



*Why Make
a
Will*



FRANCISCAN MISSION ASSOCIATES

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Dear Friend

As any priest knows from experience, a great deal of grief can result from an all too common occurrence, the failure to make a Will. Thus, loved ones are left at a difficult period of adjustment without the material security they require. It happens sometimes, too, that this failure becomes an occasion for needless acrimony and family bitterness.

Every person, no matter how much or how little *you think you own*, should have a Will. Usually, it is simple and inexpensive to provide this protection for those you leave behind. A valid Will can save those dear to you from needless pain and worry.

Since a Will is one of the most important documents signed in a lifetime, it is essential that it be drawn with the assistance of an attorney.

To answer frequent requests we receive here at Franciscan Mission Associates, we have prepared this booklet explaining why you should make a Will. Please read it carefully, and provide wisely now for your family's protection.

Let us pray for each other.

The Franciscan Friars

Why You Should Make A Will

How to Provide for
Timely Protection for
Those You Love

Why You Should Make A Will Do It Now... Only You Can

The average person who puts off making a Will nearly always does so for the wrong reasons. "I have so little money or property; it's hardly worth the trouble," one person says. Another doesn't know an attorney, or thinks all attorneys are very expensive. Some people presuppose that a Will is only for the very wealthy, or the very elderly. The most common error is to assume that your estate, however small, will pass to your heirs in the way you intended anyway.

Too few people realize the suffering so often caused family and friends because of failure to make a Will. If you, yourself, do not decide how to dispose of your possessions — however many or few they may be — somebody else must and will. The State must do so according to its inheritance laws, and frequently this is done in a way you never anticipated, and might not like.

No matter how little you think you own, it is your Christian duty to make a Will. In fact, in most cases a Will can be prepared by an attorney at a very modest cost. Such a Will protects those you love, saves needless delay, expense, and dissension. It makes certain that your wishes will be followed exactly.

The greatest act of charity a person can perform for loved ones is to make proper and timely provision for their security, protection, and peace of mind by making a Will. It is a tragedy for a family when someone dies intestate, which means without having declared their wishes in a Will.

What Happens If You Fail to Make a Will

Should you die without making a Will, your property then comes under the jurisdiction of the courts, and must be divided as specifically provided by the laws of your State. The law obviously cannot provide for special cases. The law will seldom divide your estate to suit the needs of your family, or even your known wishes. The result is often troublesome, frequently expensive, and sometimes a cause of heartache and tragedy to your survivors.

Here are some examples of what can occur when you die without having prepared a Will:

Mr. McDonald Intended

John McDonald died suddenly at age 38. His estate amounted to \$20,000. He had expected that the whole amount would go to his wife, Helen, so she could take care of herself and their five year old son.

The Court Ruled

Because there was no Will, the court, following the law of Mr. McDonald's state, awarded \$10,000 to his wife and a similar amount to his son.

Mr. Rosso Expected

Angelo Rosso, a retired mason, died at age 65 without a Will. He was survived by his wife, Maria, aged 61, who had nothing, and by a son, 32 years old and married, who earned a large salary as an industrial salesman.

The Court Ruled

Despite Mr. Rosso's expectation that his entire estate would go to his wife, the laws of the State divided the money equally between wife and son. In this case the son did take care of his mother, but

how much better it would have been had her husband, himself, provided for her. No one enjoys being dependent. Some sons might have had a family that would resent using the inheritance to help in his mother's support.

Mrs. Tormey Always Said

Ellen Tormey, an incapacitated widow over 80 years of age, planned to leave her entire estate equally to her favorite charity and to Anne Hudson, a friend who lived with her and cared for her for 25 years. She had so declared frequently to many people. But she never prepared a Will.

The Court Ruled

The entire estate of \$60,000 was divided between a nephew and three nieces who lived in a nearby city. That is so despite the fact that during the last 20 years of Mrs. Tormey's life, her nieces and nephew never visited, wrote or remained in contact with her.

John Tracy Laughed

Because he held a low-paying job, John was amused at the suggestion that he make a Will. "I have nothing but debts," he said. He was killed unexpectedly in an accident. A sympathetic jury awarded a substantial sum to his wife and two minor children

The Court Ruled

Since there was no Will, the court paid off John's debts, and awarded his widow, Olivia, one-third of the remaining assets. The remainder was placed in a court-appointed trust for the two children. As a result, Mrs. Tracy did not have direct access to the money to use as she saw fit for the needs of her children. A proper Will would have enabled her to reduce estate fees and expenses, and to expend the estate independently without constant recourse to the trustees.

The Advantages of a Will

The examples illustrate some of the advantages of making a Will:

1. Your property will be used and distributed in the way you desire, not in accordance with the intestate laws of your state.
2. Your family will get the most practical and economical distribution of your estate.
3. Your estate will be protected by the person you name as executor/personal representative.
4. If your estate is large enough to be taxable, you can reduce your tax costs substantially so as to leave more for your family.
5. You will avoid delay, expense, legal uncertainties, and dissension that can occur when there is no Will.

How to Go About Making Your Will

1. List Your Property
2. Consult an Attorney
3. Name Your Beneficiaries
4. Choose an Executor/Personal Representative

Legal Advice Essential

A Will is one of the most important documents you will ever sign. It is vital that you consult an attorney. If you do not personally know an attorney, your church, labor union, political party, or the local Bar Association can be consulted. Whether your estate is large or small, simple or involved, you will need an attorney to advise you and to draw up the Will. In order to be of help the attorney will need the pertinent facts about your total financial situation. Do not try to make your own

Will because you are most likely to do it wrong, and defeat your purpose. The attorney will not tell you how to divide your property, but will tell you how best to achieve whatever you wish to do.

List Your Property

Even before consulting an attorney, you should consider making a complete and detailed list of all the assets you own, including personal property.

Name Your Beneficiaries

After listing your property, you then list the –persons and institutions to which you wish your executor/personal representative to distribute it. These are the people and the organizations you wish to remember in your Will:

1. First take care of your family. Those you have been close to in life should ordinarily share in your estate. Only you can decide how this can best be done.

2. Discharge any responsibilities you may have, or any debts you may have incurred.

3. Many Catholics are accustomed to provide a sum for Masses to be said for their intentions and for their eternal rest. It is best not to depend on others to do this for you.

4. Allot a share for charity. Here, too, you are the best judge of what institutions you wish to include.

5. Select the person or persons you wish to handle your estate.

Masses in Your Will

Should you decide to leave a sum for Masses in your Will, a separate paragraph should be devoted to this point. Your Will should state the exact amount, the number of Masses to be offered, and the names of those you wish included in the Masses.

The amount allotted for Masses cannot be used directly for any church or organization, their purposes or projects. It must be transferred in the form of stipends, or offerings, to the priests who actually offer the Masses. Thus, bequests for Masses help mission organizations like Franciscan Mission Associates only indirectly...by aiding in the support of priests associated with them.

The wording for a sample paragraph on Masses in your Will can read as follows:

"I bequeath to Franciscan Mission Associates, Friars Minor of the Order of St. Francis the sum of \$100 for 10 Masses to be said for the repose of my soul, and the souls of _____ and _____."

Charities in Your Will

Your Will offers a final opportunity to thank God for His goodness to you during life. To remember your favorite charities permits you to use your influence after death to continue the work of the Church and its missionary apostolate.

When naming the recipients of your charitable gifts be specific and detailed in outlining your intentions. Be sure to assign your gift to a recognized and reputable charity. One of these, of course, is Franciscan Mission Associates whose legal title is, "*Franciscan Mission Associates, Friars Minor of the Order of St. Francis.*"

When You Leave a Share of Your Estate to Franciscan Mission Associates You Practice the Works of Mercy

You feed the hungry, and clothe the naked in your own country and in the mission lands under the care of the Franciscan Friars of the Immaculate Conception Province.

You educate for the priesthood and the religious life future friars who will work in our own country and abroad in the missions for the glory of God and the betterment of mankind. Thus, you raise up spiritual sons whose labors for God in the next generation you will help make possible.

You support the religious and charitable programs and activities of the friars, brothers, students, and postulants of Immaculate Conception Province who have no other means but those provided by your generosity.

You assure the consolation of the Sacraments and our holy religion to those in need. You comfort and counsel the poor and the bewildered. You thus share in the prayers, Masses, and good works of the priests, brothers, postulants, students, and all the people for whom they minister.

In Making a Bequest to Franciscan Mission Associates in Your Will

1. Remember the legal title, “Franciscan Mission Associates, Friars Minor of the Order of St. Francis.”

2. Our principal office is located in New York, NY. Although we are nationally known as “Franciscan Mission Associates,” the legal title above is more accurate.

3. The preferred form of legal bequest is, “*I bequeath to Franciscan Mission Associates, Friars Minor of the Order of St. Francis, the sum of \$_____, to be used for the purposes for which it was established.*”

Spiritual Benefits

The following spiritual benefits accrue to you when you remember Franciscan Mission Associates in your Will:

1. Your name is enrolled at once in our Golden Memorial Book of Permanent Benefactors of Franciscan Mission Associates enshrined perpetually at its headquarters.

2. As a Permanent Benefactor you are remembered in all the holy Masses, solemn novenas, and frequent spiritual exercises scheduled throughout the year by Franciscan Mission Associates for the intentions of its members.

3. You are remembered each day in the Masses offered by the Director of Franciscan Mission Associates, in the Masses of our Franciscan missionaries laboring in Central America, and in the prayers of the mission children.

4. Upon notification of death a special Mass will be offered for your eternal repose as soon as possible.

5. As a Permanent Member of Franciscan Mission Associates you will also automatically merit enrollment at once as a perpetual member of the Franciscan Benefactors Association and, in addition, as a perpetual member of the Franciscan Missionary Union with all the spiritual benefits thereto appertaining.

Questions and Answers on Wills

Q How can I make a Will when I can't predict now how much I'll own when I die?

A When making a Will, no one knows for sure what the total value of their estate will be when they die. You can, as others do, leave a share of your estate to any person or association you choose. You may, for example, want to leave one-half to your son, one-fourth to your sister, and the rest equally divided among your parish, your diocese and Franciscan Mission Associates.

Q My wife and I own everything jointly. Do you think I also need a Will?

A Whatever joint ownership can do, a Will can do better. You may register securities in your own name, or real estate, by accident. Your wife may inherit money or property not also left to you. Both of you may die in a common accident, or within a few weeks of each other, before you get around to making a new Will. Thus, there would be no executor/personal representative to take care of final arrangements. Difficult legal problems could arise in the absence of a Will.

Q Does it cost more to have a Will?

A It frequently costs much more *not* to have a Will. If your estate requires review by the courts, if there is disagreement among your heirs, the litigation and fees involved can exceed many times the cost of having a Will drawn by an attorney.

Q Suppose I want to change my mind later, and alter my Will?

A The Will is your property. You may change it any time conditions or your circumstances change. Births, deaths, marriages, a move from one State to another, the prior death of your Executor/Personal Representative — such events may make it desirable to draw a new Will. But never attempt to do so on your own. Always engage an attorney to draft a new Will, or a codicil to a Will.

Q I have already made a Will, but there are some slight changes I'd like to make. Can't I just write them in?

A Any alterations, additional writing, erasures, or crossing out of names, may easily make your Will invalid or defective. Always consult your attorney.

Q How much does it cost to have an attorney draw a Will for me?

A The fee for drawing a simple Will is often smaller than you'd suppose. Sometimes, it can be much less than \$200. The fee depends of course, on the attorney, and on the nature and complexity of the Will to be drawn. You can always ask the attorney in advance what the fee will be before he draws the Will.



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Franciscan Mission Associates has published a helpful booklet to assist you in making an inventory of your assets. Please ask for “How to Go About Making a Will.”



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