

Where There's A Will, There's Harmony

By Kim Ode

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It's 8 a.m. in the afterlife: Do you know where your kids are? Or your cufflinks? Or your bank account? Or the set of china that your great-grandmother brought from Ireland and you promised to your oldest? Although that was before she married that weirdo.

It may be only a matter of time before we see a reality show called "Heirs Behaving Badly." But that's real life for many families whose members never dreamed that sibling bonds could unravel so completely, so cruelly, upon reading a parent's will.

"Siblings have what I call an involuntary relationship," said Les Kotzer, an estate lawyer in Thornhill, Ontario. "Parents say, 'My kids will work it out.' But quite often, they don't. And the people who do are the lawyers."

Kotzer has developed a sub-speciality in family fights, having seen too many erupt -- or simmer -- in his office. "These are people they shared a room with, who they went to the Grand Canyon with," Kotzer said. He's written a book, "The Family Fight," described on his Web site, <http://www.familyfight.com>.

The problem isn't new, but it gained attention 10 years ago when two economists at Cornell University predicted that U.S. baby boomers were on the brink of receiving the largest collective inheritance in history -- about \$10 trillion. Their study made heads snap around because until that point, surveys showed that fewer than half of Americans thought they'd inherit anything, and even then, not that much.

Still, there needn't be a fortune at stake to cause hard feelings. Kotzer reels off a litany of instances where old jealousies resurfaced or childhood dynamics of the bossy and the bossed kicked in with fresh vigor.

Take one loaded word: Fair. To some, fair means that everything gets divided by the number of heirs. But fair does not always mean equal, he said. Parents make allowances for the child who was their caregiver, or may be more generous to a struggling kid.

From a distance, it makes sense. But any family who's gathered for Father's Day knows within a moment of the hamburgers hitting the grill that everyone sees their role in the family from a particular perspective. The question is how shocked they are when they eventually learn that views differ.

Ideally, this stuff should be on the table long before the moment when it has to be. But no one wants to talk about stuff. You want to bring it up over dessert this afternoon? You want to be saddled with having ruined Father's Day? Which makes it the parents' responsibility. Death, of course, is hardly their favorite subject.

At the very least, parents should give someone power of attorney and discuss with that person what the job means. Kids should think hard before accepting the responsibility.

"Being named power of attorney is one of the most important legal documents you will sign in your entire life," Kotzer said. It puts you in charge -- "in charge" being a condition that often falls under the heading: Be careful what you wish for; you might get it.

The rest of the advice, you've heard: Talk to your kids. Make a will. Label what goes to whom. Bring

everyone into the discussion. Remember that while you're talking about memories, you're also talking about money.

And, if this will make it any easier for Mom or Dad, they might ask the kids if their own wills are in good shape. After all, there's no guarantee that any of us won't suddenly be incapacitated by illness or accident.

OK, you don't have to hash this out today. But it may be worth mentioning while you're washing up the dishes or heading off to the golf course. We may not have chosen to be related to each other, but the fact is that we are until the day we die. And that can be a long time to stay mad.