## Red Flags to Review

- A beneficiary form is more than 5 years old
- A listed beneficiary has died
- A former spouse is still listed
- Minor children are named directly
- A beneficiary receives disability or needs-based benefits
- A child is joint owner "for convenience"
- You opened or rolled over a retirement account
- Your account paperwork does not match your trust

*These issues can cause assets to pass in ways you did not intend.*


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This pamphlet provides general information only and is not legal advice. Reading this pamphlet does not create an attorney-client relationship. Colorado estate planning laws and tax rules can change, and every situation is different. You should consult an attorney about your specific circumstances. Last reviewed: **May 2026.**


## Who Actually Controls This Asset?

The answer usually depends on title and beneficiary paperwork.

**1 Joint owner?**
It may pass to the surviving joint owner.

**2 Beneficiary form?**
The form may control, even if your will says something different.

**3 Titled in your trust?**
Your trustee may administer it under the trust.

**4 In your individual name only?**
Your will and probate may control.

*Key idea:*
Beneficiary forms are estate planning documents.

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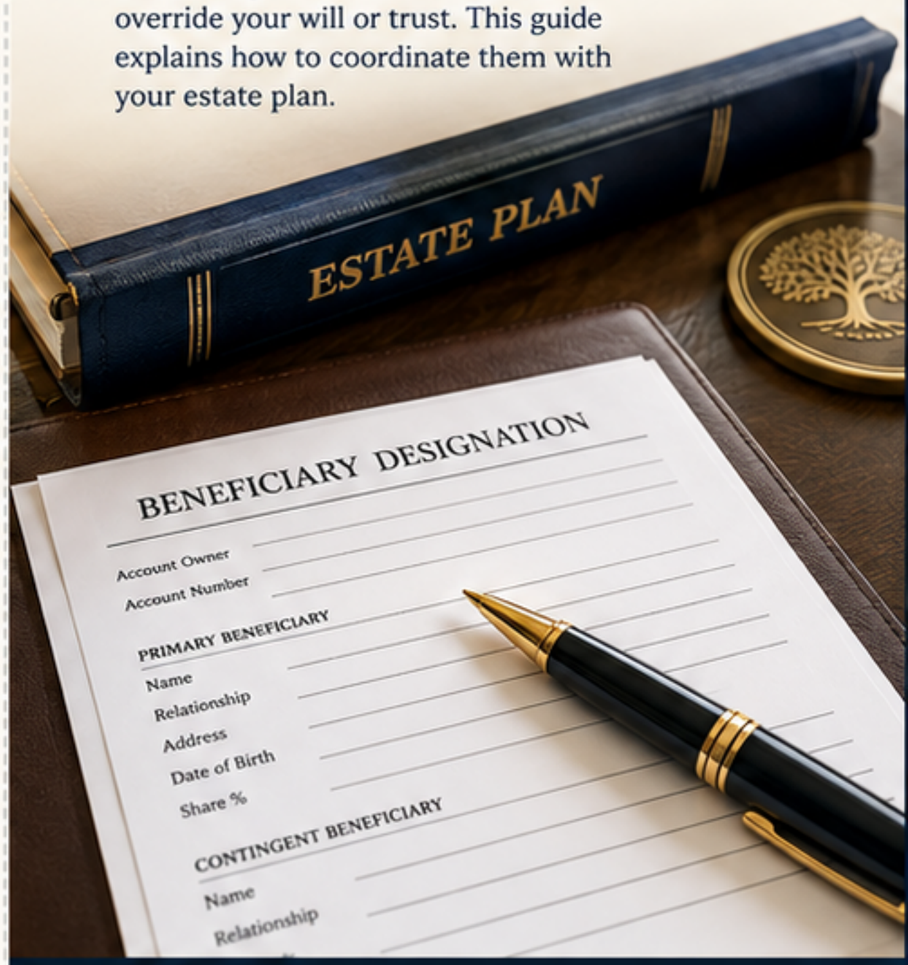
# Beneficiary Designations & Asset Titling

## A Colorado Estate Planning Guide

*Small Forms. Big Consequences.*

Beneficiary forms and asset titles can override your will or trust. This guide explains how to coordinate them with your estate plan.





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# What Your Will Usually *Does Not* Control

Many assets pass by title or beneficiary designation rather than by your will.

| Asset Type | Usually Controlled By |
|---|---|
| Joint tenancy property | Title |
| Life insurance | Beneficiary form |
| Retirement accounts | Beneficiary form |
| POD / TOD accounts | Account designation |
| Trust assets | Trust agreement |
| Individual assets with no beneficiary | Will / probate |

*Your will is important, but it does not control every asset.*

# How Assets Transfer

1. **Probate Asset**
   Owned in your individual name with no beneficiary designation.
2. **Trust Asset**
   Titled in the name of your revocable living trust.
3. **Joint Tenancy**
   May pass automatically to the surviving joint owner.
4. **POD / TOD**
   May pass directly to the named beneficiary.
5. **Retirement or Life Insurance**
   Usually passes by beneficiary designation.

*Asset titles and beneficiary forms should match your estate plan.*

# Common Problem Scenarios

**The Old Form Problem**
An outdated beneficiary form may override the instructions in your trust or will.

**The Minor Beneficiary Problem**
Naming a child directly can require a court process or custodial arrangement.

**The Joint Owner Problem**
Adding a child for convenience may create ownership and inheritance issues.

**The "Equal" Problem**
Equal percentages on separate accounts can still produce unequal results.

## Bring These to Your Review

- Deeds and real estate records
- Bank and brokerage statements
- Retirement account beneficiary forms
- Life insurance beneficiary forms
- POD / TOD designations
- Business ownership records

***Key Takeaway***

Your estate plan works best when your documents, titles, and beneficiary designations all point in the same direction.

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