



A Family Law Newsletter from De Gennaro Law Firm

The Family Law Newsletter is provided by De Gennaro Law Firm to help individuals and families navigate through the myriad of legal concerns they will confront in both life and death.

Is an inheritance the root of all evil?

Probably not, but it can find its way to the top real fast and destroy even the best of families. The Wall Street Journal reported that \$30 trillion dollars will be passed down from generation to generations over the next thirty to forty years. And with an inheritance, or the absence of an expected inheritance, a battle over an estate can leave lasting damage.

And, don't think the fight is just over money. Who gets the artwork? The heirloom? The summer home? Grama's car? The Lion's season tickets? (Well maybe not the Lion's season tickets.) "Once I'm dead, it's not my problem anymore", you say. However, its because your dead that a problem often exists. Perhaps a collision course is inevitable for some, but read on to see how to minimize such a collision.

How to minimize a family feud?

1) Don't assume fair means equal. Do you have a child with special needs? Have you provided more for one child than another during your lifetime? Have you named one child the beneficiary of your life insurance or investments account and not another? Do you have a prodigal son? Daughter? These questions and many others may be reason for leaving one child more than another.

So what to do? Have a "sit-down" with your family. A "sit-down" is an Italian tradition used to fend off family wars. You can have your sit-down with or without pasta, but it should include input from all children, not just the most vocal. At the sit-down provide your children an explanation for an unequal inheritance. You may not be able to avoid hard feelings (Mom and dad loved you more") but it could help.

2) Don't ignore the non-financial aspects of your estate plan. An heirloom, an item of jewelry, grandpa's hunting or fishing equipment, a coin or stamp collection can be the basis of much family feuding as the distribution of money, and perhaps even more so.

So what to do? Include language in your will and/or trust that refers to a "Dear Family" letter indicating who you want to receive a specific item of personal property. Date and sign your letter and keep it with your estate documents. If you change your mind, tear up the letter and write a new one. When you use a letter this way, you do not need to formally amend your will or trust, and you will save lots of money on attorney fees.

You can also create a "Family Auction" provision in your will and/or trust giving each family member a chance to bid on the items of personal property that family members may fight over.

3) Where a family feud appears likely, consider a non-beneficiary as your trustee or personal representative (executor) to avoid or minimize resentment. A trustee or personal representative who has no monetary interest in your estate will be able to keep a cooler head when a fight breaks out.

Did you know?

- 1) Absent a valid caregiver agreement, an adult child is generally not entitled to compensation for the care provided the parent.
- 2) Parents can be liable when they discover their child made a false and defamatory post on the internet and they fail to get their child to delete the posting.

Complimentary Consultation with Living Will

For a complimentary consultation, please contact De Gennaro Law Firm at 248.350.0404, or email us at service@degennarolaw.com.

As part of your complimentary consultation you will receive a completed Living Will/Medical Durable Power of Attorney.



Lou De Gennaro is a member of the estate planning division of the Michigan Bar Association. He is dean emeritus and retired professor of legal studies at Lawrence Technological University. He holds a doctorate of jurisprudence from Michigan State University College of Law. His post-law studies were at Harvard and Cambridge, England.

For over forty-four years, he has taught and practiced extensively in the areas of family law, business organizations, contracts, commercial litigation, and estate planning, and conducts personalized estate planning seminars for the firm's clients and their families. He has served as a hearing officer for the Michigan Department of Civil Rights, and a mediator for the Wayne County Circuit court.

De Gennaro law firm collaborates with a network of professional firms to provide additional support services, including divorce and commercial litigation, and will work with your existing financial and tax professionals to ensure a comprehensive approach to your business, family and estate planning needs.

Visit our website for detailed information about the [legal support services](#) provided.

This newsletter and any description of current law and its application are not intended as legal advice. Readers are directed to seek individual consultation with regard to their particular concerns.