

# LUNCH N' LEARN

## KEEP IT OUT OF PROBATE





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Simple Tools for Residents of  
Colorado, Wyoming, and Nebraska.

We love helping you stay out of probate, but remember—this presentation is just for info, not legal advice! So be sure to run these ideas by your own attorney before making any big moves with your home or cars in CO, WY, or NE.



# WHY ARE WE HERE?

What is Probate? (And its cons?)

- **Public:** Your private life becomes a public record.
- **Expensive:** Legal fees can eat 3-7% of your estate.
- **Slow:** Often takes 9-18 months.



# THE GIFT OF CERTAINTY

## Bypassing the Courtroom

- You don't always need a complex Trust.
- You keep 100% control while you're alive.
- The transfer is automatic at death.

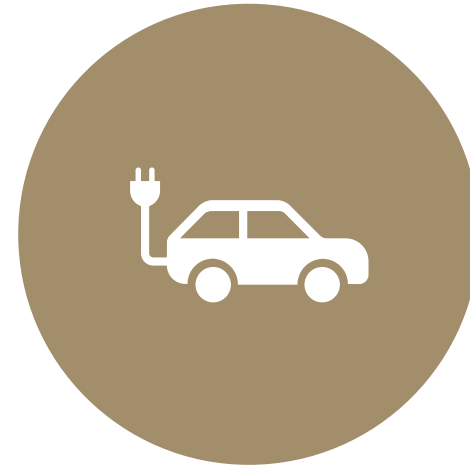


# THE TWO POWER TOOLS

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**BENEFICIARY DEEDS: FOR  
YOUR HOME/LAND.**



**TRANSFER ON DEATH (TOD):  
FOR YOUR CARS/VEHICLES.**





# STATE BREAKDOWN: COLORADO

Colorado.  
The Path of Ease.



**BENEFICIARY DEED**  
(Under §§ 15-15-401, et seq., Colorado Revised Statutes)

**CAUTION: THIS DEED MUST BE RECORDED PRIOR TO THE DEATH OF THE GRANTOR IN ORDER TO BE EFFECTIVE.**

designates

, as grantor,

as grantee-beneficiary whose address\* is

or if grantee-beneficiary fails to survive grantor, grantor designates

as successor grantee-beneficiary whose address\* is

and grantor transfers, sells, and conveys on grantor's death to the grantee-beneficiary, the following described real property located in the County of \_\_\_\_\_, State of Colorado:

This is a new legal description. See \*\* below (C.R.S § 38-35-106.5).  
Property address:

Parcel ID:

THIS BENEFICIARY DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE GRANTOR. IT REVOKES ALL PRIOR BENEFICIARY DEEDS BY THIS GRANTOR FOR THIS REAL PROPERTY EVEN IF THIS BENEFICIARY DEED FAILS TO CONVEY ALL OF THE GRANTOR'S INTEREST IN THIS REAL PROPERTY.

WARNING: EXECUTION OF THIS BENEFICIARY DEED MAY DISQUALIFY THE GRANTOR FROM BEING DETERMINED ELIGIBLE FOR, OR FROM RECEIVING, MEDICAID UNDER TITLE 26, COLORADO REVISED STATUTES.

**Simplifying retirement for all. One plan. Every business.**

# CO REAL ESTATE

## The Colorado Beneficiary Deed.

- **C.R.S. §15-15-401**
- **Must be Recorded before death.**
- **The “Conveys on Death” clause.**



**BENEFICIARY DEED**  
(Under §§ 15-15-401, et seq., Colorado Revised Statutes)

**CAUTION: THIS DEED MUST BE RECORDED PRIOR TO  
THE DEATH OF THE GRANTOR IN ORDER TO BE  
EFFECTIVE.**

# COLORADO PRO-TIP

## The Medicaid Warning.

- Beneficiary deeds are great, but...
- If you expect to need Medicaid, check with a pro first.
- It can affect eligibility/recovery in CO.



**WARNING: EXECUTION OF THIS BENEFICIARY DEED MAY DISQUALIFY THE GRANTOR FROM BEING DETERMINED ELIGIBLE FOR, OR FROM RECEIVING, MEDICAID UNDER TITLE 26, COLORADO REVISED STATUTES.**





# STATE BREAKDOWN: WYOMING

Wyoming:  
The Tax-Smart  
Transfer.



Prepared by: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 When recorded, mail to: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

This Space for Recorder's Use Only.

**Wyoming Transfer on Death Deed**  
 (Beneficiary Deed)

I/we, \_\_\_\_\_ (owner/owners),  
 hereby convey to \_\_\_\_\_  
 (Grantee Beneficiary), effective on my/our death the following described real property:

**A complete legal description of the real property being conveyed by this instrument is attached hereto on page 3 as EXHIBIT A.**

If a grantee beneficiary predeceases the owner, the conveyance to that grantee beneficiary must either (choose one):

Become void.

Become part of the estate of the grantee beneficiary.

Before my death, I/we have the right to revoke this deed. This deed does not transfer ownership interest until my/our death.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_


Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_

# WY REAL ESTATE

## Wyoming TOD Deed.

- Wyo. Stat. § 2-18-101.
- Record it with the County Clerk.
- Skips the court, keeps it private.





# THE WYOMING “TAX BONUS”

## The Stepped-Up Basis

- Heirs get the house at "Market Value" on your death.
- Eliminates massive Capital Gains taxes.
- Better than "adding them to the title" now.





# WY VEHICLES

## Joint Tenancy (JTWROS)

- Wyoming has no specific TOD form for cars.
- Use "Joint Tenancy with Right of Survivorship."
- Title the car as "You OR Your Heir."





# STATE BREAKDOWN: NEBRASKA

Nebraska:  
The 30-Day Rule.

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# NE REAL ESTATE

## The Nebraska TOD Deed.

- Neb. Rev. Stat. § 76-3401.
- **CRITICAL:** Must record within 30 days of signing.
- If you wait 31 days, it's worthless.



Space above this line for recorder's use only

Prepared By:

After Recording Return To:

Name: [PREPARER NAME]

Name: [RECIPIENT NAME]

Address: [PREPARER STREET ADDRESS]

Address: [RECIPIENT STREET ADDRESS]

[PREPARER CITY, STATE, ZIP]

[RECIPIENT CITY, STATE, ZIP]

## NEBRASKA TRANSFER ON DEATH DEED

### TRANSFEROR INFORMATION.

Transferor Full Name: [TRANSFEROR NAME] Marital Status: [MARITAL STATUS]

Address: [TRANSFEROR ADDRESS]

Transferor Full Name: [TRANSFEROR NAME] Marital Status: [MARITAL STATUS]

Address: [TRANSFEROR ADDRESS]

Legal Description of Property:

[ENTER PROPERTY LEGAL DESCRIPTION HERE (OR ATTACH AND INSERT)]

**BENEFICIARY.** I designate the following beneficiary if the beneficiary survives me.

Full Name: [BENEFICIARY NAME] Marital Status: [MARITAL STATUS]

Address: [BENEFICIARY ADDRESS]

**ALTERNATE BENEFICIARY (OPTIONAL).** If my primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

Full Name: [ALTERNATE BENEFICIARY NAME] Marital Status: [MARITAL STATUS]

Address: [ALTERNATE BENEFICIARY ADDRESS]

# NEBRASKA TRANSFER ON DEATH DEED INSURANCE WARNING

## The 2025 Insurance Check.

- Ensure coverage doesn't gap at transfer.
- Check your homeowner's policy wording.
- Advise heirs to call the agent immediately.

Simple and easy to use for all types of property. Every business.

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STATE OF NEBRASKA  
CERTIFICATE OF TITLE



Vehicle Identification Number: \_\_\_\_\_

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Lienholder: \_\_\_\_\_

Lienholder Address: \_\_\_\_\_

Odometer Reading: \_\_\_\_\_ Miles

Date Issued: \_\_\_\_\_ Title Number: \_\_\_\_\_

# NE VEHICLES

TOD on the Title.

- Neb. Rev. Stat. § 30-2715.01.
- Add "TOD [Name]" directly at the Treasurer's office.
- Simplest way to transfer a truck or car.





# THREE GOLDEN RULES

Important Reminders.

1. Record It: It's just paper until the County sees it.
2. You're in Control: You can change or revoke it anytime.
3. It's for Later: Beneficiaries have ZERO rights while you're alive.



# The Keep it Out of Probate Cheat Sheet



...	Asset	Colorado (CO)	Wyoming (WY)	Nebraska (NE)
...	<b>Real Estate</b>	Beneficiary Deed (Record before death)	TOD Deed (Record before death)	TOD Deed ( <b>Record within 30 days!</b> )
...	<b>Vehicles</b>	Form DR 2009 (Keep with title)	Joint Tenancy (JTWROS)	TOD Designation on Title
...	<b>Key Benefit</b>	Skips Probate	Tax "Stepped-Up Basis"	Skips Probate
...	<b>Revocable?</b>	Yes, anytime	Yes, anytime	Yes, anytime

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## KEEP IT OUT OF PROBATE Q&A

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**THANK YOU FOR YOUR TRUST AND YOUR BUSINESS.**

*Simplifying retirement for all. One plan. Every business.*