

Occasionally, a person includes detailed instructions in his or her will about what people are to receive certain personal effects. I've seen wills that go on for pages about who is to get their teacups, their photographs, their figurines, their place settings, and my personal favorite, their pickle dish. Provided the executor can identify the items so carefully described by the deceased (is this the pickle dish she meant?), then there is little to dispute about entitlement to these items. But wills like these are the exception. People rarely include detailed lists of personal effects in their wills, and with good reason.

Few people have the time to spare to take a detailed inventory of their personal effects. I have a hard time remembering what I have in my garage. And while my garage could use a good cleaning, I don't have it in mind to create an inventory, much less direct my mind as to who should receive what of its contents in the event of my death.

When a person dies leaving explicit instructions in their will as to their personal effects, the executor's job is clear: notify the person entitled and arrange for the delivery of the items in question. Where there are no explicit instructions, common sense usually prevails. The executor contacts the residual beneficiaries and informal arrangements are made to divide up the deceased's items among them with any remaining items being donated to charity. Sometimes, however, informal arrangements always don't work out.

Consider the uproar created by the late Edmond Broder when he died in 1968 without a will and without making arrangements for his world record non-typical mule deer trophy head. Administration of Mr. Broder's modest estate started out as most do: the family members met after their father's death and divided up his belongings among themselves with the exception of a couple of items, among which was the trophy deer head. With the agreement of all, two of the brothers took steps to find a buyer for the trophy head.

Attempts to find a buyer were unsuccessful and so the trophy remained in the family home, unsold. Years passed. Eventually, one of the sons came and, without permission, removed the trophy to his own home, ostensibly for the purposes of trying to find a buyer. Although no buyer was found, no one objected to his continued possession of the trophy. That is, until some twenty-four years later when his siblings saw a story in the newspaper in which the son in question described the trophy as his. The other siblings were incensed. Demands were made and lawyers retained to dispute the ownership of the trophy. Court proceedings were commenced to resolve the decades-old issues left unsettled by Mr. Broder's death. Fascinating legal arguments were made including the applicability of the Limitations Act, and the alleged incompetence of administrators who for decades took no steps to assert a claim to the trophy. Seven years later, and after many applications and counter-applications to the Court (including applications to the Alberta Court of Appeal), the Court ordered the trophy sold. I can only imagine what the legal costs for that must have been.

And I suspect that after seven years of being embroiled in determined litigation, the family members don't gather anymore for special occasions.

Personal effects can sometimes be more precious to your beneficiaries than the money you will leave behind. If you think you might have such items among your personal belongings, it is important that you make your intentions clear and enforceable. Your beneficiaries will thank you.