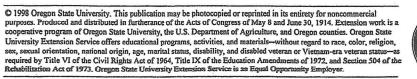
## Who Gets Grandma's Yellow Pie Plate? TM

# Transferring Non-titled Property Discussion Leader's Guide









This lesson is adapted from material developed by the Minnesota Extension Service under the leadership of Marlene Stum, Family Social Science. Discussion guide was prepared by Debra Driscoll and Alice Mills Morrow, Oregon State University Extension Service and Judy Rupert, Oregon Association for Family and Community Education.

The Oregon Association for Family and Community Education (FCE) is a nonprofit adult education organization. Members of FCE study groups meet informally on a regular basis to learn new skills and information. Oregon FCE cooperates with OSU Extension Service to produce education programs taught by trained volunteers.

## **Program Materials**

### For discussion leaders:

HE 8-239T Who Gets Grandma's Yellow Pie Plate?™ Discussion Leader's Guide Who Gets Grandma's Yellow Pie Plate?™ Videotape For participants: HE 8-240 Who Gets Grandma's Yellow Pie Plate?™ Transferring Non-Titled Property Participant Handout HE 8-241 Potential Transfer Goals Participant Handout HE 8-242 Determine the Meaning of "Fair" Participant Handout · HE 8-242 **Evaluation Form** 

## Program Objectives

- Understand the sentimental value attached to some personal/family belongings
- Become aware of distribution options for personal possessions
- Become motivated to start a process of connecting with one's family to discuss transfer of non-titled property

#### Before the Lesson

- Arrange to have a videotape player at the meeting site.
- Read all the lesson materials and practice your presentation.
- Cut apart pages 7-10, so you have 10 avoidance cards with "Reasons to Avoid" on one side and "Remember" on the other.
- If lap poster (page 11) is not large enough for your group, write points on a large piece of paper such as newsprint or on a blackboard.
- If desired, select an item from your home that you cherish and prepare to discuss its value to you. Alternately, you could contact participants in advance and ask each to bring one item from their home that has special meaning to them.

#### After the Lesson

- Have participants complete the evaluation form (HE 8-243). Collect and return forms to the county Extension office.
- Rewind and return the videotape to the Extension office.
- Make copies of the order form for participants who would like additional materials (at the end of this leader guide).

Note: The parts of this discussion guide that appear in **bold italics** are guidelines for actions to be taken by the discussion leader.

### Introduction

Show the item you have brought from home and briefly tell why it is important to you. If members brought items, ask them to briefly "show and tell" why the item is special.

## Say:

Probably most of us have some personal belongings that have meaning for us and for other members of our family. What happens to personal belongings when the owner dies? Who decides who gets what? How can decisions be made during one's lifetime?

The issue of who gets personal property is frequently ignored until a crisis occurs. It is an issue often assumed to be unimportant or that will just take care of itself. However, experiences of family members and their attorneys suggest otherwise. The transfer of non-titled property is an issue that impacts individuals regardless of their financial worth, heritage, or cultural background.

Show the 14-minute videotape "Transferring Non-Titled Property Or Who Gets Grandma's Yellow Pie Plate?" Allow for brief discussion among members, then continue:

## Hold up lap poster #1 and say:

There are no magic formulas or solutions for transferring personal property. There are however, some factors to consider whether you are planning for the transfer of your own personal property or working with family members to transfer the property of someone who has died. These factors are:

## (Read from the back of the lap poster)

- 1. Understand the sensitivity of the issue.
- 2. Determine what you want to accomplish.
- 3. Determine what "fair" means in the context of your family.
- 4. Identify the meaning of objects.
- 5. Recognize distribution options and consequences.

## 1. Understand the sensitivity of the issue.

## Say:

Decisions about personal property involve dealing with the emotions connected to objects accumulated over a lifetime, or perhaps across generations. It is often the emotional value attached to personal belongings that makes talking about transfers challenging.

5

Pass out the AVOIDANCE cards (pages 7-10). There are 10 cards; in large groups not everyone will have one and in small groups some participants may have two.

## Say:

Each avoidance card has on one side a reason that people avoid dealing with personal property transfer issues and on the other side a reminder. Would each person who has a card read the "Reasons used" side of the card, and then turn it over and read the "reminder?"

Allow brief discussion of each card. Two of the cards refer to using "I-messages." Here is a basic pattern for an "I-message":

I feel (state your emotion) when you (state the specific behavior), because (give information about your experience) and I wish/want/would like (state specific behavior change).

## Say:

Transfer of personal property is a sensitive issue, but one that each of us will face. Ignoring this issue does not make it go away.

# 2. Determine what you want to accomplish. Say:

The second factor to look at is determining what we each want to accomplish when non-titled property is transferred. Some goals that are frequently identified as important are:

- Maintaining privacy
- Improving family relationships
- Being fair to all involved
- Preserving memories
- Contributing to society

Distribute HE 8-241 "Potential Transfer Goals" and select one or two goals from each of the five categories and read them to the group. Ask for feedback and discussion at the end.

# 3. Determine what fair means in the context of your family. Say:

Many people say they want to be "fair" to all the members of their family when their belongings are transferred. There can be many different ideas, unwritten rules, and assumptions about the concept of fairness among family members. "Fair" may not mean "equal." It may be important to treat everyone equally, or it may be more important to recognize differences among family members. I will read some statements and if you agree with them, please nod your head. If you disagree you can shake your head, and if you are not sure, please shrug your shoulders. As I am reading the statements, look around at the group and see how others are responding to them. It is likely that each of you will react a little differently. This happens in families, too, so it is important to have family discussions about fairness.

Distribute the participant handout HE 8-242 "Determine the Meaning of 'Fair'. "Select statements for you (or participants) to read aloud. Have participants react to the statements. Emphasize that there are no right or wrong answers. Different perceptions of fair are normal.

# 4. Identify the meaning of objects. Say:

We saw in the video that the gentleman who had strong feelings about the candelabra was surprised to see that his sister did, too. A good way to find out which objects have special meaning for family members is to ask them. Don't be surprised to find both differences and similarities in the lists. One mother was very surprised when three of her adult children listed a 25cent Christmas tree ornament that had special memories for each of them. The mother still had the challenge of deciding which one of the three should receive the decoration. However, without asking, the mother never would have known that the Christmas decoration was special to any of her children!

# 5. Recognize distribution options and consequences. Say:

Families use a variety of methods to distribute non-titled property. No method is perfect or right for all families. All the individuals involved should discuss, identify, and agree upon a method or methods of transfer.

The time at which decisions are made will influence the potential methods of distribution. Making decisions prior to death allows the person transferring the property to consider the wishes of the recipients and may help eliminate misunderstandings about the owner's wishes. When decisions are made after a death, they may not accurately reflect the wishes of the owner.

Invite participants to share briefly their experiences with distribution options and consequences. What worked well? What did not work well?

## **Closing and Summary**

- Distribute the participant handout (HE 8-240). Tell participants you have a form they may use to obtain more information and worksheets from the University of Minnesota. They also may buy the videotape if they want to use it with family members.
- Distribute the evaluation forms (HE 8-243). After participants have completed them, collect them, and return them to the county Extension Service office.
- Rewind and return the videotape.

## Say:

Planning ahead can help make the transfer of non-titled property more comfortable and less stressful for all involved, and can help family members maintain positive relationships. Transferring personal property can be a time to celebrate a person's life, share memories and stories, and continue traditions and family history.

Cut apart
AVOIDANCE CARDS
(See discussion guide, page 2)

Reasons Used to Avoid Issues
There are too many other issues
to cope with.

Reasons Used to Avoid Issues
Bringing up death is disrespectful
and uncomfortable.

Reasons Used to Avoid Issues Family members will never agree.

Reasons Used to Avoid Issues It won't be a problem in my family.

#### Remember

While death is often difficult to accept and talk about, it will happen to each of us. Many people say they feel relieved and in control when discussions about transfer of property take place and decisions are made.

### Remember

Most people like to believe their family will be the exception and are surprised when there are different perceptions of what's fair or when conflicts arise. If no problems are expected, communicating and planning ahead should go smoothly.

#### Remember

There is no ideal time to deal with property transfer issues. Dealing with issues before there is a crisis is easier than dealing with them during major transitions, such as illness or death.

### Remember

Different perceptions and expectations are normal, especially in regard to what's fair. Taking time to understand the differing viewpoints can help avoid misunderstandings and may lead to respectfully agreeing to disagree.

Reasons Used to Avoid Issues I don't have anything of value	Reasons Used to Avoid Issues I am an in-law. It may not be my place or role.
no careas luados Antinas citudas depotas telidos troches elitados posteros sectidos trapoles electros Antinas electros traceas arrangos traceas antinas electros contras arrangos traceas antinas electros contras arrangos traceas antinas electros e	
Reasons Used to Avoid Issues We don't talk about feelings in my family.	Reasons Used to Avoid Issues No one will listen anyway.
AV	
AN THEORY STATES AND	
Reasons Used to Avoid Issues Others might think I'm greedy.	Reasons Used to Avoid Issues I'm too young to worry about death.

#### Remember

Even if you are an in-law, you are a member of the family and may be affected by decisions about personal property since you came to the family as an adult, you may be in a better position to initiate the subject than other family members.

#### Remember

Not speaking up means that others will not know your opinions and feelings. Tell them what you need and intend using 'I" statements. Others may have similar concerns and fears.

## Remember

Death might happen at any age. Just as there are decisions that must go with living, there are decisions related to dying. If you choose not to make those decisions, others who do not know your intentions or goals will be forced to make them for you.

#### Remember

Assumptions are too often made about the emotional value others place on your personal property. Just because no one has asked about your property does not mean a lack of interest. Most people, when they ask, are surprised to learn what has meaning to others.

#### Remember

Talking about sentimental value and feelings may be uncomfortable for some family members. However, not talking and making assumptions can lead to conflicts and misunderstandings.

#### Remember

Tell others your needs and intentions using "I" statements. Let others know why you think decisions should be made now. Getting the decision-making process started does not mean you will always get your way.

- Sensitivity of the issue
- Desired accomplishments
- Meaning of "fair"
- Meaning of objects
- Distribution options and consequences

There are no magic formulas or solutions for transferring personal property. There are, however, some factors to consider whether you are planning for the transfer of your own personal property or working with family members to transfer the property of someone who has died. These factors are:

- 1. Understand the sensitivity of the issue.
- 2. Determine what you want to accomplish.
- 3. Determine what fair means in the context of your family.
- 4. Identify the meaning of objects.
- 5. Recognize distribution options and consequences.

FOR MORE INFORMATION on transferring non-titled property, a workbook is available which covers

- Bringing up sensitive issues
- Setting goals
- Defining what's fair
- Identifying the meaning of objects
- Distribution options and consequences
- Managing conflicts

If you want the videotape used in the lesson, you may order it also, using the form below.			
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	copies of the videotape "W Grandmas's Yellow Pie Pla each		
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Make checks payable to University of Minnesota. Send order and check to: University of Minnesota
Distribution Center
20 Coffey Hall
1420 Eckles Avenue
St. Paul, MN 55108-6069
1.800.876.8636
order@dc.extension.umn.edu

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HE 8-240 January 1999 Participant Handout

## Who Gets Grandma's Yellow Pie Plate?™ Transferring Non-Titled Property

by Marlene S. Stum<sup>1</sup>, Marsha A. Goetting<sup>2</sup>, and Alice Mills Morrow<sup>3</sup>

This is no ordinary yellow pie plate. This actually belonged to my great-grandmother who spent a lot of time in the kitchen with her daughters baking pies. The tradition of baking pies has continued on through the generations and the yellow pie plate is always on the table at family gatherings. The pie plate holds a lot of special memories for my family. Who gets Grandma's yellow pie plate when she dies? My mom does. Some of mom's favorite memories are spending mornings in the kitchen with her mom making rhubarb pies in the yellow pie plate. I hope that someday the yellow pie plate will be mine. It is not just a piece of my past, it's a piece of living history.

— Andrea

Most people have personal belongings such as wedding photographs, a baseball glove, or a yellow pie plate that have special meaning for them and other family members. These personal possessions are called non-titled property because there are no legal documents (such as titles) indicating who is the owner. Non-titled property may or may not have financial value, but often has sentimental, historical, or emotional value for the giver and for the receiver.

What happens to your non-titled personal belongings when you die? Who decides who gets what? Planning for the transfer of personal belongings is a challenge facing owners of the items and, potentially, family members and legal representatives who may have to make decisions about the items after the death of a family member.

The transfer of non-titled property is an issue that impacts individuals regardless of financial worth, heritage, or cultural background. What surprises many people is

that often the transfer of non-titled personal property creates more challenges among family members than the transfer of titled property. Why? Personal belongings usually have different meanings for each individual. The sentimental value or meaning attached to the personal property often is more important than the dollar value. Dividing items with sentimental value fairly to all parties can be very difficult. People commonly have different perceptions of what is a fair process and what are fair results. Talking about one's possessions may be more personal than talking about other types of financial assets. Facing one's own death, as well as the death of family members, can be emotionally draining.

### Understand the Sensitivity of the Issue

If you are a younger family member, perhaps a son or daughter, who feels the need to talk with an older relative regarding the distribution of his or her personal property, beginning the conversation may be the most difficult part. Here are suggestions

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<sup>&</sup>lt;sup>3</sup>Professor and Extension family economics specialist, Oregon State University

on ways to start a conversation about this sensitive issue.

Ask "what ifs." For example, you could say, "Dad, have you thought about what you would want to have happen with the things in the house if you and Mom were no longer to live here? What concerns or special wishes would you have?" "Mother, if we had to make decisions about what happens to your quilts and family photographs, what would you want us to do?"

These questions can create anxiety for both the person asking and the person answering. Provide reassurances by saying something like, "Chances are you will be living here for a long time, but if you would have to move or if you are unable to make those decisions in the future, I would like to know what you want so your wishes can be carried out."

Look for natural opportunities to initiate a conversation. When a friend or relative is dealing with the transfer of personal belongings, use that situation to introduce the topic. Or, describe a situation of a friend who recently experienced dividing up his or her property. Follow up the story by asking, "What would you have done in that situation?"

If the other person refuses to talk or denies the possibility of ever having to deal with transferring personal property, you cannot force his or her involvement. You have a right to share your feelings, and you may feel better because you made the effort to start a discussion.

# Determine What You Want to Accomplish

If you are thinking about the distribution of your non-titled property, there are several questions to ask yourself. What is it that you hope to accomplish when your non-titled property is transferred? Have you thought about what's most important to you? If you have a co-owner, such as a spouse, do you know what is most important to him or her when transferring mutual personal property? Have you taken time to think about, share, and discuss your transfer goals?

An important part of transferring personal property is identifying your goals and coming to agreement on what you and other co-owners want to accomplish. Is preserving memories of primary importance? How important is maintaining or improving family relationships? Is it important to treat everyone in the family equally, or to recognize differences? Some individuals prefer to take differences among family members into account with a desire to be equitable rather than equal when transferring personal belongings. Considerations may include contributions over the years (care, gifts), needs (financial, emotional, physical), and other differences among family members such as age, birth order, or marital status. Do you wish to maintain privacy and control within your family? Do you want to contribute to society, such as donating historical items to a museum?

Addressing these types of questions, will help you determine goals. The method of property transfer you select should be based on the goals you have identified as an individual, as a couple, or as a family. Another benefit of identifying goals is letting potential receivers know what you are trying to accomplish. This can help prevent misunderstandings and assumptions about your intentions.

# **Determine What "Fair" Means in Your Family**

Many people say they want to be fair to all family members when their belongings are transferred. What does "fair" mean?

Different perceptions about what is fair are normal. There can be many different ideas of what would make both the process and end result fair when deciding who gets what personal belongings. What unwritten rules or assumptions do members of your family have about what is fair when transferring non-titled personal property?

Different feelings about who should be involved and when transfers should occur can be the source of disagreements. The issue of who is and is not family can quickly arise. Is it fair if daughters-in-law are involved and sons-in-law are not? Is it fair that one child receives items now, while other children have to wait? Is it fair that local grandchildren are involved while those that live far away are not? Should stepchildren be involved in decisions about some or all items?

Being fair does not always mean being equal. If equal is the goal, challenges quickly arise about whether equal means an equal number of items, equal dollar value, or equal in terms of emotional value. What makes dividing equally even more difficult is that the sentimental meaning or value of items will be different for each individual. What one person considers as equal emotional value may not be what another would consider equal. Who determines the value of an item and whether the value is measured in emotional terms, dollars and cents, or some combination? Dividing personal property fairly when the value is not easily measured in dollars is a challenge.

Different ideas of what is fair can make the process and the results of property transfer decisions frustrating, hurtful, and damaging to relationships. On the other hand, taking time to understand family members' different perceptions of what is fair can reduce misunderstandings, help them learn

about one another's wishes, and strengthen relationships and bonds.

# Identify the Meaning of Personal Possessions

Non-titled personal property like Grandma's yellow pie plate or Dad's stamp collection may trigger memories, emotions, and feelings for both current owners and potential receivers. Also realize that for some people, such items may carry no meaning and indeed may be considered as just "stuff" or "junk." The sentimental value assigned to belongings by an 83-year-old is possibly different from that of a 57-year-old or 23-year-old. A husband and wife may think the same object is special but for different reasons.

#### **Recognize Distribution Options**

Gifts. Property may be transferred to others by making a gift of it prior to death. Gifts allow you to pass on the stories and memories associated with an item. While gifts frequently take place at birthdays and holidays, they may occur at any time. One grandmother chose to give her grandson's fiancee a crystal bowl as a shower gift. She included a note explaining that the bowl was received as a gift when she and her husband were married 50 years earlier. (Note: A gift with a value of \$10,000 or less may be made annually without paying a federal gift tax. If the value of a gift is more than \$10,000, seek tax advice before making the gift.)

Wills or Trusts. Wills and trusts are documents you prepare while alive that designate who will get what property at your death. You make the decisions about who gets what, but the transfers are not actually made until after your death.

If your will or trust says "I give all of my personal property to my children in equal

shares," unless there has been discussion with and agreement among the children prior to your death, you have merely transferred the distribution problems to the personal representative (if you have a will) or trustee (if you have a trust).

The will or trust could list individual pieces of non-titled personal property and indicate the person you want it to go to at your death. Listing every item may be cumbersome. Also, the list may become outdated if you change your mind, acquire additional property, or give away some of the items.

One alternative to including each item in the will or trust is to prepare a list of the non-titled personal property, indicate who is to receive it at your death, and to incorporate "by reference" the list into your will or trust. The list of personal property must be dated and in existence prior to the date of the will or trust to be binding on the personal representative or trustee. If you later want to update the list, you will have to re-execute the will or amend the trust.

You could, in the will or trust agreement, say that the personal representative or trustee is to distribute your non-titled personal property in accordance with your wishes. You let your wishes be known by preparing a list and giving it to the personal representative/trustee. You can update the list from time to time without redoing the will or trust. Your wishes are not legally binding, but you trust that the personal representative/trustee will follow your instructions.

Auction/Sales. Auctions and other types of sales held either within the family or for the general public, or an in-family distribution using some kind of selection, such as a lottery, may occur either before or after the death of the property owner.

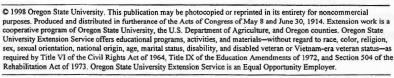
No method is perfect. When decisions are made by property owners *prior to death*, the person transferring the property can consider the wishes of the recipients and share special memories with the recipients. Decisions made before death may help to eliminate misunderstandings about the owner's wishes. Decisions made by someone other than the owner *after the owner's death* may not accurately reflect the owner's wishes.

No method is perfect. In order for families to find the best method for *their* situation, they need to first identify goals and then keep these goals in mind as they select a distribution method. Individuals and other family members involved should discuss, identify, and agree upon a method or methods of transfer before beginning the distribution process.

#### Summary

Transferring personal property can be a time to celebrate a person's life, share memories and stories, and continue traditions and family history. Sharing stories about special objects helps family members understand their past, discover another aspect of their family and appreciate the accomplishments of their ancestors. Sharing stories and meaning about significant belongings helps preserve family history, memories, and traditions.







#### **Potential Transfer Goals**

The following questions will help you identify which, if any, of these goals seem to be a priority for you. If there are other goals you want to accomplish, add them. In most cases, not all goals can be accomplished at the same time and decisions must be made about which goals are more important than others.

Directions: Read each question and identify how important each goal is to you by placing a mark on the line indicating that it is "not at all important," somewhere in the middle, or "very important." If the goal or question does not seem to apply to you or your situation, simply leave it blank. Add goals important to you but not listed.

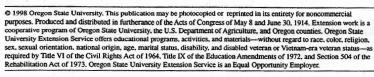
## **Potential Transfer Goals**

Importance of Maintaining Privacy	e grig in de manage y grangement	
	Not at all important	Very important
Keeping decisions about my personal property in the family		
2 Avoiding public auctions or sales for distribution of personal property	<b>—</b>	
3 Avoiding court involvement in personal property distribution	<	<b>—</b>
Importance of Family Relationships		
Everyone in my family is still talking to each other after belongings are transferred	Not at all important	Very important
Feelings of resentment or anger are minimized among members of my family		
Family members agree to work out disagreements and conflicts		
4 Family members cooperate as decisions are made	<del></del>	
Family members cooperate as decisions are made  Family members agree with what I want to do with my belongings		

## Potential Transfer Goals (cont.)

Importance of Being Fair to All Involved	V 320	
	Not at all important	Very important
My personal property is transferred so that everyone is treated equally or the same, regardless of any differences (needs, contributions, status of family member)	selivense modi II. selivense modi II.	HOY 100
Differences among family members are taken into account when personal property is transferred so that family members are treated equitably		
All concerned family members have a chance for their point of view to be heard as decisions are made	<del>&lt;   -  </del>	<del></del>
Decisions about "who gets what" are consistently applied to all involved	<del></del>	<del></del>
The process of how decisions are made about transfers is consistent for all persons and over time	<b>←</b>	<del></del>
Importance of Preserving Memories		
	Not at all important	Very important
Belongings go to individuals in my family who will truly value and appreciate them	<del>&lt; 1 1</del>	1 - 2
Belongings go to individuals who are most likely to pass on items in the same spirit	<del>&lt; -1 -1</del>	-
Belongings go to people who will remember my family history and heritage	<del>&lt; 1</del> → 1 → 1	Include Land
Belongings are passed on to future generations who have a connection to me	<b>←</b>	
Importance of Contributing to Society		
	Not at all important	Very important
Selected belongings are given to benefit the public (museums, historical society)	<del>&lt; 1 - 1</del>	1989
2 Collections are donated to benefit the public (museums)	<del>&lt;   -  </del>	1->
Selected belongings are sold with proceeds given to a chosen cause	<del></del>	

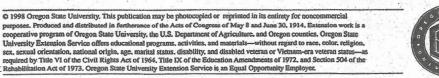






## Importance of Recognizing Different Contributions (cont.) Not at all important important Family members who have helped provide care and support over the years are rewarded Family members who have shown me the most love are rewarded Organizations or individuals outside of family are Importance of Recognizing Different Needs Family members with financial needs receive more 1 Family members with physical or disability needs receive more Family members with greater emotional needs receive Importance of Recognizing Differences Among Family Members Birth order (oldest, youngest) influences who receives specific items Current age influences who receives specific items Whether someone is male or female influences what they automatically receive Whether family members are married, widowed, divorced, or never married influences what they receive Whether family members have children by birth, adoption, or remarriage influences what they receive Whether family members live close or at a distance influences what they receive Whether family members have a personal interest in the item influences what they receive







HE 8-242 January 1999 Participant Handout

## Determine the Meaning of "Fair"

Directions: Read each question and identify how important each rule is to you by placing a mark on the line indicating that it is "not at all important," somewhere in the middle, or "very important." If the question does not apply to you or your family situation, simply leave it blank. Add your own rules about what would make something fair as you go along.

Importance of Treating Everyone Equally	Not at all important	Very important
Family members are treated the same regardless of what they may have contributed to the family over the years		<b></b>
Family members are treated the same regardless of differences in needs		+ >
Family members are treated the same regardless of differences (such as birth order, gender, or marital status)	<del>4    </del>	
Family members receive equal numbers of items, regardless of sentimental meaning	4.11	-1-
Family members receive equal numbers of items which have sentimental meaning to them	<b>←</b>   −	<del></del>
Family members receive equal dollar value of appraised items		
Family members all have an equal chance of getting items that more than one might want regardless of financial resources (drawing names, lottery system, taking turns at selecting, using chips or pretend money)		
Importance of Recognizing Different Contributions		
Items received as gifts from family members be given back to the same giver	<b>.</b> <del></del>	
Family members who have helped do work around the home or business be rewarded	<b>4</b> 1 1	
Family members who have helped me financially are rewarded	*****	- <del></del>