

# Florida's Land Trust – A Little Known Secret for Property Owners

Could you benefit from a structure that disguises your ownership of real estate? If you own real estate in your own name, you can easily be a target for litigation. In today's world of instant Internet access to computerized real estate records, all of your real estate holdings throughout the U.S. can be located within a few moments.

Fortunately, there is a better way to own real estate in Florida. It is called a land trust. A land trust is a particular structure designed to hold the ownership interest of real estate. As with any trust, the property is deeded to the trust and the trustee holds legal title to the property for the benefit of you, the named beneficiary. However, in a land trust, the beneficiary retains complete use of the property and any income it generates. As an added layer of protection, the trustee can act only upon written instructions from the beneficiaries, as they maintain complete control over the property at all times.

There are numerous advantages to holding property in a land trust. From a privacy standpoint, a land trust is superior to business entities such as corporations or limited liability companies. There is generally no requirement to register the trust, nor are there public records of officers, directors, members or shareholders. The trustee's name is the only name to appear on public records; the true owner's identity is kept anonymous. No one will know about your ownership of the property except you, your attorney and the trustee.

Anonymity may be desirable in a variety of situations. For example, if you are at-

tempting to purchase property for a particular purpose, such as developing a strip plaza, using a land trust to buy the land would disguise your true intention and not drive up the price. Anonymity resulting from the use of a land trust can also provide asset protection. A land trust can help keep liens and judgments off the property and avoid costly litigation. Creditors, ex-spouses, tax authorities and other potential claimants will not immediately know you own the property since the title is not in your name.

Another benefit of using a land trust includes the ability to keep the sales or purchase price secret and off the public records. Oftentimes, property taxes are lower if the purchase price is kept private. The land trust also helps you avoid the complex and costly probate process. When you pass away, you can direct the trust property be distributed to whomever you name in the trust documents. There will be no need for a public probate proceeding, which means your estate avoids thousands of dollars in court costs and attorneys' fees.

The land trust is fully revocable, so you can amend the terms of the trust or terminate it at any time. Additional real estate can be added to the trust at any time as well. If you own real estate in your name, you should consult with a real estate attorney to discuss whether a Florida land trust could help you preserve your privacy and protect your assets. 🌿



SHIVON PATEL

*Shivon Patel is an attorney with The Principal Law Firm, P.L. in Sanford. Her firm specializes in estate planning, business law and real estate. She also holds a Florida Real Estate Sales Associate License. For more information, visit [www.principallaw.net](http://www.principallaw.net).*

