

19 How to Prepare Letters of Instruction To Family, Employees, and Executor Regarding Funeral Arrangements, Business Transfer and Post-Death Procedures

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We highly recommend all adults have a current Will, a Power of Attorney and a Living Will. In addition, individuals are encouraged to plan ahead and write messages to their family and executor detailing their specific desires regarding funeral and burial. Written instructions to your family and executor containing information and guidance will minimize uncertainty, confusion, and possible oversights following your death. The information you furnish should ease the settlement of your estate and provide for an orderly winding-up of your affairs. You need to share what you know with those who (often suddenly and without warning) must step into your shoes and carry out your final needs.

What Should Your Letters of Instructions Cover ?

Letter to Your Family

Typically, this letter would be written to your spouse who is usually your executor. You may also want to address the letter to your children, particularly if they are the primary beneficiaries of your estate or they will be called upon to assist your spouse directly in the settlement of your estate and business affairs. The letter of instruction is prepared by you and is meant to provide assistance and guidance to your family regarding items not covered in your will. **This letter will not change your Will. If you wish changes in your Will, speak to your attorney.** Some possible points to cover in the family letter are :

1. Funeral and burial arrangements: Where, by whom, what kind, and at what cost?
2. Anatomical gifts: Identify the nature and location of any anatomical gift declarations you have made.
3. Memorials and contributions: Identify what organizations or institutions might be appropriate recipients of memorials or charitable donations made in your memory.
4. Preparation of obituary: Should your obituary be prepared in advance and be updated periodically? To which newspaper should it be sent?
5. Notifications of friends, relatives, business associates, and colleagues in charitable or civic groups. Identify those persons to be contacted upon your death, noting any particular requests or messages to be given, and listing their current addresses and phone numbers.
6. Location of your safe-deposit box and its key.
7. Location of your will and estate planning documents: Include any trusts, buy

sell agreements, or extraneous writings incorporated in your will.

8. Medical and hospital coverages and location of the policies.
9. Social Security and Veterans Administration benefits: Identify current or potential benefits.
10. Life insurance: Indicate where policies are located and what steps should be taken to collect policy proceeds.
11. Location and explanation of title documents and other records relating to your assets. Include deeds, stocks, bonds, bank accounts and deposits, retirement plans, and vehicle titles.
12. Identify obligations involving periodic payments, such as your home mortgage, car loans, and other debts, including amount and to whom payable.
13. Identify your attorney and professional advisers (including your accountant, broker, trust officer, and insurance agent) who you currently use or recommend.
14. Key employees and business friends to keep business operating until sale. The value of an ongoing business is much greater than a closed one!

You should review and update your letters of instruction periodically to be certain they are complete and current. In most cases, you should personally discuss the contents of the letters with the persons to whom they are addressed, especially so with your spouse and executor to amplify or clarify the instructions given and answer any questions. In all events, it is advisable to give the letters of instructions once written to the addressees so that they will be aware that the letters call for certain actions promptly after your death. A letter setting forth the above items will be especially helpful if your executor is someone who doesn't live with you and doesn't know the location of all your personal papers and assets. For those individuals with a business, a shareholder's agreement or buy-sell agreement is recommended.

Conclusion

While the preceding list contains possible topics to be covered in your letters to your family and executor, the list is by no means exhaustive. A number of these items may not be applicable in your situation, and probably there are many others that are applicable. The important thing is to spend some time now considering what you should tell those most closely associated with you to facilitate their handling of your affairs upon your death, and then write those matters down as soon as possible.

Each of us has our own style of letter writing, especially when we are writing our loved ones or close associates. In such circumstances a special and personal form of communication is needed. We are mindful that each such letter should be unique and that there is no "best way" to compose the letter. For estate planning, speak with an experienced attorney.

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