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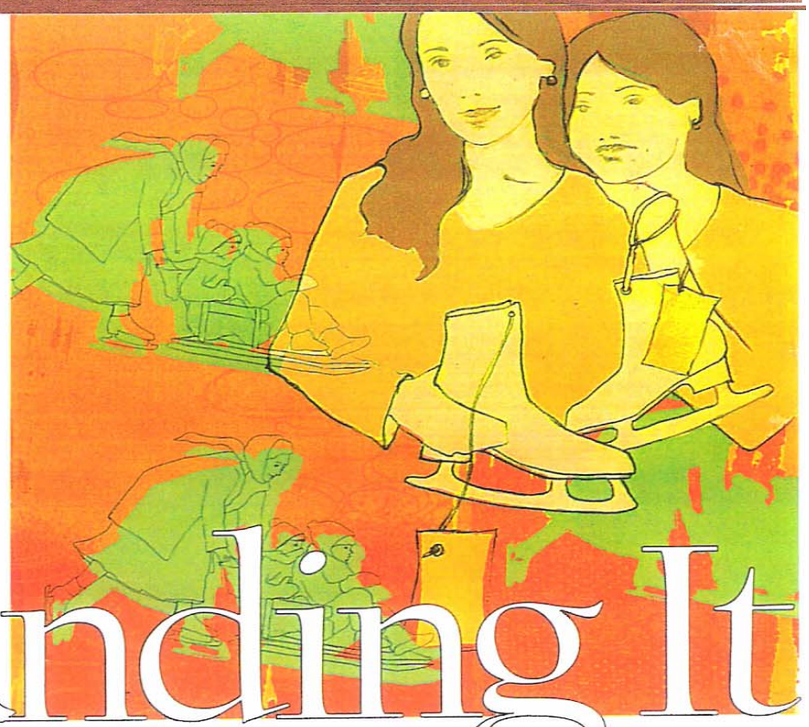

Handing It Down

PASSING ON HEIRLOOMS SHOULD BE A SPECIAL EVENT, NOT A FAMILY FEUD. DECIDE ON A SYSTEM TO KEEP SQUABBLING TO A MINIMUM.

Barbara Friesner has fond memories of her grandfather smoking his pipes, but not of the family feud the pipes ignited. Barbara's grandfather had promised her mother his collection of a dozen pipes, his cufflinks, and a stickpin. After he died, though, Barbara's grandmother refused to honor the verbal promise, and a chain reaction of bad feelings spread to other family members. When Barbara's grandmother died, his pipes were never found among her things, and are now gone except in family lore. "Those pipes had no monetary value. It was only sentimental. But that incident had a lasting impact on me and my family," says Barbara, a generational coach who lectures on issues affecting seniors and their families.

Virtually all families have similar tales of large rifts caused by squabbles over small items. "I hear from lots of people with hurt feelings about being cheated out of their inheritances," says Mary Bellis Waller, a psychotherapist in Milwaukee and an expert on family relationships. "There are horror stories about midnight raids and break-ins to family homes the day before the funeral. Nothing good comes from any of this."

Barry Izsak, an Austin-based professional organizer who sees such behavior frequently in his business, agrees. "It's disrespectful. You're supposed to revere your departed loved ones, and a fight denigrates their memory."

Family therapists say that when older relatives die or move and divest themselves of some of their belongings, the event can set off a chain reaction.

"Emotions are heightened, especially when a parent or grandparent has died and left no clear instructions for handing down their heirlooms. The scrabble for material possessions can bring out the ugliest in people. A lot of old resentments between siblings and family members come to the surface," says Dr. David Pope, a psychotherapist based in Newport Beach, California. Siblings fighting over photos, jewelry, or furniture claim to want those items as a legacy for their own children. Or some say they don't trust their siblings or cousins to take proper care of cherished items. Ironically what's often at the heart of the squabbling is love.

"Items can provide an emotional attachment to the deceased," says Pope. In short, we want an item because it reminds us of the person we loved, or a special moment in time that we shared with that person. Having another relative challenge us for that item, then, can feel especially threatening at an emotionally vulnerable time.

WHEN A WILL'S NOT THE WAY

Of course, the problems of passing items on are reduced when relatives make their wishes clear while they are living. Most people believe the problem is solved by making out a will, but traditional wills are designed to avoid taxes and aren't necessarily the best way to specify who gets which personal items.

"Most wills wreak havoc on families because we inadequately consider the human component and interpersonal dynamics when they're created," says Elizabeth Arnold, president of Sowing Seeds, a company that specializes in promoting family harmony throughout the will and estate planning process. "Ask anyone who is dealing with the death of a parent. They aren't talking about money, but fighting over who gets Mom's favorite vase or Dad's beloved Sears Craftsman power tool."

The clients who Arnold works with are trying to minimize fights. "People are planning earlier and earlier," says Arnold. "They're saying 'I will not let my stuff tear my family apart.'"

Below are some strategies for keeping conflict over heirlooms and possessions to a minimum while making sure the wishes of the original owner are honored.

SPEAK UP. It may be difficult at first, but discussing this subject with older relatives while they're still able to make decisions is the simplest way to make sure everyone's wishes are expressed.

Children may be surprised how receptive their parents are, says Jon Gallo, an estate planning attorney and who with wife Eileen co-authored *Silver Spoon Kids: How Successful Parents Raise Responsible Children*.

"As an estate planner, it's my job to ask clients about their personal effects," he says. "Many of my clients simply hadn't thought about it. Maybe your parents haven't either."

ASSEMBLE A WISH LIST. Whether you're looking to the future and the distribution of your own belongings or you're faced with the task of dividing the possessions of a relative, a good starting point is to ask family members to outline what is important to them—and why. From there, parents can determine a system they'd like followed. Parents can also do their best to squelch squabbling by requiring children to reach an agreement on dispersing items by a specific time

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or they will be donated to charity.

WRITE THIS MEMO. Diedre Wachbrit, an estate planning and trust attorney in Thousand Oaks, California, says one client was physically attacked by her brother's wife over a pearl necklace that wasn't itemized in her mother's estate plan. To avoid that, estate plans that Wachbrit draws up often include "a memorandum of personal property" that allows clients to list items as well as who is supposed to get them.

"The memorandum cuts off arguments because the parents' wishes are known," Wachbrit says.

MAKE A VIDEO. It's a simple matter to videotape a relative making his wishes known, says Gallo, who has worked with clients to prepare a video testimony where parents explain the rationale behind their bequests. Videotapes also provide a visual record of the item the relative wants to give, leaving little doubt about which tea set Great-Aunt Barbara is bequeathing to which niece.

SETTLE ON A SYSTEM. Inevitably there will be items that more than one relative wants, but that no one person will have clear title to.

There are several ways to distribute such items. Some families conduct auctions, with the proceeds going to a family scholarship fund or favorite charity. One common distribution method is a variation on the sports draft pick, in which family members choose items in turn.

For example, after Mary Bellis Waller's parents died, Mary and her sister implemented a plan to divvy up the possessions, which they had developed with their mother before she died. They decided upon a system in which the two sisters would choose items in turns, each taking four or five of their mother's belongings. The remaining items, which ranged from jewelry to electronics, were laid out and the five adult grandchildren chose in turn. Waller's niece suggested another system patterned on sports drafts: oldest to youngest chose, then reverse the order, youngest to oldest. The items are now integrated into their own families. "It makes me happy to see my dad's beloved mission-style desk being used by my older son, or my grandmother's mixing bowls in my daughter's house," Waller says.

APPEAL TO A HIGHER AUTHORITY. Sometimes having someone serve as arbiter can break a deadlock, especially if that person is an elder and can bring some sense of perspective and family wisdom into play.

When Katina Salafatinos' mother passed away in January, she and her sister almost went to war over their mother's china. They took the matter to their father, who explained that the china set had been purchased in Germany 48 years ago when their mother was pregnant with Katina, the couple's first child, and that buying a china set was a symbol of settling down. Because of its connection to Katina, he recommended that she get the china, while her sister got their grandmother's crystal.

Here, then, is the most important lesson: Don't let items wreck family relations. Barbara Friesner says her family's feud over Grandpa's pipes made her resolve not to fight over material goods with her sister. So when their father left a floor lamp to Barbara, not knowing that it actually meant a lot to her sister, Barbara gave it to her immediately. "It wasn't worth it—it's a thing," she says. It's a lesson and a legacy she hopes to leave for future generations of her family.