**Personal Property Disposition Checklist**

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**Commentary*:*** Personal property dispositions tend to be the greatest source of conflict when family members pass away. This checklist is intended to minimize those conflicts and other problems***.***

**\_\_\_\_\_ Prepare a detailed document that confirms which assets are yours and which are your spouse’s assets**

**\_\_\_\_\_ Prepare a detailed form that specifically disposes of your personal property**

* **If the designated recipient predeceases you, have you designated an alternative recipient?**
* **If you are passing assets to your spouse, have you considered the ultimate passage of those assets if the spouse dies proximate to your passing or remarries after your passing?**

**\_\_\_\_\_ Have you made special designations of any of the following unique assets?**

* **Firearms to persons legally entitled to possess them**
* **Digital Assets to appropriate family members (e.g., your Facebook account)**
* **Reproductive assets that are held in storage**
* **“Publicity Rights” (e.g., the right to use your image, persona, likeness, etc.)**
* **Frequent Flyer and other Travel Perks**
* **Wine or liquor collections**
* **Pets**

**\_\_\_\_\_ Have you made appropriate provisions on how any of your collections should be disposed of:**

* **Proper directions for storage and maintenance?**
* **Insurance information?**
* **Notes relevant to sale (i.e. other top collector if limited market)?**

**\_\_\_\_\_ Have you provided information to your proposed Personal Representative:**

* **To change the locks on your house as soon as possible after you pass away?**
* **On the insurance coverage of your valuable personal property?**
* **Copies of any agreement on loans to or from you of personal property (e.g., to museums or family members)?**
* **How you want your personal property that is not specifically passed to heirs to be disposed of?**
* **Whether there is a potential for conflict (e.g., sibling rivalry or in law issues)and how to minimize it?**

**\_\_\_\_\_ Have you directed in your Dispositive Documents:**

* **How any state and/or federal death taxes attributable to your personal property are to be paid?**
* **Who covers the costs of shipment, insurance, taxes, etc. on personal property you bequeath?**
* **That valuable personal property is appraised (at the cost of the estate) to establish its new tax basis?**
* **How the personal property disposition affects any formula gift?**
* **Whether the disposition includes any insurance proceeds from the loss or damage of such property?**

**\_\_\_\_\_ If you have a safe deposit box or home safe, have you:**

* **Designated another person who can open the safe/box when you are deceased? Have you given them all the information they need to open the safe/box (e.g., keys and codes)?**
* **Provided a statement about whether the assets of the safe/box belong to you or the other person having signature authority over the safe/box?**
* **Restricted access by unauthorized individuals (e.g., disinherited heir with access to home safe that contains Original Will).**

**\_\_\_\_\_ If you have used a Revocable “Living” Trust in your planning, have you created a detailed Bill of Sale that passes your personal property to the trust?**

**Recommendations: go to** [**www.scrogginlaw.com**](http://www.scrogginlaw.com) **and**

1. **Read the article on Personal Property dispositions**
2. **Use the Personal Property Disposition forms found on the Website (State Law Permitting).**