

Do Not Leave Your Loved Ones with a Sticky Mess

There is nothing quite like ice cream on a warm summer day served just the way you like it.

You are outside, maybe on a shaded bench or strolling down the boardwalk, sun on your face with a light breeze cutting the heat. The cone is crisp, the flavor is superb, and the toppings are piled high without sliding off. However, that perfect moment depends on everything coming together: the temperature, timing, texture, and a little planning ahead.

We tend to think of ice cream as a simple pleasure, but beneath that sweet surface is actually a complex, carefully structured mixture. If the conditions shift even slightly, it can melt too fast or harden into freezer-burned disappointment.

Estate plans are similar in that way. When made right and kept fresh, they deliver exactly what you want. However, when they are neglected or exposed to too much heat, they can turn messy fast.

That is why regular reviews are so essential. They help keep your plan at just the right consistency: ready to be served to perfection at the right moment.

What Melting Ice Cream Teaches Us About Estate Planning

Ice cream is a delicate balance of fat globules, ice crystals, air bubbles, and sugar suspended in a watery base. Once the temperature climbs above freezing, the ice crystals start to melt. The structure weakens. Air bubbles expand. Fat molecules soften. Without its frozen framework, your favorite treat loses shape fast.

Likewise, a well-structured estate plan relies on a careful balance of people, documents, instructions, and timing. However, under the pressure of life's rising "temperatures," even the most thoughtfully crafted plan can melt. The following factors can affect the "melting point" of your estate plan:

- **Complexity.** A bigger scoop holds up longer. But when it melts, it melts fast. More ice cream and toppings (e.g., a plan with trusts, business interests, or layered provisions) mean more chances for something to go wrong—and more of a mess to clean up when it does.
- **Structure.** A tightly packed pint holds its form longer than a lopsided scoop, the way a well-designed trust packed with built-in contingencies is more resilient than a basic one-size-fits-all will. However, neither is immune to the long-term effects of change.
- **Ingredients.** Rich, high-fat ice cream melts slower. In estate planning, the "fat content" and other ingredients are your cast of characters: beneficiaries, executors, trustees, and agents. When "ingredients" (i.e., relationships) change, the estate plan "recipe" needs to be adjusted.
- **Homemade versus store-bought.** Homemade ice cream behaves differently than store-bought. A do-it-yourself estate plan might feel personal, but it often lacks the structure and durability of a professionally made plan.
- **Varying recipes.** Ice cream brands have varying formulas that make some melt faster than others. The same goes for an estate plan. What works for one person might not work for

another, and the “melting point,” i.e., the sensitivity to life changes and the need for frequent updates, can vary significantly. The key is understanding your ideal formula.

- **Temperature flares.** Big life events such as marriage, divorce, births, deaths, health changes, and financial shifts turn up the heat on your plan. If not addressed, these “flash points” can make your plan melt away quickly.
- **External factors.** Ice cream melts faster with air circulation. Even a light breeze (changes in tax laws, state statutes, or court rulings) can speed up a plan’s meltdown.

Freezer Burn: When Plans Go Stale

While life’s major events can “melt” your estate plan, leaving it in the deep freeze for too long, forgotten and untouched, causes a different problem: freezer burn.

Freezer burn dulls the flavor and ruins the texture of even the best ice cream. Though not technically spoiled, it is not something you would want to serve your loved ones.

Estate plans can suffer the same fate. A will, trust, or power of attorney might technically still be “edible,” or valid, after a number of years, but if left untouched for too long, it can become rigid and unusable. Beneficiaries may no longer make sense. Fiduciaries may no longer be appropriate. The instructions regarding how your loved ones are to receive their inheritance may no longer reflect your goals or current law. What was once a well-crafted plan is now too hard to handle.

Sticky Situations: When Sweet Intentions Turn into a Mess

Ice cream left in the glare of the sun or the back of the freezer can change into something unpalatable and unfit for consumption. Here are a few common ways outdated plans can melt (or harden) into a mess:

- **Forgotten flavors: Afterborn children or grandchildren are left out.** You might have created your estate plan and then left it in a drawer (the “back of the freezer”), not realizing that new additions to the family such as children, grandchildren, or steprelatives may not be included the way you want unless your plan is pulled out and “thawed” (i.e., revised).
- **Lingering tastes: An ex-spouse is still named.** Divorce may not automatically remove an ex-spouse or their family members from your plan. Without an update, they could still have control over your finances or healthcare—or inherit from you. At the very best, their continued inclusion can lead to costly court battles to ensure that the right beneficiary receives your money and property.
- **Missing ingredients: A new spouse is not included.** Marriage does not always override old documents. If a new spouse is not specifically named, they may receive less than you intend or be left out altogether.
- **Changed preferences: Outdated decision-makers and beneficiaries.** Relationships shift over time. A former “flavor of the day,” someone who once seemed like the perfect choice to act as your healthcare proxy or trustee, may no longer be close, available, or aligned with your values.

The Mess Left Behind

On a summer afternoon, you might stroll past a melted ice cream cone on the warm pavement and wonder what happened—and who is going to clean it up. When that mess is an outdated estate plan, it is your loved ones who are left to deal with it.

- **An unexpected trip to probate court.** Outdated or incomplete plans can force families into a time-consuming, costly, and public probate court proceeding during your life or at your death to handle the following issues:
 - Appointing someone to make urgent healthcare decisions
 - Managing your accounts and bills for you when you cannot
 - Deciding who inherits what after you pass away
- **The wrong people holding the spoon.** If documents are not updated, people who are no longer a part of your life may end up with decision-making power and even a share of your money and property.
- **Some loved ones left without a taste.** New family members might be unintentionally excluded. Outdated distribution provisions may no longer reflect your values or wishes. Spouses or afterborn children can be left with too little or nothing at all.

Keep It Fresh, Keep it Clean: No Mess Left Behind for Your Family

No one wants to leave behind a sticky mess for their loved ones. Like ice cream, your estate plan holds up best when it is well-made and properly kept.

Whether life has been heating up with big changes or your plan has been sitting in the back of the freezer, a quick review can keep things fresh and ready to serve: no drips, no freezer burn, no cleanup.

If it has been a few years (or a few milestones) since you last updated your documents, now is the time. This National Ice Cream Month, treat your estate plan like your favorite dessert: something worth preserving, enjoying, and keeping unspoiled for the people who matter most. Call us today to review your existing estate plan.