

M. Travis Hayes

Shareholder

Naples
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Practice & Industry Areas

- Private Wealth Services
- Probate, Trust & Guardianship Litigation
- Family Office

Education

- University of Miami, LL.M. in Estate Planning, 2005
- University of Florida, J.D., 2004
- University of Florida, B.A., 2001

Bar & Court Admissions

- Florida, 2006

Overview

Travis Hayes is in his second decade of navigating clients through and beyond their private wealth planning initiatives, including advising on all estate planning and trust and estate administration-related matters, as well as resolving fiduciary litigation claims both in and out of court. He is at his best when assisting his clients to reach their distinct goals with respect to their wealth and their trusts and estates. He understands trust and estate law issues inside and out, as well as how the law impacts multiple generations of family planning. He brings this critical knowledge and experience to every client engagement, whether handling a planning, administration or litigation matter.

Travis is a frequent speaker and author on trust- and estate-related topics. He is an active member of the Executive Council for the Real Property, Probate & Trust Law (RPPTL) Section of The Florida Bar, where he assists with developing, implementing and improving probate and trust law in the State of Florida. He is the immediate past Chair of the RPPTL Probate Law and Procedure Committee and currently serves as Vice-Chair of the RPPTL Legislation Committee. In recognition of his service to the RPPTL Section, Travis was awarded the At-

Large Member of the Year award in 2014 and the Rising Star award in 2018. Travis is also a past Chair of the Probate Rules Committee for The Florida Bar.

Travis is also an active Fellow of the American College of Trust and Estate Counsel (ACTEC). He currently serves on the Fiduciary Litigation Committee, Fiduciary Income Tax Committee, Fiduciary Administration Task Force, and Communications Committee for ACTEC. Travis has presented on various topics at ACTEC Committee meetings and continuing legal education programs (primarily about updates and changes to Florida probate and trust law).

In addition to his work at the state and national levels, Travis is an active member of the local Bar. Travis is a past President of the Collier County Bar Association. He is also a past President of the Collier County Bar Foundation and past Chair of the Trusts & Estates Section of the Collier County Bar Association.

Travis has been recognized in The Best Lawyers in America in the areas of Trusts & Estates and Litigation – Trusts & Estates, and he holds an AV Preeminent peer review rating from Martindale-Hubbell. He has been named by Florida Trend magazine as a “Legal Elite” in Florida, by Super Lawyers as a Florida Super Lawyer, and by Naples Illustrated as a Top Trusts & Estates Lawyer. Travis was also selected as one of the Top 40 under 40 Trusts and Estates attorneys in the State of Florida for 2015 and 2016 by the American Society of Legal Advocates.

A native of Naples, Travis returned home to practice law in Southwest Florida in 2005.

Representative Matters

Estate Planning

Travis’ estate planning practice includes:

- The drafting of wills and revocable/irrevocable trust agreements
- Implementing sophisticated estate planning techniques using advanced estate planning documents, such as community property trusts, grantor retained annuity trusts (GRATs), irrevocable insurance trusts (ILITs), qualified personal residence trusts (QPRTs), charitable remainder unitrusts (CRUTs), installment sale documents for transfers to intentionally defective grantor trusts (IDGTs), and associated documents
- Advising the firm’s clients on estate, gift, generation-skipping transfer (GST), income, charitable and post-mortem tax planning
- Advising clients regarding lifetime gifting programs, including education funding and annual gift planning
- Providing advice regarding business succession and generational family issues
- Establishing private foundations and other charitable vehicles in order to carry out his clients’ charitable intent

- Providing advice regarding retirement benefits and insurance planning
- Assisting clients with establishing domicile in the State of Florida

Estate and Trust Administrations & Fiduciary Representation

Travis handles all aspects of estate and trust administration in order to assist trustees and personal representatives with the management of trusts and settlement of estates. In guiding clients through the administration process, Travis provides advice regarding:

- Identifying and transferring probate and non-probate assets
- Preparing federal estate, gift and fiduciary income tax returns and providing representation of the estate in any audit of those returns
- Post-death planning to minimize estate, gift or income taxes
- Preparing accountings, inventories and other administration documents required by applicable Florida law
- Addressing issues relating to Florida homestead property
- Guiding beneficiaries through the administration process and providing advice regarding a beneficiary's rights in a trust or estate
- Advising corporate and professional fiduciaries (including members and employees of family offices) regarding, and assisting them in fulfilling, their responsibilities and duties as trustees of trusts and personal representatives of estates

Probate, Trust and Fiduciary Litigation

Travis frequently represents beneficiaries and fiduciaries in disputes regarding estate and trust administrations, including will and trust contests and breach of fiduciary duty claims. He assists the firm's clients with:

- Prosecuting claims on behalf of the beneficiaries of trusts and wills
- Defending claims brought against individual, professional and corporate fiduciaries
- Representing parties in contested guardianships
- Representing clients in estate and gift tax controversy matters against the IRS and in tax court
- Advising clients through the estate planning and administration process in order to avoid litigation among family members
- Serving as a mediator and as an expert witness for trust and estate disputes and related litigation

Honors

- The Florida Bar, Real Property, Probate and Trust Law Section
 - Rising Star, 2018
 - At-Large Member of the Year, 2014
- *The Best Lawyers in America*®

- Trusts & Estates, 2018-24
- Litigation -Trusts & Estates, 2021-24
- Florida *Super Lawyers*, Estate Planning & Probate, 2019-23
- *Florida Trend*, “Legal Elite” – Wills, Trusts & Estates
- *Naples Illustrated*, “Top Lawyers,” Trusts & Estates, 2023
- American Society of Legal Advocates, Top 40 Under 40
- AV Preeminent rating as independently determined by Martindale Hubbell

Publications & Presentations

- Co-Author: *Florida Estate Planning* (treatise published by Thomson-Reuters as part of West’s Florida Practice Series)
- Co-Author: “Relationship Dissolution Planning” (a chapter of The Florida Bar practice manual, *Asset Protection in Florida*)
- Co-Author: “It’s All About That Basis (Step-Up!)” – *Naples Daily News* Estate Planning Guide, 2022
- Speaker: “An Examination of the Florida Community Property Trust Act and the Use of Community Property Trusts” – 41st Annual Attorney/Trust Officer Liaison Conference, Florida Bar (RPPTL), August 2023
- Speaker: “The Florida State Estate Tax Bill and Changes to Chapter 198 of the Florida Statutes” – 43rd Annual RPPTL Section Legislative and Caselaw Update, 2023
- Speaker: “2023 Trusts, Estates, and Guardianship Law Legislative Update” – Collier County Bar Association, 2023
- Speaker: “2023 Trusts, Estates, and Guardianship Law Legislative Update” – Lee County Bar Association, 2023
- Speaker: “Florida Probate Practice & Procedure” – The Florida Bar’s Wills, Trusts and Estates Certification Review Course, 2023
- Speaker: “Florida Community Property Trusts” – Sarasota County Bar Association, 2023
- Speaker: “Recent Fiduciary Income Tax Developments” – ACTEC Summer Meeting, Washington, D.C., ACTEC Fiduciary Income Tax Committee, 2023
- Speaker: “Florida Community Property Trust Act” – Florida Bankers Association 63^d Annual Wealth Management Conference, 2022
- Speaker: “Florida Community Property Trust Act” – Florida Bankers Association 63rd Annual Wealth Management Conference, 2022
- Speaker: “2022 Estates and Trusts Bill” – 42nd Annual RPPTL Section Legislative and Caselaw Update, 2022
- Speaker: “Advising the Personal Representative in the Administration of the Estate” – ACTEC Summer Meeting, 2022
- Speaker: “2022 Trusts, Estates, and Guardianship Law Legislative Update” – Collier County Bar Association, 2022

- Speaker: “2022 Trusts, Estates, and Guardianship Law Legislative Update” – Lee County Bar Association, 2022
- Speaker: “Florida Probate Practice & Procedure” – The Florida Bar’s Wills, Trusts and Estates Certification Review Course, 2022
- Speaker: “Florida Community Property Trust Act” – The Florida Bar’s Wills, Trusts and Estates Certification Review Course, 2022
- Frequent speaking engagements throughout the State of Florida (including recent presentations in Miami, Fort Lauderdale, Boca Raton, Palm Beach, Orlando, Tampa, St. Petersburg, Clearwater, Sarasota, and Fort Myers) to Bar Associations, Estate Planning Councils, and other Trusts & Estates-related groups

Professional Associations & Memberships

- American College of Trust and Estate Counsel
 - Fellow
 - Fiduciary Litigation Committee, Member
 - Fiduciary Income Tax Committee, Member
 - Communications Committee, Member
 - Inaugural Class of the Florida Fellows Institute, Graduate
- The Florida Bar
 - Florida Probate Rules Committee, past Chair
 - Grievance Committee 20B
 - Past Member
 - Chair-Elect
 - Probate & Trust Law Section
 - Executive Council, Member
 - Probate Law and Procedure Committee, past Chair
 - Florida Business Corporation Act Task Force, past Chair
 - Legislation Committee, Vice-Chair
 - Digital Assets and Information Study Committee, past Vice-Chair
 - Member Communications and Information Technology Committee, past Vice-Chair
 - Legislative Update Committee, past Vice-Chair
 - Trust Law Committee, Member
 - Probate and Trust Litigation Committee, Member
 - Estate and Trust Tax Planning Committee, Member
 - Asset Protection Committee, Member
 - Strategic Planning Committee, Member
 - Past Lead Circuit Representative for the 20th Judicial Circuit

- Primary Drafter of the Florida Community Property Trust Act (Part XV of the Florida Trust Code)
- Primary Drafter of the Florida Fiduciary Access to Digital Assets Act (Chapter 740 of the Florida Statutes)
- Collier County Bar Association
 - Past President
 - Board of Directors, past Member
 - Trusts and Estates Section, past Chair
 - Young Lawyers Section, past Chair
 - Estate Planning Council of Naples, Past Member
 - Planned Giving Council of Naples, Past Member

Civic & Community Service

- University of Florida Advisor Network (UFAN), Member
- University of Florida Levin College of Law, Guest Professor for Estates & Trusts Course
- University of Miami Graduate Program in Estate Planning, Student Advisor
- Ave Maria School of Law, Guest Professor for Estates & Trusts Course
- Collier County Bar Foundation, past President
- United Way of Collier County, Board of Directors, past Member
- David Lawrence Center, Young Executives Board of Directors, past Member
- Red Cross of Lee County, Planned Giving Committee, past Member
- Drug-Free Collier Foundation, Operations Committee, past Member
- Naples Chamber of Commerce, Graduate of the Inaugural Class of the Growing Associates in Naples (GAIN) Program