



Pioneer Bank & Trust

Trust & Investments

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Ask a trust officer: Personal property

DEAR TRUST OFFICER:

I've been appointed the executor for my mother's estate, who died recently. What do I do about the things in her house?

—NEWBIE IN ESTATE SETTLEMENT

DEAR NEWBIE:

There may be a number of people who have access to the property. These people may think they are entitled to some particular asset and take it without consulting the executor, and that is wrong. Immediate family members (and sometimes in-laws, other remote family members and occasionally neighbors) may start taking things out of the home long before there has been an appraisal or even an understanding of what assets are in the home. The explanation is sometimes: "*When I was ten, your dad said I could have his shotgun.*" Often there is no evidence of such intent. In most cases any oral declarations are also legally unenforceable.

We have seen situations in which children from prior marriages held keys to their deceased parent's residence. They have gone into the house without talking to the surviving spouse or looking at the dispositive documents because "*I know mom wanted me to have all of her jewelry,*" or some similar justification. These takings can constitute criminal theft.

When we are named executor of an estate, we immediately change the locks on any residence or other location holding personal property so that we are in control of the property. If there is a security system, the company is notified and all codes changed as soon as possible. That should be your first step, and then take an inventory of the contents of the home. You will need it for the probate court.

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