



Common Sense (48)

By Daun Martin, Family Resource Management Educator
University of Wyoming Cooperative Extension Service

Passing on Non-Titled Property to Family, People Considered Family & Friends (without starting a feud)

Non-titled property refers to things that you own for which you do not have a legal document (such as a deed) stating that you own these items. Examples are: jewelry, pets, furniture, collections (coins, guns, arrowheads, stamps, farm tools), linens and handwork, musical instruments, family silver and china, etc. These items may have emotional value, financial value, or both. Unless one makes their wishes clear before it is not possible to do so, there may be terrible fights among family and friends because of different unstated assumptions about the disposition of non titled property.

Even if ones' family, family-like friends, and friends get along, squabbles may arise because there may be no fair way to divide possessions with great sentimental value. AND—how do the interested parties determine what is fair? Finally, figuring out who wants what and why forces everyone to face the fact that we all die. That isn't easy. A rule of thumb though is to go through this process way ahead of time and as conflicts arise—get them out in the open and deal with them immediately. It should be a time that enriches everyone and draws them closer together as they talk about joint memories and meaningful relationships. One may start the process with a statement such as “Mother—what do you want to happen to the things in the house if you can no longer live here?” or “Grandpa—if you were in a car accident and unable to handle your affairs how would you like us to handle this? You have a house full of wonderful memories and four children and 12 grandchildren who would want to help. Can we talk about what to do?

To give an example, my mother is still alive, but is living with dementia so she cannot make these decisions for herself. While mother was still able to express herself we (my sister, step brother & sister-in-law, and I) had discussions with her about things and her memories of them. Nevertheless there were some surprises for the four of us as we were getting ready to move her. I have always loved jewelry and as a child had permission to play with mother's jewelry. My sister was never interested and wears almost no jewelry. My birthday is in April so my birthstone is the diamond. I assumed that all the diamonds would be mine and I thought mother agreed and that my sister wouldn't mind because she didn't care about jewelry. What I didn't take into consideration was the sentimental value that these beautiful pieces held for my sister.

We came up with a solution that worked for our family. Different solutions work for different people. Talk these things through with those you care about so that you come up with solutions about which everyone feels good. Talk about them in plenty of time, for when your loved one has died you are in no emotional shape to be able to take on this discussion. If the person you

care about is gone and you have not talked, you have lost the opportunity to learn the history of each heirloom and to tighten the bond between you all.

When mother was asleep we quietly gathered together and worked room by room through probably 100 years of gathered cherished “non titled” goods.” We had a colored tag for what would accompany her to Ohio. Each of us had a different colored sticker to indicate the item that we would “inherit”. We did this while she was asleep as we didn’t want to further distress her as she knew things were changing and unfortunately no longer had the capacity to do anything about it except express anxiety—to which we tried to respond in a loving and reassuring manner.

Each of us was at first concerned about feeling greedy or unfeeling so we determined the above process of taking turns. We didn’t have the problem that some families have where one has had the brunt of responsibility in taking care of a family member. We each did our share in ways suited to our strengths—all contributions toward mother’s care were beneficial and appreciated. Some families aren’t so luck and must consider some of the following difficult questions to determine a process that won’t result in lasting hard feelings:

- Importance of treating everyone equally—what is equal treatment is what needs to be defined
- Importance of different types of contributions and how they are handled –are gifts given back to giver; how are family members and friends who have provided care and help around the house considered; what about those who have made financial contributions?
- Importance of those with different needs be they emotional, physical, or financial
- Importance of differences between family members (or close friends) such as birth order, current age, gender, marital status, geographic location, personal interest in specific items, how one fits into the family framework (adoption, remarriage, divorce)

Each family’s rules will be different, but you must discuss these or hard feelings or worse may result. You may find you need to call on an outside neutral party to help you figure out these rules. The take home message is: **DO IT NOW AND DO IT CAREFULLY SO CHERISHED RELATIONSHIPS AND MEMORIES ARE STRENGTHENED.**