

Things You Should Never Put in Your Will

By Walter H. Bentley III, JD, MBA | Attorney & Counselor at Law

A will is a vital estate planning document, and allows you to distribute your assets and property according to your wishes. A will has a number of limitations you may not be aware of. However, there are several items that should NOT be included in a will:

Property held in a living trust or joint tenancy – property deeded to a living trust cannot be willed to someone else, and a will cannot change the right of survivorship in joint tenancy, which passes to the joint tenant by law.

Accounts with designated beneficiaries – financial accounts and life insurance proceeds go to beneficiaries who are designated by you via a designated beneficiary form, and cannot be given to someone else through a will.

Contingency gifts – leaving assets that are contingent on the beneficiary performing a duty or act (like marrying or attending college) is not always legal. Generally speaking, you cannot “manage from the grave” by making an inheritance contingent on someone getting married, changing their religion, etc.

Provisions for those with special needs – this should be done via a special needs trust.

Provisions for pets – pets do not have the legal ability to own property, so consider establishing a pet trust to care for your pet(s).

Funeral instructions – since a will may not be read until after the funeral, leave instructions for your funeral arrangements in a letter of instruction or discuss your wishes with loved ones.

Many of the items above can be addressed in a trust designed by your attorney. It also shows that “wills in a box” software many times will not ensure your wishes are abided by. If you’d like to learn more about establishing your personal estate plan, call an attorney today.

To Your Health, Wealth & Happiness,

Walter H. Bentley III
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Walter H. Bentley III started his own law practice after almost a decade as an assistant prosecutor in Wayne County Michigan, one of the busiest prosecuting offices in the country. An experienced litigator with over 100 trials under his belt, he wanted to help more people in addition to victims of crime. Walter’s firm helps people divorce with dignity, prepare estate and life plans, and foster loving parent-child relationships. He can help you protect your

children through his popular kids Protection Plan. A naval veteran and business owner, he is proud of his role as a trusted advisor for clients guiding them through proactive family and business legal planning. His firm is centrally located in Southfield where he serves Southeastern Michigan including the greater Metro-Detroit counties.