

South Dakota Advantages: Comparison of Trust Jurisdictions

	South Dakota	Nevada	Wyoming	Alaska	Delaware	Virginia
Dynasty Trusts	Yes Ranked as #1 [1]	Yes Ranked as #2 [1] State constitution prohibits modification to RAP [2]	Yes Ranked as #5 [1] State constitution prohibits modification to RAP [2]	Yes Ranked as #4 [1]	Yes Ranked as #8 [1]	Yes Unranked [1]
State Income Taxation	No	No	No	No Future uncertain	No Only for non-residents	Yes 5.75%
Community Property Trusts	Yes [3]	Yes Only for residents	No	Yes Future uncertain	No	No
Domestic Asset Protection Statute	Yes [4] 2 year statute of limitations Exception for child support	Yes [4] 2 year statute of limitations No exceptions for child and spousal support	Yes [4] 4 year statute of limitations Exception for child support	Yes [4] 4 year statute of limitations Exception for divorcing spouse	Yes [4] 4 year statute of limitations Exceptions for child and spousal support [6]	Yes [4] 5 year statute of limitations Exception for child support
Trust Protector	Yes	Yes	Yes	Yes	Yes	Yes - Trust Advisor
Directed Trusts	Yes	Yes	Yes	Yes	Yes	Yes
Decanting Statute	Yes Ranked as #1 [5]	Yes Ranked as #2 [5]	Yes Ranked as #10 [5]	Yes Ranked as #7 [5]	Yes Ranked as #5 [5]	Yes Ranked as #14 (tie) [5]
Quiet / Silent Trust Provision	Yes [7]	Yes [7]	Yes [7]	Yes [7]	Yes [7]	No
Trust Privacy Provision	Yes - Total Privacy Seal Forever Automatically attaches [2]	No Total Privacy Seal [2] Subject to judge discretion	No Total Privacy Seal [2] Subject to judge discretion	No Total Privacy Seal [2] Subject to judge discretion	Yes - Three Year Privacy Seal [2] Subject to judge discretion	No Total Privacy Seal
Special Purpose Entity	Yes [2] Codified by statute	No	No	No	No	No
Family Advisor	Yes	No	No	No	No	No

[1] Attorney Steve Oshins' "6th Annual Dynasty Trust State Rankings Chart"

[2] Merric, Mark & Worthington, Daniel G. "Which Situs is Best in 2018?" Trusts & Estates January 2018

[3] South Dakota Special Spousal Trusts, House Bill 1039 (2016) (Sections 29-42)

[4] Attorney Steve Oshins' "8th Annual Domestic Asset Protection Trust State Rankings Chart"

[5] Attorney Steve Oshins' "5th Annual Trust Decanting State Rankings Chart"

[6] Merric, Mark & Worthington, Daniel G. "Best DAPT Jurisdictions Based on Three Types of Statutes" Trusts & Estates January 2017

[7] S.D. Code § 55-2-13; NRS §163.004; Wyo.Stat. Ann. § 4-10-813; Alaska Stat. § 13.36.080 (b); 12 Del. C. § 3303 (a) and (c)