

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	ALASKA	DELAWARE	NEVADA	NEW HAMPSHIRE	SOUTH DAKOTA	TENNESSEE
Tax Imposed Due to Resident Settlor	No	No	Yes, provided trust has resident beneficiary	No	No	No	No
Tax Imposed Due to Resident Fiduciary	No	No	Yes, provided trust has resident beneficiary	No	No	No	No
Tax Imposed Due to Resident Beneficiary	No	No	No	No	No	No	No
<i>Resident Non-Grantor Trusts</i>							
Maximum Resident Non-Grantor Trust Income/Capital Gains Tax	None	None	6.6%, deduction allowed for nonresident beneficiaries	None	None	None	None
Corporate Income Tax	None	None	8.7% of DE income	None	None	None	6.5%
LLC Income Tax	None	None	None	None	None	None	6.5%
Estate/Gift Tax	None	None	None	None	None	None	None
<i>Life Insurance Premium Tax</i>							
Qualified	None	2.7% for the first \$100K, 0.1% thereafter	1.75%	None	1.25%	2.5% for the first \$100K, 0.08% thereafter	1.75%
Non-Qualified	0.75% for the first \$100K, 0.075% thereafter	2.7% for the first \$100K, 0.1% thereafter	2% below \$100K, none thereafter	3.5%	1.25%	2.5% for the first \$100K, 0.08% thereafter	1.75%
Retaliatory	Yes	Yes	Yes	Yes	Yes	Yes, but only on first \$100K annual premium	Yes



MODERN TRUST LAWS

LAW	WYOMING	ALASKA	DELAWARE	NEVADA	NEW HAMPSHIRE	SOUTH DAKOTA	TENNESSEE
Directed Trust	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Trust Protector	Yes	Yes	Yes	Yes	Yes	Yes	Yes
NJSA Statute	Yes	No	Yes	Yes	Yes	Yes	Yes
Virtual Representation	Yes	Yes	Yes	Yes	Yes	Yes	Yes
By Holder of General Power	Yes	Yes	Yes	Yes	Yes	No	Yes
By Parent/Guardian	Yes	Yes	Yes	Yes	Yes	Yes	Yes
By Person with Identical Interest	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rule Against Perpetuities (RAP)	1,000 years	Perpetual / 1,000 years POA	Perpetual / 110 years for real property	365 years	Perpetual	Perpetual	360 years
Court Records Sealed	Automatic, inquiring party must show cause	No	No	Upon court order	Upon court order; see Petition of Keene Sentinel, 136 NH 121 (1992)	Automatic, inquiring party must show cause	No
Trust Required to Register	No	Yes	No	No	No	Optional	Optional
Decanting	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forced Heirship Precluded	Yes	No	No	No	Yes	No	No
Regulated PTC Authorized	Yes	No	LPTCs only	Yes	Yes	Yes	Yes
Unregulated PTC Authorized	Yes	No	No	Yes	Yes, lightly regulated	No	No



STATUTE REFERENCES

TAX IMPOSED DUE TO RESIDENT SETTLOR

Delaware 30 DEL. C. §§ 1601(8) AND 1605(B)

TAX IMPOSED DUE TO RESIDENT FIDUCIARY

Delaware 30 DEL. C. §§ 1601(8) AND 1605(B)

MAXIMUM RESIDENT NON-GRANTOR TRUST INCOME/CAPITAL GAINS TAX

Delaware 30 DEL. C. §§ 1102(a)(14), 1636

Tennessee TCA 67-2-102(5) and 67-2-110(a)

CORPORATE INCOME TAX

Delaware 30 DEL. C. §§ 1902(a)

Tennessee TCA § 67-4-2007(a)

LLC INCOME TAX

Tennessee TCA § 67-4-2007(a)

LIFE INSURANCE PREMIUM TAX: QUALIFIED

Wyoming ws § 26-4-103(j)

Alaska AS § 21.09.210(M)(1-2)

Delaware 18 DEL. C. §§ 702(c)(1)

Nevada NRS 680B.025

New Hampshire NHRS § 400-A:32 I(a)(3)

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

Tennessee TCA § 56-4-205(a)(1)(A)

LIFE INSURANCE PREMIUM TAX: NON-QUALIFIED

Wyoming ws § 26-4-103(b)(i)(E)

Alaska AS § 21.09.210(M)(1-2)

Delaware 18 DEL. C. § 702(c)(3)

Nevada NRS 680B.027

New Hampshire NHRS § 400-A:32 I(a)(3)

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

Tennessee TCA § 56-4-205(a)(1)(A)

LIFE INSURANCE PREMIUM TAX: RETALIATORY

Wyoming ws § 26-3-130

Delaware 18 DEL. C. § 532

Nevada NRS 680A.330

South Dakota SD 58-6-70

DIRECTED TRUST

Wyoming ws § 4-10-718

Alaska AS § 13.36.375(c)

Delaware 12 DEL. C. § 3313

Nevada NRS 163.553 et. seq.

New Hampshire NHRS § 564-B:7-711

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

Tennessee TCA § 35-15-710

TRUST PROTECTOR

Wyoming ws § 4-10-710

Alaska AS § 13.36.370

Delaware 12 DEL. C. § 3313(f)

Nevada NRS 163.5553 et. seq.

New Hampshire NHRS § 564-B:12-1201

South Dakota SD 55-1B-6

Tennessee TCA § 35-15-1201

NJSA STATUTE

Wyoming ws § 4-10-111

Delaware 12 DEL. C. § 3338

Nevada NRS 164.940

New Hampshire NHRS § 564-B:1-111

South Dakota SD 55-18-1(12)

Tennessee TCA § 35-15-111

VIRTUAL REPRESENTATION BY HOLDER OF GENERAL POWER

Wyoming ws § 4-10-302

Alaska AS § 13.06.120(a)(2)(A)

Delaware 12 DEL. C. § 3547(c)

Nevada NRS 164.038(4)

New Hampshire NHRS § 564-B:3-302

Tennessee TCA § 35-15-302

VIRTUAL REPRESENTATION BY PARENT / GUARDIAN

Wyoming ws § 4-10-303

Alaska AS § 13.06.120(a)(2)(B)

Delaware 12 DEL. C. § 3547(d)

Nevada NRS 164.038(5)

New Hampshire NHRS § 564-B:3-303(7)

South Dakota SD 55-18-9(3) and (4)

Tennessee TCA § 35-15-303



VIRTUAL REPRESENTATION BY PERSON WITH IDENTICAL INTEREST

Wyoming ws § 4-10-304
Alaska AS § 13.06.120(a)(2)(C)
Delaware 12 DEL. C. § 3547(a)
Nevada NRS 164.038(1)
New Hampshire NHRS § 564-B:3-304
South Dakota SD 55-18-9(13)
Tennessee TCA § 35-15-304

RAP

Wyoming ws § 34-1-139
Alaska AS § 34-27.051
Delaware 25 DEL. C. § 503
Nevada NRS 111.1031
New Hampshire NHRS § 564.24
South Dakota SD 43-5-8
Tennessee TCA § 66-1-202(f)

COURT RECORDS SEALED

Wyoming ws § 4-10-205
Nevada NRS 669A.256
New Hampshire NHRS § 564-B:4-418
South Dakota SD 15-15A-7(w), 21-22-28

TRUST REQUIRED TO REGISTER

Alaska AS § 13.36.005(a)
South Dakota SD 55-1-56
Tennessee TCA § 35-15-113

DECANTING

Wyoming ws § 4-10-816(a)(xxviii)
Alaska AS § 13.36.157-159
Delaware 12 DEL. C. § 3528
Nevada NRS 163.556
New Hampshire NHRS § 564-B:4-418
South Dakota SD 55-2-15
Tennessee TCA § 35-15-816(b)(27)

FORCED HEIRSHIP PRECLUDED

Wyoming ws § 4-10-504 et. seq.

REGULATED PRIVATE TRUST COMPANY AUTHORIZED

Wyoming ws § 13-5-601 et. seq.
Alaska AS § 06.26.200
Delaware 5 DEL. C. § 774
Nevada NRS 669A.140
New Hampshire NHRS § 383-D:1-101 et. seq.
South Dakota SD 51A-6A-7
Tennessee TCA § 45-2-2001 et. seq.

UNREGULATED PRIVATE TRUST COMPANY AUTHORIZED

Wyoming ws § 13-5-701 et. seq.
Nevada NRS 669A.080
New Hampshire NHRS § 383-D:7-702





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