

Pooled Trust under Section 1917(d)(4)(C) of the Act

This trust is established under Section 1917(d)(4)(C) of the Social Security Act (42 U.S.C. § 1396p(d)(4)(C)).

1. Trust Established with Assets of Disabled Individual

This trust is established with the assets of an individual (**Disabled Individual**) who is disabled as defined in 42 U.S.C. § 1382(c)(a)(3).

2. Pooled Trust Established and Maintained by a Nonprofit Association

This Trust is established and maintained by a nonprofit association that is an organization defined in section 501(c) of the Internal Revenue Code (IRC) and that also has tax-exempt status under section 501(a) of the IRC: The Special Needs Trust Foundation of San Diego, California.

3. Trust Pools Funds and Maintains Individual Account

This Trust pools its funds, yet maintains an individual account for the Beneficiary and provides an individual accounting.

4. Sole Benefit Trust

Disabled Individual is the sole Beneficiary of the individual trust account.

5. Grantor Is Individual/Parent/Grandparent/Legal Guardian/Court

The trust is established by _____, the _____ of **Disabled Individual**.

6. Distributions from Trust on Death of Beneficiary

The trust provides that, to the extent that amounts remaining in the Beneficiary's account upon the death of the Beneficiary are not retained by the trust, the trust pays to the State from such remaining amounts in the account an amount equal to the total amount of medical assistance paid on behalf of the Beneficiary under the State Medicaid plan. To the extent that the trust does not retain the funds in the account, the State must be listed as the first payee and have priority over payment of other debts and administrative expenses except as follows:

First, taxes due from the trust to the State or Federal government because of the death of the Beneficiary; and reasonable fees for administration of the trust estate such as an accounting of the trust to a court, completion and filing of documents, or other required actions associated with termination and wrapping up of the trust.

Next, all proper state claims for reimbursement for Medical Assistance paid on behalf of the Beneficiary under a State Medicaid plan, up to an amount equal to the total Medical Assistance paid on behalf of the Beneficiary under a State Medicaid Plan.

Next, unless other provisions have been made, last-illness and funeral expenses.

Last, of the remaining trust estate, in equal shares to Remainder Beneficiary A, Remainder Beneficiary B, and Remainder Beneficiary C..

Once all assets of the trust have been distributed, the trust shall terminate.

7. Trust Is Irrevocable

The trust is irrevocable.

8. Trust Meets Requirements of Medicaid Pooled Trust Exception