



# AVOIDING CONFLICT

## 3 TIPS FOR PREVENTING ESTATE AND TRUST DISPUTES

As an attorney, I'm often asked what type of law I practice. Because that question comes up so much — during Uber rides, at dinner parties, and just about everywhere else — my responses have almost become second nature. When I tell people that a large part of my practice involves handling estate and trust disputes, I usually explain that we don't prepare wills or trusts. We get involved in situations where a family member passes away and their loved ones are fighting about what should happen to their property.

While that's a bit of an oversimplification, it does describe most of our estate and trust litigation cases. Most of the time, the people embroiled in conflict are family members. Seeing the toll that family strife takes on my clients, I often think about what could have been done to prevent the mess in the first place.

No one really wants to think about what will happen when they die, but with some foresight and careful planning, many estate and trust disputes can be avoided. Here are three tips to consider that could help prevent family conflict after you're gone.

### HIRE A LAWYER TO PREPARE YOUR ESTATE PLAN.

I cannot stress this enough. Even if you think you know exactly how you want your property to be divided upon your death, it is *absolutely necessary* to hire an estate planning attorney to properly put your wishes into writing.

One of the most common issues with wills prepared by people who are not lawyers is that they often contain imprecise, ambiguous, or contradictory terms. Sometimes, words can mean more than one thing. Have you ever said



something to someone, sure that they would understand exactly what you mean, but they interpret what you said to mean something completely different than what you intended? Of course. We all have.

Now, imagine that happening when you aren't around anymore to explain yourself. You thought you were crystal clear, but your heirs interpret what you said in a different way. What are they going to do? Most likely, they'll have to hire someone like me to go to court and have a judge decide what your will means.

An experienced estate planning attorney knows how to carefully draft wills and trust documents to avoid imprecise or ambiguous language. Don't go it alone. Hire a lawyer and make sure your estate planning documents are prepared the right way.

### KEEP EVERYONE IN THE LOOP.

One of the most common stories we hear from prospective clients involves an unwelcome surprise. A family member passed away. The will was easily located. When the prospective client started reading it, however, they learned that their loved one did something unexpected with their property.

These situations frequently arise when someone changes their estate plan late in life without letting all their loved ones know. These situations can lead to someone feeling like they got the short end of the stick. When that happens, litigation often ensues.

It can be difficult to have conversations with your loved ones about your estate plan when you know they might be disappointed

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or upset by what they hear. But keeping everyone in the loop is the best way to prevent conflict after you're gone.

### THINK HARD BEFORE APPOINTING CO-EXECUTORS OR CO-TRUSTEES.

Sometimes, an estate or trust dispute happens not because of what the decedent chose to do with their property but because of an issue involving how the estate or trust has been managed. It goes without saying that you should be careful to select someone you trust to serve as an executor or trustee after you're gone. However, another category of disputes we see regularly is conflict between co-executors or co-trustees.

There are certainly benefits to appointing two people to fill those roles. But there are big risks, as well. For example, we see many wills and trust documents that appoint two co-fiduciaries and provide that both must agree before any action can be taken. What happens when they just can't agree? We get a phone call from a frustrated co-fiduciary ready to litigate.

Appointing co-fiduciaries and providing that they each may act alone is also fraught with potential problems. What if one does something the other doesn't like? Again, we get a phone call. So, unless you have a very good reason to appoint co-executors or co-trustees, it may be better to just appoint one person to serve in those roles.

Although there is no 100% foolproof way to prevent estate and trust disputes after you're gone, these are a few common ones we see in our practice. If you have questions about your specific situation, please feel free to give us a call.

*—Benjamin P. Kyber*



## READY TO TAKE UP THE NOMADIC LIFESTYLE AFTER RETIREMENT?

HERE'S HOW TO PLAN FOR IT

You've worked hard for years to arrive at this moment: retirement. Now that you're free of your 9-to-5 job, you have a lot more time for activities you enjoy. That extra time is what leads many people to turn to a nomadic lifestyle after retirement. Touring in an RV, sailing around the world, or even just retiring to a cabin in a remote locale are all popular options for new retirees. If the spirit of adventure is calling you, here are some financial tips to set you on the right path.

### DOWNSIZE BEFORE YOU GO

Some folks choose to sell their home and use the income to fund their travels, staying in apartments and rentals as they go. If that seems too drastic, downsizing to a smaller home is also a good option, especially if you plan to travel in intervals but want a home base to return to. This also gives you the option of renting your home while you're away and using the money to continue traveling.

### ASK OTHER NOMADS

Crowdsource advice from friends and family members who've taken the leap. Lots of other people have shared your dream and made it a reality. Many have turned their experience into books or blogs, like Lynne Martin, who's been traveling around the world with her husband, Tim, for the last three years. The Martins used the sale of their home to finance their travels. They also take cruises to cut down on travel costs and often dine in to save money.

### DO YOUR RESEARCH

If you have a specific place in mind for your retirement, like Hawaii or Texas, look at rental costs and other lifestyle changes that can affect your budget. For example, Hawaii's cost of living is cheaper than other popular retirement states, like Florida, but basic commodities may be more expensive. If a boat or RV is more your style, be sure to add repair and fuel costs into your budget.

As you go about researching and planning, be sure to consult with your financial advisor so they can help you look at your current situation and make adjustments. With the proper planning, you'll be living your nomadic dream in no time.

When many Americans think of Mexican food, their minds often go straight to the ubiquitous (and often bland) ground beef tacos, burritos, and jarred salsa they grew up with. That's not even remotely close to what you'll find at Abuelita's. Located on Midlothian Turnpike in Richmond's Southside, Abuelita's specializes in *guisos*, exceptionally rich and flavorful slow-cooked Mexican stews. True to its name — an affectionate term for a grandmother in Spanish — Abuelita's food feels like home cooking at its best.

You'll have to visit Abuelita's Instagram page (@AbuelitasRVA) to see what they have on the menu on any given day. If you go on a whim, you can expect to see dishes such as *tinga de pollo*, shredded chicken in a tomato and chipotle pepper sauce; *bistec con nopales*, steak with tender pieces of cactus; or *hongos en crema*, mushrooms in a cream sauce. A typical order includes a choice of one or two *guisos*, fresh tortillas, rice, beans,



and items from the salsa bar, which include a terrific blend of pickled red onions and habanero peppers to add some heat to the equation. Abuelita's also offers a rotating cast of traditional Mexican soups — like *pozole* and *menudo* — as well as homemade tamales on Sundays.

We recently visited Abuelita's for a celebratory lunch after settling a large case. Because neither one of us could pick just one, we each ordered two *guisos*. As always, everything was amazing. A word of caution though: This is real comfort food. If you want to have a productive afternoon, maybe stick to just one dish.

*—Benjamin P. Kyber*

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			4	8			
1		8	2			5	7

### SOLUTION

7	2	5	6	9	2	8	1	3	4
8	6	1	8	5	7	2	9	4	3
9	4	7	3	2	1	6	5	8	7
2	3	9	1	7	6	4	8	5	3
4	5	3	8	6	9	7	2	1	8
1	8	6	4	5	3	2	7	9	1
3	9	8	6	4	5	1	2	7	3
6	4	2	1	7	3	8	5	9	6
9	8	4	5	7	1	3	2	6	4
5	9	8	4	6	3	1	7	2	5

## PESTO CHICKEN WITH BLISTERED TOMATOES



Brighten up after a cold, dark winter with this fresh and flavorful springtime dish

### INGREDIENTS

- 2 1/2 tbsp olive oil, divided
- 4 boneless and skinless chicken breasts, pounded to a 1-inch thickness
- Salt and pepper to taste
- 1/4 cup whole-wheat panko
- 2 tbsp Parmesan cheese
- 1 tbsp unsalted butter, melted
- 6 tbsp spinach pesto
- 2 cups cherry tomatoes
- 1 garlic clove, thinly sliced
- 1 tsp red wine vinegar

### DIRECTIONS

1. In a large ovenproof skillet over medium-high heat, add 1 tbsp olive oil.
2. Season chicken with salt and pepper, and add it to pan. Cook chicken for 5 minutes on each side, then remove pan from heat.
3. In a bowl, combine panko, Parmesan cheese, and butter.
4. Spread pesto over chicken and top with panko mixture.
5. Broil chicken for 2 minutes on high heat until browned.
6. In a skillet, heat remaining oil over medium-high heat.
7. Add tomatoes and cook for 6 minutes.
8. Add garlic and cook for 30 seconds, stirring constantly.
9. Season tomato mixture with salt and pepper, and add red wine vinegar.
10. Serve tomatoes with broiled chicken.



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## LAUGH IT UP WITH YOUR LOVED ONES

### CLASSIC COMEDIES FOR TWEENS AND TEENS

For parents, movie selection can sometimes seem pretty limited. When your kids are young, you may feel shackled to the latest Disney animated features. But as they get a little older, you might want to introduce them to some real classic comedies. After all, who doesn't like to have a laugh with their loved ones? Here's a look at just a few side-splitting films that still hold up.

#### 'THE PRINCESS BRIDE'

Endlessly quotable and full of heart, this 1987 irreverent fantasy story is perfect for kids looking to graduate from fairy tales. While the dialogue contains a handful of swears and enough mild innuendo to earn a PG rating, most of the violence is played up for comedy

rather than appearing gritty and real. Be prepared for your kids to repeat Inigo Montoya's lines again and again.

#### 'SCHOOL OF ROCK'

According to Common Sense Media, many parents choose to ignore the PG-13 rating on this 2003 comedy and show it to their tweens. Besides brief strong language and a few scenes with adults consuming alcohol, this Jack Black movie is surprisingly tame for being about rock 'n' roll. Beyond the endearing characters, Black's hilarious antics, and an amped-up soundtrack, the movie lands its message of self-acceptance so well that you'll be clamoring for an encore.



#### 'MONTY PYTHON AND THE HOLY GRAIL'

There's nothing quite like the comedy of Monty Python. Surreal, witty, and unabashedly ridiculous, "Holy Grail" defies nearly every convention of storytelling and revels in doing so. That said, this film is recommended for teens since it has some strong elements of innuendo in one particular scene. Another scene contains over-the-top violence that is intentionally made to look fake, but it may still scare younger viewers. If you're looking to show your teens a whole new world of comedy, then this 1975 classic will make their imaginations run wild.