
Incentive Trusts – Control from the Grave

East Texas Estate Planning Council

March 3, 2011

Topic: "*Incentive Trusts – Control from the Grave*" The presentation was a discussion of the use of "incentive trusts" (trusts designed to encourage or discourage specific future behavior by the trust beneficiary). Mr. Lofgren addressed incentive trusts from the ability or failure of the draftsman to accurately capture the intention of the creator of the trust and the often unconsidered collateral implications of some provisions. Professor Tate addressed whether the provisions were legally enforceable and the historical / social genesis of some provisions. Mr. Groves addressed whether (from the perspective of a corporate fiduciary) the provisions were objectively capable of being reasonably administered. Numerous examples of flawed language were presented along with suggestions for correction of the language and intentions.

Audience: East Texas Estate Planning Council, Tyler, Texas

Presenters: [Norman A. Lofgren](#), Gray Reed & McGraw; Prof. Joshua Tate, Southern Methodist University School of Law; Curtis Groves, Comerica Bank