

HOW TO WRITE A MEMORANDUM REGARDING TANGIBLE PERSONAL PROPERTY

Included in your Will is a provision that allows you to create a memorandum regarding the disposition of certain items of your tangible personal property. If you intend to prepare such a memorandum, please follow these guidelines. By doing so, you will assure that your wishes will be carried out.

1. The letter should be entirely in your own handwriting. Please write carefully and legibly.
2. The letter should be dated and signed with your full name.
3. Identify the items you wish to give in enough detail that others will be able to identify them as well. For example, silver, china and crystal can be identified by maker and pattern (Waterford "Lismore" crystal), antiques by location and origin (my grandfather's rocker, which is now in my living room), jewelry by detailed description (my gold mesh and ruby bracelet).
4. Identify the intended recipient carefully. "Susan Roberts Smith" is better than "Mrs. John Smith," for she may no longer be Mrs. John Smith when you die. If the recipient is a relative (my nephew, my daughter-in-law), include that description as well.
5. State what is to happen to the item if the recipient does not survive you. If it should go to another person, name that person. If it will instead become a part of your non-specified tangible personal property, to be distributed as provided in the Will, state "If _____ fails to survive me, this gift shall lapse."
6. Store the completed memorandum with the original of your Will, so that it can be located and implemented at your death. Destroy any prior memorandums as well as any drafts or notes you have made. Innumerable lawsuits have been built around conflicting lists of items and donees that turn up after a person's death.

A sample format of a memorandum is attached to give you an idea of how to prepare your own. If you are uncertain about your finished memorandum, ask us to review it before storing it with your Will.

A final reminder: The memorandum is an informal means of making your wishes known to your family and executor when you are comfortable that they will abide by your wishes. It also allows you to change your mind or update your bequests from time to time without the expense of amending your Will by substituting a new memorandum.

SAMPLE (TO BE HANDWRITTEN):

MEMORANDUM REGARDING TANGIBLE PERSONAL PROPERTY

In my Will, I reserved the right to specify by memorandum to whom certain items of my tangible personal property should be given at my death. This is my memorandum.

I direct the following items be given to the persons named below:

1. To _____, my _____. If she fails to survive me, _____ should receive this item.
2. To _____, my _____. If he fails to survive me, _____ should receive this item.
- 3.
- 4.

It is my hope that my family and my executor will abide by my wishes as expressed in this memorandum. Feel free to add any personal sentiments here, if you wish.

I have written this memorandum on this _____ day of _____, 201__. It is intended to revoke any earlier memorandums I have made that conflict with the contents of this memorandum.

[Your full signature, with your name printed
clearly below it]