

VALUES & VALUABLES

JUNE 2004

There's nothing quite like a funeral to get us thinking about our lives. A few of us here at the firm have recently had the experience of having both a family member and clients die. We are assisting in the estate settlements. What quickly becomes clear is that tax issues are but a small part of the entire estate planning picture. Unfortunately, too many people make taxes the focus of what little planning is done.

We don't need a funeral to bring these non-tax issues to the forefront. We merely need to read the newspapers every now and then. Several stories in recent months illustrate the need to prepare documents that take into account our values as well as our valuables.

"I direct that my remains be cremated and my ashes sprinkled at sea off the coast of Florida where the water is very deep." Those are the words of Baseball Hall of Fame designee, Ted Williams, in his last will and testament. Yet, his body has been cryogenically frozen. His daughter and her half brother are engaged in legal wranglings after the brother allegedly used the power-of-attorney to circumvent the will and the Uniform Anatomical Gift Act, which requires organ donation wishes to be in writing.



One lesson is that a power-of-attorney should not be too broad. This case also shows the importance of good family communications. We must be very careful to whom we grant any powers. This is especially important for families in which siblings may feud.

Dated March 25, 1616 -- less than a month before he died -- William Shakespeare penned his wish to, "be made partaker of lyfe everlastinge." He bequeathed his "second best bed" to his wife. (The Associated Press story did not mention what happened to his best bed.) Other specifications include money donated to the poor of his hometown of Stratford-upon-Avon, his sword to Thomas Combe, and a silver bowl to daughter Judith.

Over 1 million other wills, spanning five centuries since Britain's National Archives posted them, can be read online.

Alas, something is rotten in Denmark. Your will, outlining all your stated desires and accounting of property, shall, too, be open to the eyes of all who seek to know. It is public information-without the public having to wait four hundred years to read it.

Ironically, every bill you get these days includes privacy policy assurances, however, your probate estate and last will and testament are there for all to see. Greater privacy, however, is an underappreciated benefit of having a properly prepared estate plan.



Are your children ready to inherit? If you do not prepare your heirs to be heirs, the inheritance can cause more problems than it could solve. There doesn't have to be a Hilton size estate for this to happen. Let's face it, all children and grandchildren are not equally capable of handling money. With proper planning, you can improve the odds that the assets passed support your values and support your heirs as you wish.

A story in the news lately surrounds the death of Pat Tillman. His story is one of the most inspirational you'll ever hear. We can't do it justice in this short space but please read about him when you get a chance. Pat left his multi-million dollar contract with the Arizona Cardinals football team to join the U. S. Army Special Forces after 9-11. He was killed trying to save the lives of several of his fellow soldiers "without regard for his personal safety" during an ambush in Afghanistan on April 22nd of this year. He was 27 years old. One of the eulogizers, recognizing that



Tillman made the ultimate sacrifice for his values, made the following point, "1976-2004. That dash represents a lifetime. What are we doing with our dashes? For Pat, we must make them count." Tillman's story is particularly poignant since we just observed Memorial Day.

Death is often an unpleasant topic for some people to face and/or discuss, even with their financial advisors, or their family members. However, this is a "when" event, not an "if." We will all leave this world some day. Our hope is not that our clients will mope or obsess about the inevitable end to life on earth. Instead, we hope our clients will view their planning needs in a broader context of life planning that includes their heirs and the final statements they wish to make. We have all heard of fighting or at least poorly behaving heirs. Estate documents can be viewed as a final love letter, one last chance to pass on

values as well as valuables. Being prepared is a good step toward freeing the mind and heart to make even better the time we do have here on earth.