
Questions and Answers

Question

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I have observed that when a loved one dies, many families face conflict over the division of assets and belongings. What are some basic guidelines that could help me avoid similar problems?

[Answers]

Before Death

We have been counseled to prepare for unforeseen events. The transfer of possessions upon death should be such an event. Start now and have a plan in place to minimize strained family relations at the time of your death. Planning for the transfer of possessions after death applies to everyone, not just those with large estates.

Get a recommendation of a qualified and capable attorney to help. You want someone who will be able to advise you on all the aspects of your property and any special situations.

Your estate plan does not need to provide for equal division of property or complete fairness. Share the reasons for your decisions with your family now so they aren't surprised later at the reading of the will.

Gregory L. Tanner, California

Today, one can acquire a simple will very reasonably from an attorney or legal clinic. Costs vary depending on circumstances, local economic considerations, and the complexity of the will. Self-help documents are available in office supply stores and on the Internet. Caveat emptor ("let the buyer beware") is the rule for all self-help documents.

David L. Evans, Washington

Be sure to tell your spouse or another family member what your computer passwords are so they can access financial records and other necessary documents on the computer. Also, let them know where important paper documents are located.

Earl D. Jardine, California

My family members and I have created a photo album of everything in my parents' home. Digital cameras work well for this, and the resulting images can easily be put onto a CD and stored in a safety deposit box for insurance purposes.

We numbered each photo and made a database that contained the following columns: category of item (furniture, jewelry, and so on), item name, description, history. We then had two final columns. One was the column in which people put their names if they desired to inherit that item. The last column was the official record of who would actually inherit the article. There are many ways to reach a final decision if more than one person wants the same item.

I appreciate that my parents have insisted that all of their estate, financial, and funeral details are worked out now. It lifts a great burden from their shoulders and will make our lives easier in the future. When the time comes to mourn, our family will be able to focus on supporting one another and will not be torn apart by details and decisions.

Patricia A. Gnadl, Illinois

Some family heirlooms may mean something special to one individual and not to others. Why not give it to that person to enjoy while you are alive and can see the smile it brings? There also might be things of value that nobody in the family really wants. Why not dispose of those things where they will do the most good?

My wife and I are in the process of disposing of those things that we do not really need. It feels good to be simplifying our lives so that we may have more time for the important things.

Ed Kearney, Utah

When family treasures are given away prior to death, the giver should include a letter or note to the recipient identifying the object, stating clearly that it is being given as a gift, and describing the object's history, previous owners, significance to the giver, and so forth. This letter serves as evidence that the object was freely given to the recipient, as a certificate of authenticity, and as a document explaining the object's place in one's family history.

Richard A. McFarlane, California

My mother prepared well by asking each of us what we would like and then labeling her possessions with small stickers indicating who should have the item. As a result, there were no conflicts between us concerning what each of us should inherit.

Wayne H. Martin, Ohio

After Death

Upon my mother's death, my father, brothers, and I found peace, healing, and comfort by doing the following:

1. We held a family meeting, ensuring that each immediate family member was invited and encouraged to be present.
2. We began with a family prayer. This was a time for healing, for reflection of fond memories, and for strengthening and uplifting each other.
3. We sought to keep the Spirit with us as we made decisions regarding her earthly possessions. We decided it might become necessary to adjourn and meet again at a later date, when possible, to keep the Spirit.
4. We made copies for everyone of journals, letters, pictures, recorded blessings, death certificate, personal will, and so on.
5. We allowed time for reflection and grieving. It helped us set aside our worldly passions and focus on the eternal nature of this life and the next.

Amanda Widmer, Iowa

After my mother died, it was understood among my brothers and me that any gift given to her would be returned to the family of the giver. It was then up to us as brothers to work out the distribution of her household.

The following process proved to be successful:

An inventory was made of all of the items and sent to each brother. Each brother privately discussed with his wife which items he and she most wanted to have.

Then, without our wives, we brothers gathered to the family home and chose numbers out of a hat. The brother who drew number 1 would have the first choice of a household item; the number 2 brother would have the second choice, and down the line to number 5. However, the number 5 brother would have the fifth *and* the sixth choice of items. The number 4 brother, who had already had the fourth choice, then had the seventh choice. The pattern continued so that the number 1 brother, who had had the first choice, couldn't choose again until the 10th choice. This pattern was repeated until all of the household items had been chosen.

This manner of choosing, based on a random drawing but weighted in terms of one's opportunity for choice, gave each brother a fair opportunity of choosing among the household items without feelings of jealousy or contention. We enjoyed peace and brotherly love throughout the process.

Doug Ladle, Idaho

Family relationships are more important than earthly possessions. Realize that it isn't worth it to argue over a deceased loved one's possessions. This can result in hard

feelings, emotional words, and possibly litigation in the courtroom. And whenever there is litigation, only the lawyers truly come out the winners.

Remember the intentions of the deceased loved one. Consider how heartbroken the loved one would be to know of arguing and contention.

David A. Schory, California

Everyone suffers loss differently. The division of property will go more smoothly if we will give others the benefit of the doubt and look on the heart. For example, if a member of the family seems to want to control the process or exhibits greed, it may simply be that this individual has an emotional void opened up by the loss. This individual may subconsciously feel that a tangible object will fill an emotional need. He or she may be in need of extra love and support.

Often there is one family member who “doesn’t want anything.” This person often cannot voice how deep his or her loss truly feels. Perhaps this person hasn’t lived near the loved one for many years and feels a sense of guilt as well as a deep and profound sense of loss. This family member can feel undeserving. At some later date, he or she may regret not having some special item by which to remember the loved one. Others need to recognize that this family member should *not* be left out of any decisions or divisions. Careful consideration of this hurting individual can afford him or her great comfort once time has passed.

Lisa Morton Mills, Tennessee

Here are some suggestions based on what helped my siblings and me after our parents’ death:

1. Do not expect an inheritance. Any material possession you get is just a bonus. The real inheritance left to us is not things but values.
2. Do not expect things to be totally equal. Those who get more also inherit more responsibility such as taxes, upkeep, and so on.
3. Remember, you didn’t have the item to begin with. So if you don’t get it, you haven’t lost anything and you don’t have to figure out what to do with it when you get home.

Margaret Lott Turpin, Idaho

My parents’ wills were very brief—deeding all to each other, then naming the executor, and adding only “share and share alike.”

My brother, who was executor of the will, reminded us frequently: “All of this is just a mess of pottage! What really matters is the love and good feelings between us as siblings.”

On the day we gathered together (siblings only—no spouses or children), we each wrote a numbered list of items desired. Next we each read off our number 1 item. If no one else had listed that item as number 1, the individual could take that item. If more than one listed it first, they negotiated. Often feelings and memories were shared, expressing why the item was desired. It was surprising that others didn't desire the same items to the same degree.

It was a sweet and tender exchange, and love abounds.

Rita Hardy, Alberta, Canada

Gospel topics: death, family, financial management

[photos] Photography by Robert Casey

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