

Make Sure That Your Client's Estate Plan Is More Than Kindling

It is a frigid November night. You put on a sweatshirt and sweatpants to warm up—to no avail—and decide to light the season's first fire.

You open the woodstove door to find last year's ashes still inside, the chimney unswept. Not ideal, but manageable. You can deal with these things later, before winter really gets going. The real problem comes when you head to the woodpile on the porch. The kindling is damp and the logs in short supply. You might get a fire started, but it will take some work to keep it going.

A weak fire fizzles out fast. And if your clients are not careful, their estate plans will too.

Relying on the wrong documents, or ones that have been left untended, can lead your clients—and their chosen beneficiaries—feeling cold and in the dark.

Smoke but No Fire: An Estate Plan That Is Not Winter Ready

You cannot stop fall from turning into winter. The best you can do is ensure that your clients are prepared for colder weather to come.

An estate plan can be thought of in the same way. While it may not stave off what is coming (i.e., the client's death or incapacity), it can provide warmth to those left gathered around the hearth.

For that to happen, the ground must be prepared, the fuel gathered, and the spark ready to strike. Without the right elements chosen ahead of time and ready when needed, a plan, like a fire, can fail to ignite, burn out too quickly, or smolder, giving off smoke but no flame and offering no protection from the cold.

As autumn turns to winter and you meet with your clients to gather what is needed for the seasons of life ahead, here are some practical pointers you can offer to keep their estate plan from burning out and to ensure that it is ready to work when they need it:

- **Kindling only supports the fire.** Some “logs” do not truly burn on their own: Ethical wills and letters of intent can carry deep meaning and guidance, but they do not always carry legal weight. An *ethical will* is a personal message or legacy letter used to share values, life lessons, or hopes for future generations, while a *letter of intent* can provide instructions or context to help loved ones and fiduciaries understand your clients' wishes. These documents act as the sentimental “kindling” of an estate plan: They add warmth and heart. But for a fire that burns long and bright through a winter night, an estate plan also needs a solid, legally enforceable foundation: the big “logs” like wills and trusts.
 - *Advisor note:* Encourage your clients to ensure that their estate planning documents are legally binding in their state and built on enforceable instruments such as properly drafted wills and trusts. You might also suggest that they create an ethical will or letter of intent to share their personal values, stories, and hopes for their loved ones, complementing the legal plan with heartfelt guidance. If you have questions, please reach out to us.
- **Good wood must be properly arranged.** A good fire needs the right setup, as does a good estate plan. If signatures are missing, witnesses are improper, or a document is not notarized when it is required to be, it is like stacking wood the wrong way—the spark never

catches. Your clients' estate plans will smolder instead of burning; assets may get stuck in probate, their wishes may go unenforced, and their loved ones will likely be left with confusion instead of clarity.

- *Advisor note:* Encourage clients to confirm with their estate planning attorney that their documents meet their state's execution requirements. Details such as witness rules, notarization, and confirmation of capacity may seem small but can make all the difference in ensuring that the plan holds up when it matters most. We are here to help if you have any questions.
- **Tending the flame is essential.** Just as you would not build a fire and then leave it, your clients' estate plans should not be a set-it-and-forget-it task. Having an estate plan with outdated named beneficiaries or decision-makers is like building a fire with wet logs. Firewood needs to be seasoned, tended, and replenished to keep a steady flame. The same is true for an estate plan; it needs regular review to ensure that it continues to burn bright, that your clients' wishes are current, and that the right people are appointed to the right roles and receive the right inheritance.
 - *Advisor note:* Encourage clients to review their estate plans and beneficiary designations every few years or after major life events to make sure their "stack" is ready when needed.

Start a Fire—and Keep the Flame Going

When the first chill of the season arrives, we are reminded that a fire represents more than warmth; it symbolizes the enduring flame of family and legacy that an estate plan is meant to protect.

It is not enough to simply get a fire started—or to draft an estate plan once and forget it. Both require care and tending to keep burning bright. Instead of leaving your clients and their families in the dark or the cold, let's spark up a conversation.