



## Essential Conversations with Your Beneficiaries and Future Fiduciaries

**E**state planning extends far beyond drafting documents. The most thoughtfully crafted Trust or Will can become a source of family discord, confusion, or disappointment if the people it affects most don't understand the plan or your decisions. Having honest conversations about your estate plan may be one of the most valuable gifts you can provide your fiduciaries and beneficiaries, no matter the relationship.

### Setting the Stage for Meaningful Dialogue

Many people spend months perfecting their estate planning documents while investing little time in explaining their choices to those most affected. This reluctance often stems from concerns about creating entitlement, reducing motivation, or triggering family conflict. Yet avoiding these conversations often creates the very problems people hope to prevent.

Beneficiaries surprised by Trust restrictions may feel distrusted or controlled. Siblings who discover they weren't chosen as Executor may interpret this as judgment about their capabilities. Friends suddenly named as Trustee may feel unprepared and uncertain about your intentions.

The most productive conversations happen in comfortable, private settings during stable periods rather than during emergencies. Individual conversations often allow for more honest dialogue than formal family meetings, especially when dealing with sensitive topics like addiction, financial irresponsibility, or family conflicts that influenced your planning decisions.

### The Challenge of Honest Assessment

One of the most difficult aspects involves making realistic assessments about people you care about most. Love and logic don't always align when evaluating whether someone is ready for an inheritance or capable of handling fiduciary responsibilities.

Financial irresponsibility manifests differently across relationships and life stages. A sibling with lifelong money management struggles presents different

considerations than a young nephew who hasn't yet demonstrated financial maturity. Marriage stability, career patterns, and addiction issues all factor into these assessments and often benefit from ongoing observation rather than snap judgments.

When you have concerns about a beneficiary's readiness, addressing these directly is often more effective than implementing restrictive provisions without explanation. Many people are more receptive to

**WHEN PROFESSIONALS PARTICIPATE IN FAMILY DISCUSSIONS THEY CAN EXPLAIN PROVISIONS AND TAX CONSEQUENCES, LENDING CREDIBILITY TO YOUR DECISIONS, AND HELPING BENEFICIARIES UNDERSTAND THAT YOUR CHOICES REFLECT CAREFUL COUNSEL RATHER THAN PERSONAL JUDGMENTS.**

feedback than expected, especially when framed as concern rather than criticism. Conversations can reveal information that might change your assessment entirely.

### Navigating Fiduciary Appointment Decisions

Explaining why you chose certain people as Executors, Trustees, or Agents requires particular sensitivity. These decisions carry emotional weight beyond practical considerations, and many people don't understand what these roles actually involve.

Emphasize that fiduciary roles involve significant burdens and responsibilities rather than positions of honor. Professional Trustees and institutional Executors often bring objectivity, expertise, and continuity that even capable family members cannot provide. When

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explaining these choices, focus on practical advantages rather than perceived shortcomings, emphasizing that you want loved ones to focus on grieving rather than administrative burdens.

### **Preparing Beneficiaries for Their Future**

Many beneficiaries harbor unrealistic expectations about inheritance, either overestimating what they'll receive or misunderstanding when and how they'll receive it. These misunderstandings lead to poor financial planning and resentment when reality doesn't match expectations.

Distribution standards like "health, education, maintenance, and support" involve Trustee discretion that beneficiaries might not understand. Timeline expectations require particular attention since probate or Trust administration takes time, certain assets need liquidation, and tax considerations affect timing.

Asset protection features often confuse beneficiaries who don't understand why their inheritance includes restrictions. These provisions might seem like distrust when they're designed to protect against creditors, divorce proceedings, or future mistakes. Explaining the protective intent helps beneficiaries appreciate rather than resent these structures.

### **The Wealth Disclosure Dilemma**

Deciding how much financial information to share involves balancing transparency with potential negative consequences. The "right" amount depends on relationships and beneficiary sophistication. Adult children actively involved in family finances might appropriately know detailed information, while younger relatives might need only general concepts.

Consider sharing information gradually rather than overwhelming people with comprehensive disclosures. Start with general planning philosophy and values, then provide specifics as circumstances warrant. Financial education often proves more valuable than simple number disclosure, preparing beneficiaries for future responsibilities regardless of inheritance amounts.

### **Building Ongoing Dialogue**

Rather than one-time events, consider estate planning conversations the beginning of ongoing discussions that evolve as circumstances change. Your planning might need adjustments as beneficiaries mature, face life changes, or demonstrate different capabilities than initially assessed.

Annual family meetings can provide structured opportunities focusing on values and philosophy rather than technical details. Individual check-ins prove more valuable for addressing sensitive topics. Life changes like marriages, divorces, births, and career shifts often trigger needs for updated conversations and planning adjustments.

### **Professional Guidance and Implementation**

Introduce beneficiaries and chosen fiduciaries to your professional team to create valuable relationships for future transitions. Consider having professionals participate in family discussions to explain Trust provisions or tax consequences, lending credibility to decisions and helping beneficiaries understand that restrictions reflect standard practices rather than personal judgments.

Document organization and emergency procedures deserve attention. Beneficiaries and fiduciaries need to know where important documents are located and how to access them when necessary, with different access levels based on roles and responsibilities.

### **The Investment in Relationships**

Thoughtful communication about estate planning represents an investment in your most important relationships. While these conversations might feel awkward initially, they often strengthen bonds by demonstrating care for beneficiaries' wellbeing and confidence in their maturity.

The goal isn't perfection but creating understanding, managing expectations, and preserving relationships during difficult transitions. Beneficiaries who understand your reasoning appreciate your choices. Chosen fiduciaries who understand responsibilities fulfill their roles more effectively.

Most importantly, these conversations provide opportunities to share the values, principles, and hopes that motivated your planning decisions. While technical aspects might be handled by professionals, the personal elements of your legacy depend on relationships you build and communication you provide.

The documents you sign represent only part of your estate plan. The conversations you have and relationships you nurture may prove even more valuable in ensuring your legacy achieves what you hope for the people who matter most.

## TIME OUT - 3 THINGS YOU DIDN'T KNOW ABOUT OUR ATTORNEYS



**Michele**

Procino-Wells, Esq.

1. My first car was a black, souped-up 1969 Rally Sport Camaro that my dad refurbished and built the engine. It was a daily driver, but I also dragged raced it at Rt. 13 Speedway in Delmar.
2. Aerosmith has always been my favorite band. I've seen them in concert 10+ times.
3. While in college at Penn State, I took ice skating as a PE class and became a skilled ice skater! Haven't skated in a long time, but last time I did, I was still pretty good - like riding a bike!



**Amber**

B. Woodland, Esq.

1. I was born on my great-great-maternal grandmother's birthday. This earned my mom \$100 from Grandmom Edna.
2. I studied abroad in Costa Rica. I lived with a Spanish-speaking family, took classes during the week, and explored the Country on the weekends.
3. As a child, I attended the MD Renaissance Festival with my grandparents. I learned to juggle there and that's my hidden talent still to this day!



**Katie**

S. Bole, Esq.

1. I am the oldest of four siblings, two girls and two boys. If I had been a boy, my parents were going to name me Nicholas, which just so happens to be my fiancé's name.
2. I grew up swimming and, in the summer of 2018, swam across the Chesapeake Bay at the Bridge.
3. Growing up, my family often vacationed in Bretton Woods, New Hampshire to ski, where Bode Miller—the famous skier—served as the Director of Skiing. He inspired our Labrador puppy's name: Brodie!

## UPCOMING EVENTS

- 13** Offices Closed  
Oct Columbus Day
- 22** Estate Planning Workshop  
4:30 p.m.  
Oct Lewes Public Library
- 29** Cookies & Counsel  
11:00 a.m.  
Oct Brandywine Seaside Pointe
- 19** Estate Planning Workshop  
Noon  
Nov Epworth United Methodist
- 2** Estate Planning Workshop  
4:00 p.m.  
Dec Selbyville Public Library

For more information, visit:  
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## LEGAL MUMBO JUMBO

*Legal Language in Layman's Terms*

### ADEMPATION

Occurs when a specific gift mentioned in your Will or Trust is no longer part of your estate when you die, so the intended recipient doesn't get anything to replace it. Ademption most commonly applies to tangible personal property and real estate, and is easily avoided through regular estate plan review and updates, and through considering more flexible language in your documents.



## PWW Fridge-worthy

### Striking a Chord

We're privileged to work with many remarkable people, including our client, Kim Leisey, who brings elegance, discipline, and soul not only to her professional life, but also to her music.

While many know Kim today as the Executive Director of CAMP Rehoboth, a dynamic organization serving the LGBTQ+ community in southern Delaware, there's another side of her that's inspiring: Kim is a cellist, and her connection to the instrument runs deep.

Kim has nurtured a lifelong relationship with music and has a deep family history of music. Kim's great grandmother owned and taught in a piano studio above Broad Street in Philadelphia. When Kim was 6 years old her older sister (who played bass) accompanied Kim to hear the Rochester Philharmonic. During the concert Kim was asked, "If you could play any instrument in the orchestra, what would it be?" Kim answered, "The cello, it seems so lonely." What Kim was connecting with was the soulful sound of the cello, a bass instrument that most closely mimics the human vocal range. Kim has played in orchestras throughout the Mid-Atlantic region. As a young teenager she played with the National Youth Symphony in Washington, DC. Ensemble playing enables her to feel connected to others and reflects the same compassion and integrity that have defined her leadership roles in higher education and community advocacy. Ensemble playing requires listening and trust, elements that are important when being in community with others. Making music is not just a hobby, it's a passion and a practice that continues to be part of her everyday rhythm.

Kim has a musical home with the Southern Delaware Orchestra (SODELO), a vibrant community orchestra that began in 2022 and has quickly become an integral part of the local cultural scene. The orchestra welcomes musicians of all backgrounds, from retirees to active professionals to talented teens, and rehearses every Monday.

The Southern Delaware Orchestra has an exciting season ahead, including their upcoming "Spooky Celebration" concerts in October featuring seasonal favorites like Mussorgsky's *Night on Bald Mountain* and Paul Dukas' *Sorcerer's Apprentice*. They'll also be collaborating with the Southern Delaware Chorale in December for performances of Handel's *Messiah* at Cape Henlopen High School.

Together with her spouse, Kathy, Kim lives in Lewes, Delaware.



### A note from the attorneys...

There's something deeply satisfying about setting ambitious goals and seeing them come to fruition through focused effort and teamwork. This year has reinforced our belief that whether we're working toward our own professional objectives or helping families achieve their estate planning goals, the magic happens in the careful planning and thoughtful execution.

*Michele & Owen*

## BELLA'S BRIEF

### *The Office from a Dog's Perspective*



You know what's been grinding my gears lately? All this talk about "difficult conversations" and "future planning discussions" around the office. Humans love to overcomplicate things that should be as straightforward as a game of fetch. You throw the ball, I bring it back. Simple. But somehow when it comes to talking about money, property, and what happens when someone kicks the bucket, everyone gets all tongue-tied and awkward.

Here's the thing – I've been eavesdropping and I keep hearing the same story: "We just never talked about it." Really? You can discuss the weather, your neighbor's questionable landscaping choices, and what you had for lunch, but you can't mention that you'd prefer your daughter handle your finances instead of your son who can't balance a checkbook?

The irony isn't lost on me that in a world where people overshare every meal on social media, we're still tiptoeing around conversations that actually matter. Meanwhile, I communicate my needs perfectly clear – I sit by my bowl when I'm hungry, I bring you my leash when I want a walk, and I give you the stink eye when you're five minutes late with dinner. No mixed signals, no passive-aggressive hints.

Now, if you'll excuse me, I need to dodge Mom's questions about who counter surfed and scored her PB&J.

xoxo Bella 



## OFF THE CLOCK

We would like to thank our featured referrer of the month:

**DELAWARE<sup>TM</sup>  
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