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## Distributing estate's personal property in a fair way

Most people have personal belongings when they pass away. The value can vary greatly but in many cases the value is sentimental rather than monetary. Distributing personal property, such as furniture, jewelry, dishes, collections (stamps, dishes, statues, etc.), artwork, photographs, and clothing, can become a challenge in some estates. It is almost impossible to evenly distribute such items, and if some items have great emotional significance, a battle can ensue. Audrey Hepburn's two sons cannot agree on the division of clothing items such as hats and scarves, and a judge is stepping in to aid in the distribution. Now most of us are not famous enough that hats and scarves would fetch any price beyond what would be gained at a yard sale; however, such battles occur every day over what would appear to be ordinary items. Elder Law Answers in a recent newsletter ([www.elderlawanswers.com](http://www.elderlawanswers.com)) offer some suggestions on how to work out distribution of personal items.

When the decedent had a Will, there is an opportunity to name what items should be distributed to what persons. However, even if someone made a list (which is usually always helpful) not everything in the house or apartment will have been distributed this way. One method is to draw lots and take turns picking items. The order of choosing should change with each round. Another is to have the heirs put colored stickers on the items that they desire. If there is only one sticker is on an item, that person receives it. If more than one sticker is present, the family can resort to drawing lots or taking turns on the contested items. Making copies of photos can solve the problem of who gets what.

If it appears that there are a number of items of value or that there will be grumbling about the distribution, the items should all be appraised. In this way the items will have a value listed, and the value can control the evenness of distribution. If nothing else, the items could be sold and the proceeds distributed according to the Will specifications. Interested family members can attend the auction if that is the method of disposing of the property, and buy what they are interested in. Working with a senior move manager or a reputable estate clean out service involves a neutral third party who helps dispel the angst that families may have when they revert to relationships from their teenage years. If nothing else works, hiring a mediator can help clear the air and get to the root of the contention over personal items.

Many families do not have this issue but when it arises it can delay estate administration for an extended period of time. The University of Minnesota Extension School has developed useful materials to help families through this process (<http://www.extension.umn.edu/family/personal-finance/who-gets-grandmas-yellow-pie-plate/>). It helps those who are planning distribution as well as executors who are dealing with this issue after the fact.

It can be most helpful to consult an estate planning attorney regarding the Will as well as the estate administration process.