

Disinheriting with a Dollar: Fact or Fiction?

Occasionally, a client wants to disinherit a family member. This could be for a variety of reasons: the family member does not need the money, the family member is a bad apple, or there is someone else who needs the inheritance more.

There is a popular misconception that the client must leave these disinherited individuals an inheritance of \$1.00. Such a bequest is completely unnecessary and could actually cost your estate.

How to Disinherit

Disinheriting a family member is not uncommon and it is relatively simple. Generally, a will includes a paragraph identifying the family members. The disinherited person should be mentioned in relationship to the testator (person whose will it is). One of the elements of testamentary capacity is knowing who your family is. Identifying the family in the will shows that you know who your family is.

A simple sentence can be placed in the will indicating that the testator knows that he is related to this person but has chosen to not leave a bequest to him. No further explanation is needed. Occasionally, a client will ask to have more explanation in the document, such as “we have not had a meaningful relationship” or “he has been otherwise provided for.” All of these are fine to include. However, the client does not need to recite every detail why they are disinheriting a person. A will becomes a public document upon probate and most families do not want personal details about family arguments made available for public consumption.

Increased Costs

Leaving someone \$1.00 can actually cost your estate. By leaving that person a bequest of any size, they become a beneficiary of the estate and will receive notices from the court and the executor. The executor must send this person his check for \$1.00 and wait for that check to clear before closing the estate checking account.

Additionally, in the state of Kentucky, it may become more difficult to close the estate, because that person has no reason to sign off on the informal settlement of the estate. If a beneficiary will not sign off on this, a formal settlement with a detailed accounting and certified mail notifications must be sent out and an additional court appearance will be

required. All of this will add up to added expense to the estate and the other beneficiaries.

These materials are for general informational purposes only. Consult an attorney for legal advice about estate planning and disinheriting someone.

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