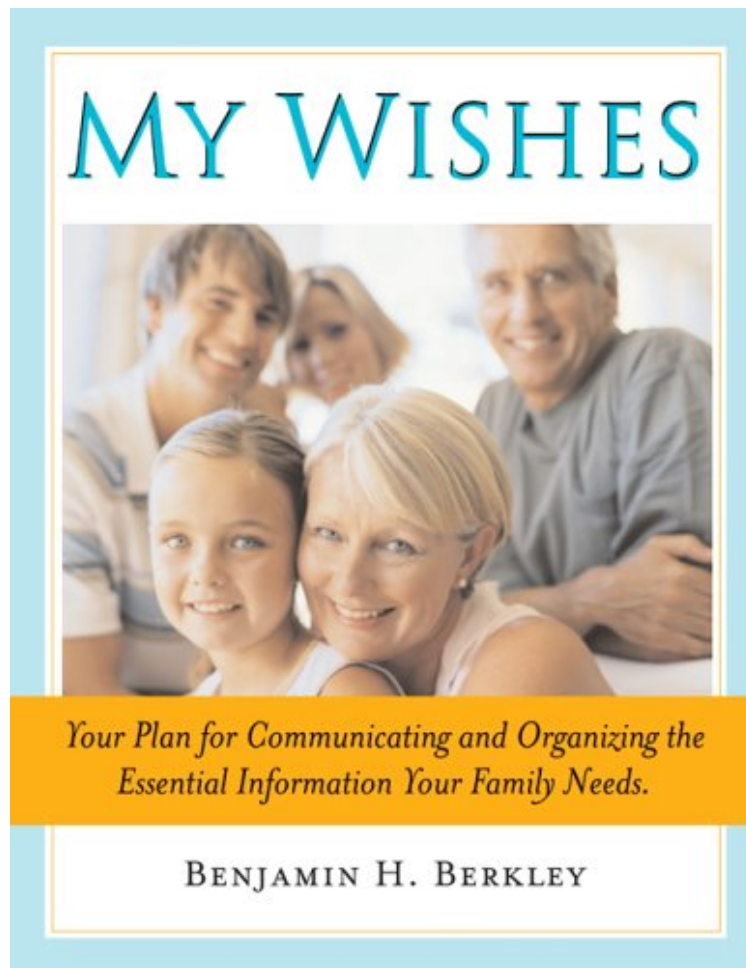


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My Wishes: Your Plan for Communicating and Organizing the Essential Information Your Family Needs

Benjamin Berkley

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informational forms that the book contains. It is a great tool! 10 of 0 people found the following review helpful. My Wishes By Karen Lee Walker This is an easy read and urges one to get your house in order. I keep coming back to it. 6 of 6 people found the following review helpful. Just this one tip alone was well worth the price of the book! By J. Ullrich My wife and I don't have a large estate to pass on to our two children. But we would like to leave as much of it to them as we can and avoid as much probate and taxes as possible. Being a hopeless do-it-yourselfer, I started browsing through the estate planning section at the local Barnes and Noble. That is of course until I came across this gem. My Wishes had everything I was looking for and quite a few things my wife and I never considered. First of all, My Wishes is written in English and not legal jargon. I found it to be very easy to read and comprehend. All the legal documents I needed were in the book. For the most part, I just copied them and filled in the blanks. I took the author's advice and had the documents notarized so that there wouldn't be any dispute as to their authenticity. My Wishes also has several organizational pages and check lists that I found very useful. What really impressed us - and something we were not expecting, was the way the author tells the stories of other people he's known and worked with. My wife took several of the stories to heart and acted on them. She gave one of our daughters our fine china, our silverware to our other daughter, and split the crystal between them. These were things my daughters have adored since childhood. It gives my wife immeasurable joy to watch her girls enjoy a gift that only her parents could give. I'd like to add that lately we've been invited over to dinner and to play with our grandchildren with much more frequency. Just this one tip alone was well worth the price of the book! - Phil

Everything Your Family Needs-to Organize Essential Information My Wishes is an essential guide to organizing your life and preparing for the future. It provides an effective way to communicate to your loved ones all of your life plans, and it gives your family immediate access to information when long searches for vital documents are the last thing they want to do. Whether you are looking for a way to send a lasting message or simply want to get all your affairs in order, My Wishes provides the peace of mind needed in times of sorrow. Follow its simple steps to ease a trying time and start your family on a healing path. Use it to quickly organize all your affairs.--Prepare a will or trust to distribute your wealth among your loved ones--Arrange for hospice care and treatment options with your doctor--Write your own obituary and eulogy--Organize your bills, insurance policies and other important papers--Execute powers of attorney to safeguard your health and your finances--Make final arrangements so your family won't have to My Wishes organizes and communicates all the information you want your loved ones to know, when they need it most.

About the Author Benjamin Berkley has practiced law for more than twenty-eight years, specializing in estate planning and estate administration. He earned his law degree from Western State University. In addition to being admitted to the State Bar of California and the United States Supreme Court, he is also licensed by the State of California and the Department of Justice as a private fiduciary for court appointments as a conservator and trustee of estates. Mr. Berkley also serves as a panel referral attorney for the nation's largest prepaid legal programs, including ARAG Legal, Hyatt Legal, and GE Consumer Signature Legal. He is a network attorney for AARP members. He regularly conducts seminars on estate planning and has become an advocate for senior rights. Ben lives with his wife and two children in southern California. Excerpt. Reprinted by permission. All rights reserved. Ensure Family Peace after Your Death Excerpted from My Wishes by Benjamin H. Berkley 2006 The most disappointing calls I receive are from siblings who are bickering with each other over their parents' estate. This can be a stressful time for anyone who has lost a loved one. Having a conversation with your children while you are still here might avoid or at least minimize potential problems that could arise after you have passed. The following guidelines discuss potential issues and can serve as a primer from a parent to their children on how to behave with their siblings after the parent is gone. Your Choice of Executor and Trustee Children sometimes feel slighted when one child is chosen over another to be their parents' Executor or Trustee. Children wonder if their parents did not consider them smart enough or otherwise suitable for the job. Your choice for Executor, Trustee, or any Power of Attorney is typically decided based on practicalities and not favoritism. Perhaps your oldest child lives out of state, and therefore, it would not be logical for him or her to handle the financial decisions that would have to be made when you are no longer here. Having a conversation with your children after you have completed your estate planning paperwork will go a long way to avoid future problems between your children. Division of Money and Other Liquid Assets In the great majority of Wills and Trusts, there is usually an equal division of assets among children. However, you may have very good reasons not to divide your estate equally. Perhaps you have a child with whom you had little or no contact for many years, and you may feel that this child does not deserve an equal distribution. You may have one child who has been down on his or her luck, while your other child has done very well financially and is self-sufficient. You may want to give more to the child who really needs the money. Talking with your children about your decision might help them understand your reasons and avoid resentment later. Bruce's Story I prepared a Trust for a widower. Bruce's daughter and her child lived with him in his house. He had an older daughter who was married to a very successful businessman. The daughter who lived with him took care of Bruce, especially when he became ill. She had very little income and Bruce decided to leave his house, which was his major asset, to her. Upon his passing, the older daughter offered to have a collation for friends

and family after the funeral service at her house, since it could accommodate more people. Weeks later, after the Trust was read and she realized that she was not left an interest in the home, she sent her younger sister an itemized bill for paper plates, plastic utensils, deli meats, mustard, and mayonnaise as her share of the cost for the collation. A very caustic note accompanied the bill. When the younger sister did not pay, she was sued in small claims court. Fortunately, the older sister lost, but had Bruce discussed his reasons for distributing his estate the way he did with his children, it may have saved the sisters' relationship. If a conversation is not possible, leave a sealed letter, addressed to each child, and instruct that it is only to be delivered upon your passing. In your letter, you can explain your decisions. Be careful, however, if you have omitted a child from your Will. Unless your Will names your child and then specifically disinherits him or her, most courts will allow that child to challenge the Will for not being included in your estate.

Division of Personal Property A Will or Trust often does not specify what each child is left. Instead, the language often reads, "All my personal property to be divided equally between my children." In this case, you should advise your children before you pass that they should respect each other's wishes in deciding upon a fair distribution.

Renee's Story Renee had three daughters. She was afraid that after her passing, the daughters would tear each other apart in an effort to take as much as possible from the house for themselves. In an effort to prevent this fighting, Renee appointed the Public Guardian as the Executor of her Will. The Public Guardian is a court-appointed official who steps in to secure the premises after an individual's death. The Public Guardian of Renee's estate had instructions to padlock the home and then change the locks. Thereafter, he was to auction off all of the contents, deduct his administrative fee, and divide the proceeds among the three daughters.

Division of Personal Property Without a Will As discussed in Chapter 13, not everyone needs a Will. However, you probably have some specific items of personal property that you wish to leave to your children. Whether it is a coin collection, jewelry, or other family heirloom, you would like your children to enjoy it after you are no longer here. In such cases, tell your children what is left for them. Make sure each child knows what the others are to receive. That way, there are no surprises.

Jewelry Jewelry is the one item that often creates the most fighting between children, especially when there are no specific instructions left. The sons usually have no interest, but the daughters and daughters-in-law are ready to run a marathon to collect the gold. Make it perfectly clear to your children and in-laws what jewelry they are to receive. Be aware, however, that even with these precautions in place, jewelry often mysteriously disappears after one's passing.

Julia's Story Julia's mother always told her that all of her jewelry would become Julia's. However, just to avoid the possibility that some of the jewelry would disappear by the time Julia flew across the country for the funeral, her mother told her that all of the expensive jewelry was kept in a coffee can on the second shelf of the refrigerator. That way, in case there were some daughters-in-law with sticky fingers, they would be foiled trying to pull off the heist. Sure enough, when Julia arrived, one of the daughters-in-law approached her and said, "Didn't Mom have a set of pearl earrings? I didn't see them when I was picking out clothes for the funeral." Let's Be Friends

One's passing often results in either bringing families closer together or driving them further apart. If siblings were close before, they will become closer. However, if there was jealousy or animosity, whether there was reason for it or not, some siblings view the loss of a parent as the perfect time to finally cut themselves off from any future family ties. Parents are often tuned into ongoing disputes between their children, even when the children are not aware of what the parent knows. If you know of sibling disputes, convey to your children how important it is to you that they bury the hatchet and live their lives as a family. Remind them that friends may be gone tomorrow, but family is for life.

Ethel's Story Ethel had two daughters who had not talked to each other for over ten years. It was Ethel's dying wish that her children make peace. She said she could not die until that happened. As death was imminent, she pleaded with her daughters to speak with each other. Her doctors were amazed at how she clung to life. Barely able to speak, her body wracked with pain, she acknowledged me with her eyes when I visited her in the hospice facility. I told her that I received a call from her daughter in Chicago who was on her way to see her. That night, both daughters appeared in her room, having made peace. Ethel passed away that night.

Your Behavior Towards Others It would be the greatest understatement to say that learning that you may no longer be here is stressful. Many books have been authored by grief counselors and other health care professionals advising how one should accept the news and respond. That all sounds great—unless the news concerns you. No one can tell you how you feel or how you will feel. No one can suggest or dictate your emotions when you are facing the greatest challenge of your life. It is understandable that you will be angry, moody, unfriendly, or all of these things and more. Still, for whatever it is worth, consider the following.

- ? This is not the time to be mean, rude, or ungrateful to your family and friends. Your family and friends are your support group. If they are sincerely offering to help, take their offer.
- ? Do not make unreasonable demands on others. Be sensitive to the schedules of your family and friends.
- ? It is not only about you. End-of-life decisions involve you and all those who surround you. Remember, it is your survivors who need to be strong to continue after you are gone.
- ? Conduct yourself in the way you want to be remembered. We are all judged after we are gone, and faults tend to be recalled first.
- ? Have tolerance. Do not criticize or question the motives of others unless you have proof that the person has acted insincerely. Wait to hear the explanation before you make assumptions that could lead to hurt feelings.
- ? Be receptive to health care professionals. This is their job and they signed on to help you. By making their job easier, you will be helping yourself.
- ? Live each day. Whatever time is remaining, be as physically and mentally productive as you can.

Tim's

Story Tim was appointed trustee of his uncle's estate. His uncle, Louis, had no children with his wife of forty-five years. Louis and Louann were living alone in their home and refused to go into an assisted living residence. They had always had a reputation in the family for being mean and ornery, but Tim could never have predicted what was to come. Over a period of two years, Tim made twenty-nine trips to Las Vegas from Los Angeles. In addition to buying groceries, paying bills, and scheduling and keeping doctor appointments, Tim had the stressful and time-consuming responsibility of trying to keep the home health care providers from leaving. This is because Louis and Louann were verbally abusive to each other and to the health care workers. Out of spite, if Louann liked one aide, Louis would purposely despise her. They would also shove and throw food that was prepared for them, not allow the aides to change the bed sheets, and resist all attempts at showering. Other family members tried to visit, but were refused entrance. Over the two-year period, more than one hundred health care workers were employed in the home. Tim eventually went through every senior aide agency in Las Vegas. One day, the latest health care worker called Tim and said that Louis was refusing to eat. He was also less agitated. Less than ten days later, Louis passed away, followed after seven weeks by Louann. Predictably, as the extended family gathered for the funerals, tales of rudeness overshadowed stories of kindness and fond memories. How sad!