

HOW TO LEAVE A PERSONAL EFFECTS MEMORANDUM

In accordance with your Will, you may leave a signed document (a “Personal Effects Memorandum”) which expresses your desires concerning the disposition of your personal effects upon your death. Some people do not leave a Personal Effects Memorandum in which case your Will specifies to whom your personal effects will be distributed. If you do leave a Personal Effects Memorandum, any items not on the list will be distributed as your Will directs.

Here are a few instructions regarding how to prepare your Personal Effects

Memorandum: 1. The Personal Effects Memorandum may be typewritten or handwritten.

2. You should title it “Personal Effects Memorandum” and direct it to your Personal Representatives. Please see the attached example. It should specify the distribution of specific items at your death. You should specify whether each such item should be distributed at your death or only upon the death of the survivor of the two of you. It also might be helpful to give a brief description of the item (color, location, brand, size, etc.). Many people also like to include any relevant family history relating to the item.
3. You should be clear as to what happens to an item if the intended beneficiary does not survive you. Does it pass to their descendants? Is it distributed to someone else? Or does it lapse to be disposed of with the remaining personal effects under your Will? See the attached example.
4. It must be signed and dated by you but it does not need to be witnessed or notarized.
5. The Personal Effects Memorandum should be stored along with your Will so that it will be easily found. It must be found and properly identified by your Personal Representatives within sixty (60) days after the date of your death or your Personal Representatives will presume that no Personal Effects Memorandum exists.
6. A Personal Effects Memorandum may only dispose of personal effects which are items such as clothing, jewelry, motor vehicles, household furniture and furnishings, household appliances, silverware, glassware, china and collectibles. It cannot be used to dispose of cash, bank or investment accounts, stock, bonds, real estate or any items other than personal effects.
7. Do not try to dispose of every single item you own using a Personal Effects Memorandum. It is used primarily to decide who will get one of a kind objects that your beneficiaries might otherwise fight over or to direct an item to someone who will not otherwise share in the general distribution of your personal effects. For example, if your personal effects are to be divided among your children, you can use a Personal Effects Memorandum to direct a special item to a grandchild or a special

niece.

[EXAMPLE]

**PERSONAL EFFECTS MEMORANDUM
OF JANE DOE**

To my Personal Representatives:

I hereby direct that upon my death the following of my personal effects shall be distributed as follows:

1. I give my two carat diamond engagement ring and wedding band to my daughter, Susan Doe, but if Susan does not survive me to my granddaughter, Elizabeth Doe, but if Elizabeth does not survive me, this gift shall lapse.

2. I give my Waterford crystal vase to my niece, Sarah Smith, but if she does not survive me this gift shall lapse.

3. I give my grandmother's china set, purchased by her and my grandfather while he was stationed in Germany, to my son, Samuel Doe, but if Samuel does not survive me, to Samuel's children, *per stirpes*.

4. I give my musical instrument collection to The Joy of Music School, 1209 Euclid Ave NW # 1, Knoxville, TN 37921 (or its legal successor). This collection shall be distributed to The Joy of Music School upon the death of the survivor of me and my spouse, John Doe.

Signed this ____ day of _____, 20____.

JANE DOE