

*[Note: Details of this case, including names of individuals, have been omitted or changed to protect the confidentiality of the data.]*

Narrative

My interview subject is an attorney here in Florida who owns her own practice, which has been representing clients across the state in personal injury, workers' compensation, and social security disability claims for over thirty years. Her role in this case was that of an interested party as the daughter of the decedent. The other interested parties included my interview subject's brother and the five grandchildren of the decedent. Both my interview subject and her brother are well-off, have successful careers, and live in the state of Florida. This is the only time that my interview subject has been involved in or had experience with a case regarding the settlement of an estate.

The decedent's passing was somewhat expected in that he had been suffering from several medical conditions and was in his late eighties. His only children were my interview subject, who had three of his grandchildren, and her brother, who had his other two grandchildren. The decedent's spouse had passed away several years before his passing and was therefore not a party to these proceedings. He had an up-to-date plan in place regarding the handling of his estate, which the interested parties knew about. That plan consisted of beneficiary trusts to his grandchildren and a will, which stated how his debts were to be taken care of and how his property was to be distributed.

The types of property that the decedent left behind included his homestead, one vehicle, personal property, IRAs, bank accounts, and stock accounts, all of which was in the State of Florida. The only lawyer involved in the settlement of this estate (aside from my interview subject who was not acting in her capacity as an attorney) was the lawyer that the decedent had

used in planning his estate. The settlement process really consisted of only one proceeding at which the parties went through the wishes of the decedent and determined how they would carry out those wishes. All of the parties involved had prior relationships and their relationships continued after the estate was settled. The entire settlement process lasted about six months at an estimated cost of around eight to ten thousand dollars. This time and money included things such as listing and selling the decedent's house, clearing personal property and furnishings out of the house, and selling the decedent's motor vehicle.

The co-executors of the estate were my interview subject and her brother and their sole goal in settling the estate was expediency. There were no disputes regarding personal property or distribution of assets and no involvement with probate court in settling the estate. All parties involved were very satisfied with how everything turned out and none of the parties wanted to drag things out by squabbling over minor things or pieces of property. According to my interview subject, the fact that the decedent had planned for his death and had no hidden assets or unclear provisions in his estate plan were crucial factors in carrying out the proceeding as efficiently as possible.

#### Alternative Explanations

Having a close relationship with the interview subject and the other executor of the estate in this case, and because the decedent died and his estate was settled so recently, I do not believe there are any limitations on my subject's memory. Also, having known the decedent very well, I don't doubt that he had his affairs very much in order and without any discrepancies as to what he wanted to happen upon his death. He was a very meticulous and mentally sharp individual until the last seconds of his life. Also, the simplicity of things in this case seem to leave little

room for me to develop alternative explanations about the events or circumstances surrounding the settlement, as everything that occurred was very straightforward.

### Personal Insights

The first thing I learned from this interview is that estate settlements are not always as complex as the cases we read about and discuss during this course. That, of course, made me wonder, *why is this case so much more straightforward?* The answer was definitely, in part, the care that the decedent and his attorney put into planning his estate and ensuring that all of his affairs were in order prior to his death.

By setting up a trust for each of his five grandchildren, he made certain that each of his grandchildren would receive something from his estate in the future. The trust pays out an annual distribution to each of the five beneficiaries but I am unsure of how long this is supposed to go on for.

The ease with which the rest of the decedent's real and personal property was dispensed definitely had a lot to do with the decedent having his affairs in order prior to his death. But another aspect that prevented a great deal of dispute in the settlement of the estate was the fact that all parties involved were close family members, did not want to drag the process out by quibbling over the decedent's possessions, and just wanted to put the whole thing behind them. This differs greatly from a lot of cases we discussed throughout this course as many of the cases we've discussed deal with blended families, mistresses, adopted children, and other aspects that can complicate the estate planning process and the process of settling an estate. Also, the fact that both my interview subject and her brother were co-executors and their children were beneficiaries, all interested parties were eager to have the estate settled as quickly as possible without any dispute whatsoever. My interview subject and her brother are both very well off

financially, only have children with their spouse, have never been divorced from that spouse, and really have no other complicating factors that create so many of the disputes that we've discussed throughout the course this semester.

After conducting this interview and analyzing the settlement of this estate, the most significant insight I believe I gained from this is exactly what factors complicate estate planning and settlement. When affairs are in order and the interested parties are not squabbling over chairs and lamps and paintings, the process can be quite simple. On the flip side, it is important to know what factors complicate the process and how best to deal with those factors in planning someone's estate.