

## EVANS & ASSOCIATES

SHANNON L. EVANS  
LL.M., TAXATION  
LICENSED IN NEVADA & CALIFORNIA

A PROFESSIONAL LAW CORPORATION  
2400 S. CIMARRON ROAD - STE. 140  
LAS VEGAS, NEVADA 89117  
TELEPHONE: (702) 699-7333  
FACSIMILE: (702) 699-7377

SATELLITE OFFICE:  
7395 S. PECOS ROAD - STE. 103  
LAS VEGAS, NEVADA 89102

OF COUNSEL:  
ROBERT L. UNDERWOOD, III  
LICENSED IN D.C. & FLORIDA

### Top IRA and Retirement Plan Mistakes:

1. Failure to name a Contingent Beneficiary.
2. Naming "my estate" as beneficiary.
3. Naming a normal Revocable Trust as beneficiary.
4. Leaving your retirement plan with previous employer and not rolling over to an IRA.
5. Failing to rollover a large retirement plan to an IRA. Often retirement plan language does not allow for heirs to stretch out distributions.
6. Children beneficiaries can elect to pay income tax on the whole IRA and ruin the magic of compounding. You can force them to elect a stretch-out of the distributions by using a specially worded trust (not your normal revocable trust). This is called an "IBRAT<sup>SM</sup>" (IRA Beneficiary Restricted Access Trust)
7. Having an IBRAT as a beneficiary can protect children from creditors and divorce.
8. Non-spouse beneficiaries cannot rollover an IRA. The IRA will continue to be titled in your name, "for the benefit of child's name."
9. IRA custodians lose your beneficiary designation form. Send it certified mail and keep the receipt.
10. Spousal consent is required for retirement plans before owner's rolling over to an IRA and also if naming a non-spouse beneficiary to your retirement plan. Spousal consent is NOT required for naming non-spouse beneficiary to an IRA, but often the IRA investment company requires spousal consent.
11. Failure to change beneficiary of IRA after a divorce.
12. Investments do not have to be 100% in stocks, but you will need a special IRA custodian for non-traditional investments, such as limited liability company memberships or land.

### Top Revocable Trust Mistakes:

1. Fail to fund trust (i.e., title assets in name of trust).
2. Titling wrong assets in the name of your trust (Not IRAs or Retirement Plans).
3. Failure to amend trust to keep up with significant family changes or changes in law.