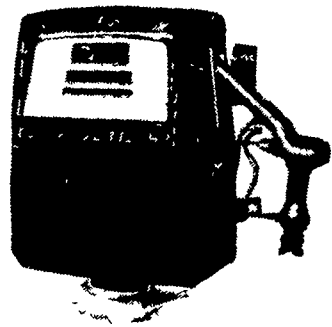


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# Is everybody's will



(Continued from Page B2)

Sally needed to spend any of the children's inheritance, she had to petition the Commonwealth's appointed guardian.

Perhaps even more tragic is the case involving an elderly widow we'll call Katie Jones. Katie, at the golden age of 75, found herself suddenly in the midst of an estate nightmare.

Her husband, who died at the age of 77, had accumulated a great deal of property in his own name during his lifetime, in the amount of \$250,000.

Katie's children, age 40 and 55, were both married and successful farmers.

Unfortunately, Katie and her husband never drafted a will. Now she was at the mercy of the state, whose plan called for her children to receive half of the assets with Katie getting \$20,000 plus 50 percent of the \$250,000.

Katie watched helplessly as half of the accumulated

assets she and her husband worked for were lost to her children at a time when she was depending on the assets for her future cost of living and medical expenses.

Katie is happy her children inherited the assets rather than the government. But, she lives with the constant fear that she may someday run out of money.

In the case of Katie, Darrell Ford recommended establishing a trust where half of the assets would have been given to the wife and half would have been set up in a trust with the use of the money reserved for the widow for her lifetime. At the time of her death, Ford said, the money would go to her children without being taxed a second time.

Elvin Byler, a Lancaster attorney, said he recommends that people write a will if for no other reason than to appoint an executor.

He explained that if the state has to appoint an executor preference will be given to close relatives. However, the person who gets the responsibilities of executing the will must file a bond, obtained from an insurance company, and pay in a premium to the bonding company.

For an estate worth \$100,000, Byler said, the bond costs from \$300-\$400 per year; as the value of the estate increases, so does the bond. Most estates, he noted, are settled within one year, so it would mean only one payment.

"Just having a will doesn't save you anything except the bond fees," Byler said. "If you're worth more than \$200,000, you should make a will for the major reason of saving taxes."

Byler also recommended that both the husband and wife have separate wills, even if they are a carbon-copy of each other with separate signatures. "The will has to be ready to go on record at the courthouse the day of death," he explained.

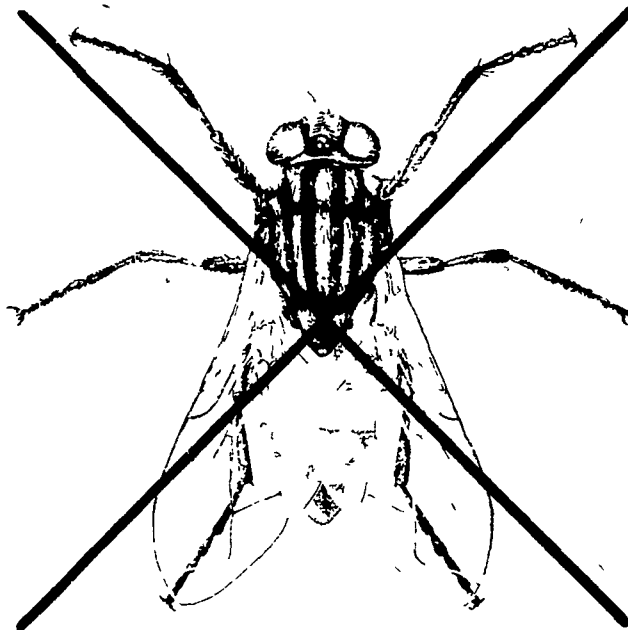
As far as whether to have a homemade will or have one professionally drafted, the Lancaster attorney said, "Homemade wills are possible, but attorneys charge their lowest fees for writing wills, assuring proper wording for their clients."

Next week Lancaster Farming will study the tax-saving tool—the trust.

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