

## Do Not Let Your Clients Leave Their Loved Ones with a Sticky Mess

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. Air bubbles expand. Fat molecules soften. Without its frozen framework, your favorite treat loses shape fast.

Estate plans work in much the same way.

A well-structured estate plan relies on a careful balance of people, documents, instructions, and timing. But under the pressure of life's rising "temperatures," even the most thoughtfully crafted plan can melt if not maintained.

On the other hand, a pint of ice cream left in the cold for too long will become a freezer-burned block. Similarly, estate plans can lose their texture and flavor when forgotten.

As with ice cream, estate plans can change under pressure. Here is how to keep your clients' plans fresh, structured, and palatable through regular reviews, updates, and check-ins.

### Understanding the "Melting Points" of an Estate Plan

Life has a way of heating things up. New marriages, growing families, changing finances, and evolving relationships can raise the temperature on, and destabilize, a once-solid estate plan. By understanding these "melting points," advisors can better guide clients as to when a review and update are crucial:

- **Complexity.** 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 they do.
- **Structure.** A tightly packed pint holds its form longer than a lopsided scoop. Similarly, a well-designed trust packed with built-in contingencies is more resilient than a basic one-size-fits-all will. Still, neither is immune to the long-term effects of change.
- **Ingredients.** Rich, high-fat ice cream melts more slowly. In estate planning, the ingredients are your cast of characters: beneficiaries, executors, trustees, and agents. When those relationships change, the estate plan "recipe" needs to be adjusted.
- **Homemade versus store-bought.** Homemade ice cream behaves differently than the commercial stuff. 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 brand formulas vary, as do clients and their estate plans. What works for one client 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 knowing your client's ideal formula.
- **Temperature flares.** Major life changes such as marriage, divorce, births, deaths, health issues, and financial shifts are like turning up the heat. These "flash points" can quickly make an estate plan melt away if not addressed.

- **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**

An estate plan does not have to melt to be ineffective. Sometimes, the biggest problems come from leaving it in the deep freeze for too long. While life's major events can "melt" a client's estate plan, neglect causes a different kind of damage: freezer burn.

Freezer burn dulls the flavor and ruins the texture of even the most premium ice cream, turning it into something you would not want to serve to your friends and family.

Estate plans can suffer the same fate. A will, trust, or power of attorney might technically still be valid, but if it has not been reviewed in years, it may have become rigid and unworkable. Beneficiaries and fiduciaries may no longer be appropriate. Distribution instructions may no longer reflect the client's goals or current law. What was once a finely crafted confection is now too hard to handle.

### **Sticky Situations: When Sweet Intentions Turn into a Mess**

An estate plan made with the right ingredients and served at the ideal time and temperature satisfies like ice cream on a warm summer day. But if ice cream is left in the glare of the sun or the back of the freezer, it can change into something unfit for consumption. Here are a few common ways outdated plans can dissolve into a mess:

- **Forgotten flavors: Afterborn children or grandchildren are left out.** Clients often set their estate plans and forget them, not realizing that new additions to the family, whether children, grandchildren, or steprelatives, may not be included unless their plan is revised.
- **Lingering tastes: An ex-spouse is still named.** Divorce may not automatically remove an ex-spouse or their family members from a will, trust, or power of attorney. Failing to update these designations can leave a former spouse in control of healthcare or finances or in line to inherit. Their continued inclusion can lead to costly court battles to ensure that the right beneficiary receives the client's 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 intended or be left out altogether.
- **Changed preferences: Outdated decision-makers and beneficiaries.** Relationships shift over time. Someone who once seemed like the perfect choice to act as a healthcare proxy or trustee may no longer be close, available, or aligned with the client's 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 usually loved ones who are left to deal with it.

- **An unplanned trip to probate court.** Outdated or incomplete plans can force families into a time-consuming, costly, and public probate court proceeding during life or at death to handle the following issues:

- Appointing someone to make urgent healthcare decisions
- Obtaining authority to manage accounts and pay bills when the client cannot
- Determining who inherits what and how much
- **The wrong people holding the spoon.** When documents are not updated, individuals who are no longer part of the client's life may end up with decision-making power and even a share of the estate.
- **Some loved ones left without a taste.** New family members may be unintentionally excluded, and outdated distribution provisions may no longer reflect the client's intent, leaving spouses or afterborn children with too little or nothing at all.

### **Avoiding Melt and Freezer Burn with Regular Plan Reviews**

While most ice cream inevitably melts under time and pressure, scientists have invented a nonmelting version using stabilizers and a little ingenuity.<sup>1</sup>

Regular reviews (every three to five years, or after major life events) are the "stabilizers" that keep a plan from turning into a sticky puddle or a block of freezer-burned regret.

No plan stays fresh forever. However, with your guidance, regular updates, and a spoonful of help from our team, your clients' estate plans can retain their shape, flavor, and intent.

This National Ice Cream Month, encourage your clients to treat their estate plans like their favorite dessert: something worth preserving, enjoying, and keeping unspoiled for the people who matter most.

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<sup>1</sup> Emilia Morano-Williams, *The Science Behind the Non-Melting Ice Cream Phenomena*, Mold (Aug. 30, 2017), <https://thisismold.com/uncategorized/the-science-behind-the-non-melting-ice-cream-phenomena>.