

TWO-MINUTE SELF-TEST TO FIND OUT:

Is There Going to Be a Legal Battle When I Die?

By Douglas G. Chalgian, CELA

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The following self-test is based on the experiences of the author and is intended as a humorous, but somewhat realistic, assessment of the “warning signs” that a family fight may erupt when you pass.

To take the test, just answer the following questions and add or deduct points for those that apply to you.

Part A: My Family Makeup

I am single and I have only one child. I plan to leave everything outright to that child. *Subtract 20 points.*

I am single and I have 2-4 children. *Add 5 points.*

I am single and I have five or more children. *Add 10 points.*

At least three of my children are daughters. *Add 5 points.*

I am single and have no children. *Add 10 points.*

I am single and have children, but am leaving some or all of my estate to someone or something other than my children. *Add 20 points.*

I am married, my spouse has children that are not my children, or I have children that are not my spouse’s children. *Add 15 points.*

I am married and am leaving everything to my spouse, who is not the parent of my children. *Add 20 points.*

I have more than one child, and am not dividing my estate equally between them. *Add 20 points.*

Part A Total _____

Part B: Me and My Family Dynamics

During some or all of my life I have been a difficult person. *Add 5 points.*

As a spouse, partner or parent, I have been too controlling and too critical of the people closest to me. *Add 10 points.*

Some of my children are estranged from me. *Add 15 points.*

Our family dynamics are best described as:

(a) Completely dysfunctional *add 20 points.*

(b) Moderately dysfunctional *add 10 points.*

(c) Only a little dysfunctional *add 0 points.*

(d) There are no issues in my family. (If you believe this is true you are delusional, please either reconsider your response or *add 30 points.*)

I was involved in litigation over my parents’ estate. *Add 10 points.*

I was involved in litigation over my parents’ estate and I thought it was fun. *Add 25 points.*

Part B Total _____

Part C: Status of My Estate Plan

My estate plan was prepared by a lawyer who only practices in elder law and estate planning. *Subtract 20 points.*

My estate plan was prepared by a lawyer who does a lot of things, including wills and trusts. *Add 10 points.*

I prepared my own estate plan, had a non-lawyer advisor or friend prepare it, or had it prepared online by a company that provides such services. *Add 25 points.*

I don’t have any estate planning documents. I put names on masking tape and put the tape on the backs of the things I want people to have, and told others what I wanted done with the rest of my assets. I trust they will do what I asked of them. *Add 25 points.*

Part C Total _____

(continued on next page)

Part D: Nature of Your Estate

My estate is in excess of \$1,000,000. *Add 15 points.*

My estate includes a family farm or family cottage, which by itself is worth more than \$500,000. *Add 10 points.*

Part D Total _____

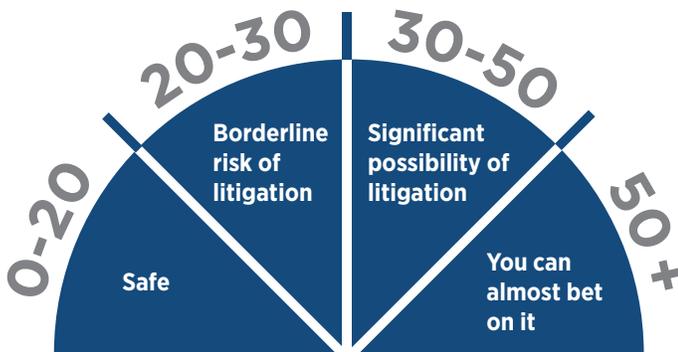
Total of Points From Part A _____

Total of Points From Part B _____

Total of Points From Part C _____

Total of Points From Part D _____

TOTAL POINTS _____



RISK OF LITIGATION POINT SCALE

ATTORNEY DOUGLAS G. CHALGIAN is the only attorney in Michigan who is both certified in elder law by the National Elder Law Foundation as well as a Fellow with the American College of Trust and Estate Counsel. Mr. Chalgian is also the only attorney in Michigan who has served as Chair of both the Probate and Estate Planning and Elder Law and Disability sections of the State Bar. He was one of about a dozen attorneys on the Michigan Trust Code Drafting Committee, and has been selected twice as one of the top 100 lawyers in Michigan by Super Lawyers Magazine.



Mr. Chalgian writes and speaks regularly on the topics of estate planning, elder law, and probate court litigation.

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