

Distributing Personal & Household Assets

Agricultural Business Management

Gary A. Hachfeld, David B. Bau, & C. Robert Holcomb, Extension Educators

Introduction:

There comes a time in life when many people are faced with the question of what to do with their personal possessions. Most elderly people have a life time of accumulated furniture, family heirlooms, prized mementos, photographs and other possessions. These possessions will have to be disposed of in some manner either at retirement, at the time of a move to a health care facility or upon death. Many people are faced with the question of how to dispose of the property in a manner that is fair and meaningful to their heirs.

Disposing of prized possessions can be very emotional and a very difficult thing to do. Often, a life time of memories and events are sparked by certain possessions. It is probably best not to dispose of these possessions until you are emotionally ready to do so.

When you are emotionally ready to dispose of your things, the following suggestions may help you with the process.

Should I give away things now or let my personal representative/trustee divide them after I'm gone?

Giving away personal property during your lifetime, to people who you want to have it, can be rewarding. You are certain it actually gets to the people you think are the most deserving or appreciative of the item. Your gifting of the possessions moves the property out of your home. This can simplify your life as well as that of your personal representative or trustee or your family members who will have to sort and dispose of your items after your death. You may also receive satisfaction when giving things to others. Gifting to others can make you feel good.

How can I be fair to all my children? I only have one antique grandfather clock.

Fairness to children is a challenge. Sometimes, knowing your children's likes, dislikes and their interests can give you some guidance when distributing assets. If you have an heir who is particularly interested in family history, you might give them the old family photos and family

history. Consider giving practical household items (beds, tables, etc.) to those who may have a use for them. If you do have one outstanding item and many heirs who want it, you might consider giving that antique grandfather clock to one child, but let the others have offsetting items such as other antiques, your car, major appliances, etc.

Communication and creativity are key here. Following are some hints you might consider when distributing your non-business assets.

What are some ways I or my personal representative/trustee can divide possessions fairly and more or less equally?

First, decide on what items are to be distributed. Then consider one or more of the following:

1. Hold a private family auction. Allow family members to buy items in open bidding. You can keep the money generated or divide it equally among family members as a means for everyone getting something. The disadvantage here is if a child does not have the finances to bid on items, they are left out of the process.
2. Some families have held a private family auction where all family members receive "monopoly money" to bid with. This approach levels out discrepancies in spendable income and the family members can bid on anything they want until their monopoly money is gone. It can also include multiple generations where you give differing amounts of monopoly money to the different generations.
3. Hold a public auction. Let family members bid with the public. If assets are in an estate, net proceeds from the auction will be divided among heirs. The public auction or even an estate or garage sale can also be a way of disposing of estate assets that no one in the family wants.
4. Draw straws or playing cards for position. The first person or high card chooses an item; person #2 picks an item, then #3 and so on. When the final person has selected, #1 again chooses an item. The rotation of choosing continues until all items are gone. You could

include the person selecting an item tell a story as to why they selected the item and why it has meaning to them.

5. Place your possessions into groups of items having approximately equal value, by your judgment. Then draw numbers among children or grandchildren to determine who gets which group or lot of goods. Children having received a group of items are free to trade or sell selected items to anyone else who may want them.
6. Another idea some families use is to have the children take back any gifts they have given to the parents during their lifetime. Then all remaining possessions are divided using a method listed previously.
7. You might call the family together, go around the house, and ask who might like a given item. There may be a story connected with the item and why it is so precious to a given individual. The challenge here is to determine if all family members are being heard fairly in the process.
8. Various charitable organizations will readily accept items you do not wish to sell or give to family members. Gifting personal goods or appreciated property to charities may also result in a charitable tax deduction.

What if my children seriously disagree on the division of my stuff?

If all of your children want Grandma's rocking chair or the blue dishes, you have a problem. If you give it to one, the others will be upset. Consider auctioning it or drawing straws as indicated previously. It may take the pressure off of your decision if they had a chance but luck wasn't with them.

What can I do to make dealing with my "stuff" easier for my kids if I die?

1. Clean out and throw away old, useless, unnecessary paper. Keep proof of purchase on major items you still own like cars, houses, and real estate. Old (over 5 years) business papers like receipts, checks, and deposit tickets can be discarded. Other old useless and worthless items could also be thrown out. It may be a good idea to keep your account or record books and income tax returns permanently. File them in an orderly manner for disposition after your death. You should also keep legal forms relating to retirement accounts, deeds, contracts, machinery that has been gifted and current rent agreements.
2. Sell or give away some of your personal possessions now if you don't need them and won't ever need them. Simplify your affairs by

ridding yourself of it. Be careful. Some things you feel are junk may have significant value as a collectable, antique, or a family memento. Only throw real junk out. It may be wise to have another family member or two, who are knowledgeable about values of older things, assist you with the process.

3. You may want to consider making an accounting on paper of your most treasured family heirlooms. List the item, where it came from and why it is significant. Provide the listing to the family members so they will know who owned it and some of the family history relating to it. Asking someone to capture you on video or DVD with each heirloom as you describe and explain its history, is an easy way to do this.
4. If you have any special requests regarding who should get certain personal effects when you die, prepare a letter of instruction. Describe each item and who you want to receive it. Make several copies of this letter for family members and attorney. It is then readily available when you're Will or trust is administered. Your Will or trust may refer to this letter and describe its location. Placing a tag on each possession indicating who should get it is probably not the best way to indicate your intentions. Tags can be lost, removed, altered or switched by dissatisfied family members if they are aware the possession has a tag on it.

Distributing prized possessions can evoke feelings of sadness and loss or it can be satisfying. Eventually your possessions will pass on to someone else. Your decision on how you want that to happen should not be postponed if you have strong feelings about how you want things distributed. It is probably better for you, as a parent, to decide on the distribution of your assets rather than letting your children disagree over the assets after your death. After deciding on the distribution, it is also important to communicate with the family about your wishes so there are no misunderstandings.

For additional information on transferring personal property, go to www.yellowpieplate.umn.edu.

Distribution of personal assets is important, but no more important than a good overall estate plan. Begin the process today!

Caution: This publication is offered as educational information. It does not offer legal advice. If you have questions on this information, contact an attorney.