

How to Disinherit Someone

Q: My boss has no children and she says she is disinheriting her sister. Is that possible?

A: Yes. You are not required to leave money or property to anyone, even your own children.

The only exception to this rule is that if you do not leave anything to your spouse when you die, they can receive a portion of your estate anyway, unless you have a prenuptial agreement in place.

So your boss does not need to leave anything to her sister.

If it is done through a Will, then after your boss' death the sister will be able to access court records, which are public. She will be able to read the Will, know where the money is going, and see the accounting of all of the assets. Your boss may choose to leave her sister one dollar to ensure the sister is acknowledged.

If it is done through a Trust, it will remain private. When done properly, trusts do not go through the court process. So if the sister is not a beneficiary under the Trust, she will have a difficult time even gaining access to it.

In fact, your boss should not leave her sister anything at all through a Trust. This is a common mistake. If your boss leaves anything -- even one dollar -- to her sister through the Trust, then her sister gets rights to the Trust, access to the documents, and full disclosure just like a Will.

By ensuring that the sister is not a named beneficiary at all under a Trust, it is much harder for the sister to gain any "ammunition" against the estate. She will basically be "in the dark".

In order to properly disinherit someone while minimizing family friction, consult with your estate planning attorney.

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