INCOME/CAPITAL GAINS TAX

Delaware DE 30-1102(a)(14) and 30-1634-6

CORPORATE INCOME TAX

Delaware DE 30-1902(a)

LIFE INSURANCE PREMIUM TAX: QUALIFIED

Wyoming ws § 26-4-103(j)

Delaware DE 18-702(c)(1)

Nevada NRS 680B.025

South Dakota SD 10-44-2(1)(a)

LIFE INSURANCE PREMIUM TAX: NON-QUALIFIED

Wyoming ws § 26-4-103(b)(i)(D)

Delaware DE 18-702(c)

Nevada NRS 680B.025

South Dakota SD 10-44-2(1)(a)

LIFE INSURANCE PREMIUM TAX: RETALIATORY

Wyoming ws § 26-3-130

Delaware DE 18-532

Nevada NRS 680A.330

South Dakota SD 58-6-70

DIRECTED TRUST

Wyoming ws § 4-10-718

Delaware DE 12-3313

Nevada NRS 163.553 et. seq.

South Dakota SD 55-1B-1 et. seq.

TRUST PROTECTOR

Wyoming ws § 4-10-710

Delaware DE 12-3313(f)

Nevada NRS 163.5553 et. seq.

South Dakota SD 55-1B-6

NJSA STATUTE

Wyoming ws § 4-10-111

Delaware DE 12-3338

Nevada NRS 164.940

South Dakota SD 55-18-1(12)

VIRTUAL REPRESENTATION BY HOLDER OF GENERAL POWER

Wyoming ws § 4-10-302

Delaware DE 12-3547(c)

Nevada NRS 164.038(3)



VIRTUAL REPRESENTATION BY PARENT / GUARDIAN

Wyoming ws § 4-10-303
Delaware DE 12-3547(d)
Nevada NRS 164.038(4)
South Dakota SD 55-18-9(3)

VIRTUAL REPRESENTATION BY PERSON WITH IDENTICAL INTEREST

Wyoming ws § 4-10-304
Delaware DE 12-3547(a)
Nevada NRS 164.038(1)
South Dakota SD 55-18-9(13)

RAP

Wyoming ws § 34-1-139
Delaware DE 25-503
Nevada NRS 111.1031
South Dakota SD 43-5-8

COURT RECORDS SEALED

Wyoming ws § 4-10-205
Nevada NRS 669A.256
South Dakota SD 15-15A-7(w), 21-22-28

TRUST REQUIRED TO REGISTER

South Dakota SD 55-1-56

DECANTING

Wyoming ws § 4-10-816(a)(xxviii)
Delaware DE 12-3528
Nevada NRS 163.556
South Dakota SD 55-2-15

FORCED HEIRSHIP PRECLUDED

Wyoming ws § 4-10-504 et. seq.

REGULATED PRIVATE TRUST COMPANY AUTHORIZED

Wyoming ws § 13-5-601 et. seq.
Delaware 5 DEL 5-774
Nevada NRS 669A.140
South Dakota SD 51A-6A-7

UNREGULATED PRIVATE TRUST COMPANY AUTHORIZED

Wyoming ws § 13-5-701 et. seq.
Nevada NRS 669A.080





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