

HOUSEHOLD PROPERTY: USE AND MAINTENANCE FOLLOWING DEATH

CHAPTER FOUR:

This chapter discusses whether survivors may use the deceased's automobile, household furniture and other personal property; it also will help you plan for giving personal property to designated persons following your death.

HOUSEHOLD PROPERTY: USE AND MAINTENANCE FOLLOWING DEATH

May I drive the family car?

Who does the furniture belong to?

Who is going to fix the plumbing?

These are real questions from people who suddenly find themselves thrust into widowhood.

“I never knew how to write a check or drive to the dry cleaners. Get things in order! We had money in places; I didn’t know it.”

Widow, age 42

Driving the family car.

Generally, arrangements may be quickly made for a survivor to drive the family car. But unless a survivor is a joint owner, it may have to set for a few days until title and insurance papers are put in order.

Furniture, Household Goods, Jewelry, Antiques, etc.

Usually there is no written legal title to these items and unless there was an understanding or evidence that these items belonged exclusively to the deceased, they are viewed as belonging to the surviving spouse, if any, and may be used by the survivor.

Planning Exercise 5

This may be a good time to list those items of personal or household property belonging exclusively to one person or the other. You may choose to execute an affidavit to help prove this.

Owner’s Name: _____

Owner’s Name: _____

Description of Property

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Description of Property

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Planning Exercise 6

There may be particular items of jewelry, household goods, silver or other tangible personal property that you want a relative or friend to have following your death, or your death and your spouse's death. If so, please list those items and persons (or institutions) below in Part B. If not, indicate who is to receive your tangible personal property following your death in Part A.

Part A

Husband
(check as appropriate)

_____ my spouse, if she survives me

_____ my surviving children, in equal shares,
if I am not survived by my spouse

_____ if one of my children has died
before me but has surviving
children at my death (i.e. my
grandchildren), then my
deceased child's share should
be divided among his/her
child(ren) equally

_____ other (including charities)

Wife
(check as appropriate)

_____ my spouse, if she survives me

_____ my surviving children, in equal shares,
if I am not survived by my spouse

_____ if one of my children has died
before me but has surviving
children at my death (i.e. my
grandchildren), then my
deceased child's share should
be divided among his/her
child(ren) equally

_____ other (including charities)

Part B

Husband

The following specific items of property should be given to the parties indicated
_____ following my death _____ following my death and my spouse's death.

Item description (identify clearly)
1. _____ _____
2. _____ _____
3. _____ _____

Person/Institution
Name: _____ Address: _____
Name: _____ Address: _____
Name: _____ Address: _____

Wife

The following specific items of property should be given to the parties indicated _____ following my death _____ following my death and my spouse's death.

Item description (Identify clearly)	Person/Institution
1. _____ _____ _____	Name: _____ Address: _____ _____
2. _____ _____ _____	Name: _____ Address: _____ _____
3. _____ _____ _____	Name: _____ Address: _____ _____

Home Maintenance.

Planning Exercise 7

List those practical everyday tasks your family or friends do not do now but would have to learn to do or know about if you were to pass away.

<u>Husband</u>	<u>Wife</u>
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____