



Succession

Written by: Amber B. Woodland, Esquire

Raise your hand if you've binge-watched a series on your favorite streaming service over the last 2 years? I have, and I would bet that most of us are guilty. There's just something meditative about retreating to the mindlessness of good television. When you find an entertaining series, it's like you've struck gold.

This happened to me when I clicked over to "Succession" on HBO Max. In this series, leader of his business and his family, Logan Roy, contemplates who's best fit to take over the highly dysfunctional family dynasty. Is it his son who's always worked in the business or his daughter who has her own political

A PERSON WHO DIES "INTESTATE" IS ONE WHO DIES WITHOUT A VALID WILL.

agenda? How will he provide for his wife, who is the stepmother of his children, without creating conflict and resentment? What if Roy becomes incapacitated and is unable to make decisions related to his personal and business affairs? Ultimately, what will happen at his death if he doesn't have a well-laid-out succession plan?

In a world full of distractions and in moments of extreme pressure and stress, it is easy to put off creating a thorough end-of-life plan. There will always be more enjoyable or seemingly important things to do. However, when you fail to plan you are accepting that default state laws will direct and control the administration of your estate upon your death. Often, these "intestacy" laws are not consistent with your intentions and relying on them can lead to unnecessary burdens, costs, and conflicts.

A person who dies "intestate" is one who dies without a valid Will. Every state has its own set of "intestacy" laws that are relied upon when a decedent dies without a thorough, written estate plan. At first blush, you may think this means you don't have to bother creating an estate plan yourself because the default laws will just kick in. However, what's important to realize is that intestacy laws rarely do exactly what you want, or even need, them to do.

Let's start by reviewing how the intestacy laws determine who will be appointed to represent your estate. In Delaware, for instance, *anyone* (i.e. your friend, disgruntled neighbor, former colleague, or even a stranger) can be appointed as the personal representative if no one steps up within 60 days from your date of death. During the first 60 days, your spouse, then your children, followed by your parents, and then your siblings, in that order of priority, are entitled to be appointed. Imagine the complexities involved if your surviving spouse is unable to serve due to incapacity or if you have more than one child who wishes to serve. Extra paperwork is needed resulting in delays and potential conflict.

The intestacy laws then direct what the appointed personal representative has authority to do without further instruction from the Court. This includes

225 High Street
Seaford, Delaware 19973

1519 Savannah Road
Lewes, Delaware 19958

www.pwwlaw.com



PROCINO-WELLS
& WOODLAND, LLC

Continued from previous page...

many logical things, like gathering the decedent's assets, filing tax returns, paying bills, and making distributions, but it doesn't include authority to sell the decedent's real estate, for instance. This type of authority is especially important in situations when real estate needs to be sold to pay debts. Creating a written plan that includes authority to sell usually eliminates the need for Court involvement, which ultimately saves time and money.

Finally, the intestacy laws control who will receive the remaining estate assets. This is known as "intestate succession." If the decedent is survived by a spouse, then the share of the spouse is calculated first, but is reduced if the decedent is also survived by children (or parents). It gets even more complicated in blended family situations when the surviving spouse is not the biological parent of the decedent's children. On top of that, stepchildren are never included. Neither are charities.

The intestacy laws fail to address the disposal of tangible property, too. In my experience, disposing of the jewelry, vehicles, collectibles, and heirlooms is the most emotionally charged and can create a lot of tension among family members. When the law is silent on how to handle these items, what happens? Often, they are sold so that the net proceeds can be easily distributed. If this is inconsistent with your wishes, creating at least a simple Will that addresses the disposition of your tangible personal property is imperative. Taking this step can also prevent a lot of drama, too.

Speaking of drama, before you dig into your next binge-worthy series on Netflix, consider sitting down with an experienced estate planning attorney to review your goals, discuss your wishes, and create an estate plan that you're in control of, not the state. Otherwise, the intestacy laws will be the star of the show and that's probably not how you or your family want your story to end.

BELLA'S BRIEF*The Office from a Dog's Perspective*

On a recent visit to the local pet shop, I found myself watching a hamster run on a red wheel, round and round, no end in sight. Though a little out of character for me, I felt sympathetic to the little guy. What was he accomplishing running on that wheel? The thought plagued me to the point of observing almost every living thing around me for days to come. In many ways it appeared that we're all on a hamster wheel of perpetual motion, pursuing something that will never be caught. My thoughts returned to that furry little hamster, strutting along with an expression that could pass as a smile. I didn't understand it or his contentment. Questions invaded my brain. Why wasn't he bored doing the same thing for hours at a time? Then, just like our cell phones reading our thoughts, my human asked, "Do you feel like you're stuck on a hamster wheel?" She was talking to her best friend that was feeling the exhaustion of obligations, to do lists, and the chaos of worldly events. With care, she explained that she has admiration for the hamster wheel because it's doing the same thing day after day that allows her to meet interesting and remarkable people. She went on to share a client's harrowing story of being one of thirteen 9/11 first responders trapped in Stairwell B of the North Tower to miraculously survive and deliver an injured civilian to safety.

My fur was practically standing on end as I grasped that wheels and circles do have purpose. It's being able to identify what that is and recognizing when it's time to step off to refuel. Feeling empowered, I executed a perfect downward dog, had a good shake, and commenced chasing my tail.

[Click HERE for the Documentary](#)

xoxo Bella 

TIME OUT — STAFF PROFILE

Samantha R. Adkins
Legal Assistant



ON THE CLOCK: Samantha joined our team this year as a front desk legal assistant in the Lewes office. She is a 2019 graduate of Delaware Tech and is excited to apply her kind and detail oriented nature to serving our clients. Samantha's warm

smile and generous spirit are visible to clients visiting our Lewes office or calling in to connect with our team.

OFF THE CLOCK: Samantha loves all things outdoors and her favorite place to visit is Maine. She appreciates the Maine mountains, lakes and nature so much that she and her fiancé plan to get married there later this year. They share a beloved shih tzu, Sadie, that Samantha has been mom to for the past 10 years. Samantha's love of Sadie inspired her to pursue veterinary medicine. She spent five years as a veterinary assistant and three additional years as a licensed veterinary technician.

LEGAL MUMBO JUMBO

Legal Language in Layman's Terms

TANGIBLE PERSONAL PROPERTY

Articles of personal or household use such as furniture, clothing, jewelry, collectibles, appliances, or business equipment.

ESQUIRE OR ESQ.

An honorary title that is placed after a practicing lawyer's name. Practicing lawyers are those who have passed a state's bar exam and have been licensed by that jurisdiction's bar association.

DMOST

The Delaware Medical Orders for Scope of Treatment (DMOST) is a voluntary portable medical order form allowing the creator to make choices about life sustaining treatment, and this is put into effect when a patient and their physician sign off on the form. This medical order is for patients with a serious illness or frailty that leads their health care practitioner to believe they may only live a year or less from the time of creation. Most states currently use a similar form. In Maryland, the acronym is MOLST.

Curious for more Legal Mumbo Jumbo? Find our podcast, *Off the Clock*, on our website or in all major podcast listings.

A note from the attorneys...

Shipping delays and shortages have been a theme for two years, but in our office, packages seem to come just as planned. We are excitedly awaiting the arrival of three new babies to our growing family and couldn't be happier. As mothers ourselves, we know the pleasures and challenges of being working moms. As daughters, we know the gift of having strong women raise us. As leaders, we know the privilege it is to share in intimate moments with our Team.

Michele & Owen

PWW FRIDGE-WORTHY

Alan Kovitz, friend and local business and interpersonal coach, recently published a book titled, *A Book of Values: Your Personal Guide to Meaning and Happiness*. We regularly explore our team values and use them to help measure our success, and revise our firm's vision. Alan's book exploring 52 common values inspired a more thorough conversation about how our personal values can complement and support our firm's values. We think it's a great read and wanted to share it with you.

An excerpt from Alan's book:

"Gratitude

Especially in America, constant messages bombard us about what we do not have. The message is to buy more, do more, want more, never be satisfied. There is nothing wrong with aspiring, but if it leads to feelings of emptiness, longing, or inadequacy, it does not serve us well.

Those who embrace the value of Gratitude are not consumed with greed or need. Instead, they make a daily practice of appreciating what they have. They are thankful for their capacities, talents, health, family and friends. They appreciate people simply for being themselves, and for their inherent goodness. They appreciate seeing people help each other, even when simply observing an interaction from the outside. They have the unique ability to be present, to recognize the beauty of each moment, exactly as it is.

Gratitude amplifies positivity. In times of challenge, when it feels difficult to find joy or happiness, often we can still find gratitude. The simple practice of focusing on our gratitude can pull us up when we are feeling down.

If Gratitude is one of your core values, you are probably naturally thankful. An easy test of whether Gratitude is one of your core values is to do this simple exercise: make a list of 100 things you are grateful for right now. Is it easy for you to do? Why or why not?"

