



Pioneer Bank & Trust

Trust & Investments

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Ask a Trust Officer

Values-based estate planning

DEAR TRUST OFFICER: My religion is very important to me, and I have tried to instill that faith in my children and grandchildren. However, in today's secular world that is no easy matter, and I worry that I haven't succeeded. My will creates a trust for my grandchildren. Would it be possible to include a clause providing an inheritance only for those who marry within our religion? —KEEPER OF THE FAITH

DEAR KEEPER: You are in tricky territory with such a bequest. As a rule, the courts will *not* enforce bequests that interfere with marriage. For example, say that you hated one particular son-in-law. You might have good reasons; he might be a real louse. But if your will conditioned a bequest upon divorcing him, that condition would most likely be unenforceable. You *could*, however, take steps to see that he never has a chance to inherit your money. For example, instead of leaving a bequest to your daughter, you could make her the beneficiary of a trust, as you have done for your grandchildren. The trust could permit distributions only to her, not to the lousy son-in-law.

On the other hand, in a 2009 Illinois case, a trust stipulated that in order to inherit, the grandchildren would either have to marry within the grandparents' faith, or the spouse would have to convert within one year of the marriage. One grandchild met the condition; four others did not. That clause was upheld.

However, the long and bitter legal fight may have left permanent emotional scars on the family. One wonders whether this was truly the outcome that the grandparents wanted.

These issues can be explored in more detail with your lawyer.

Do you have a question concerning wealth management or trusts? Send your inquiry to [trustofficer@bankname.com].

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