

Little Things Can Cause Big Fights When A Relative Dies



Deborah L. Jacobs, Forbes Staff

Recently a woman who attended an author's talk that I gave at the Westport, Conn. Public Library, told me about the item that had been a lightning rod for conflict when her mother died. It wasn't the fine china, sterling silver flatware and crystal goblets that her own three children bickered about. Rather, the source of the ruckus was a little blue bowl that Grandma routinely used to serve them breakfast cereal when they slept over at her house as young children.



Three adult siblings bickered over who would get this little blue bowl when their grandmother died. It had been a freebie--packaged with a store-bought Christmas pudding during the 1950s.

The ceramic piece, circa 1950, had been a freebie — packaged with a store-bought Christmas pudding. Unable to forge a compromise with her own children, who were in their 20s when Grandma passed away, their mother kept the bowl herself. It is currently stored in a cabinet where it might be discovered or overlooked by her own survivors. To prevent future battles, "I have given much consideration to burying it," says this 60-something grandmother, who requested anonymity lest she reignite the controversy.

Unlike financial assets, which can generally be divided easily amongst heirs, tangible personal property is unique. And the complexity of distributing a lifetime's worth of possessions is something that many people overlook. Families have been torn apart over everything from ownership of a valuable painting, the grandfather clock and the gun collection, to who gets Mama's recipe box. Sometimes the object in question is an item of substantial material value, but just as often, it seems, the appeal is purely sentimental. People get emotionally attached to objects that symbolize the person they are mourning.

Discussing these issues while parents are still alive is far preferable to letting children duke it out for themselves later. In one family I heard about, the parents had a well-drafted estate plan, but their four adult children nearly came to blows over a first-edition copy of “One Morning In Maine” — a children’s picture book by Robert McCloskey. Ultimately someone came up with the idea of making photocopies for each sibling and circulating the original. This awkward compromise put an end to the bickering. But it may result in so much wear and tear on the delicate volume that it’s not preserved for future generations.

Some people address this subject before they die, by giving away possessions as they downsize, by asking which things have special meaning to particular family members, or by leaving directions about how personal property should be divided. Others have had adult children express their preferences by putting their names on the bottom of things while the older generation is still alive.

If there are only one or two valuable possessions, your estate plan might direct the executor of the will or the trustee of a living trust to sell the diamond or the painting, for example, and divide the proceeds among the heirs. If one of them really wants a particular item (like Grandma’s engagement ring) and has the funds, he or she could buy it from the estate for the fair market value. Another approach, if only one person asks for certain expensive pieces, is to honor those wishes and reduce the heir’s share of other assets. To steer clear of conflicts, designate an independent third party to divide the assets or to referee.

For sentimental items that you want to go to specific people, it’s best to say so in your estate planning documents. For instance, in her will, Jacqueline Kennedy Onassis directed that most of her personal property go to her children, but she gave a handful of items to other people. She left her longtime companion, Maurice Tempelsman, a Greek alabaster head of a woman; her lawyer a copy of John F. Kennedy’s inaugural address signed by Robert Frost and a close friend a couple of Indian miniatures.

The question is what to do about everything else. One possibility is to direct your heirs to divide belongings in substantially equal shares and if they sell anything, to use the cash to equalize things. Another is to map out a very specific rotation of choice – for instance, by birth order – so that everyone gets a turn at having first dibs on an item.