

Items of Value, Inc.

A Full-Service Appraisal and Estate Sale Firm

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CARE AND DISPOSITION OF PERSONAL PROPERTY BY LEGAL GUARDIANS FOR THE ELDERLY AND TERMINALLY ILL

You may be the court-appointed guardian for an elderly person. Or, you may be a volunteer guardian for someone who is terminally ill. In either case, you have agreed to take responsibility for the care of his or her assets including all personal property. Chances are you will face many situations that you did not anticipate. You will have to make decisions without knowing all the options open to you. Like most legal guardians, you have agreed to a responsibility without knowing all you will be required to do and with little advice from any source on how to make the best decisions of your guardianship.

If the person under your guardianship has not been able to take care of himself where he is living, one of the first things you may need to do is clean up health hazards. Discard moldy or rotting foods and foods left unwrapped in open air. Wash soiled clothing and linen. Do a thorough house cleaning to get rid of dust, dirt, and odors. Water the plants and feed the animals.

With the immediate dangers to perishable personal property taken care of, you can now tend to financial matters. Find all unpaid bills, make a list of creditors, and write to inform them that you have become the legal guardian (also called "conservator" in some states). Make copies of the court papers regarding your appointment and send them to each of the creditors. Establish a guardianship checking account and pay off the bills. Write letters to all so-called clubs that have been sending merchandise to cancel future automatic shipments. This includes collector plates, figurines, videotapes, CDs, books, magazines, and other media materials.

Review the person's will to learn the stipulations for distribution of the estate. If specific items of personal property are designated to certain individuals or institutions, locate them. If you have trouble indentifying them, ask the person under your guardianship to tell you where you can find them before the person's memory fades.

Your next decisions will involve deciding what to do with personal property if the person under your care is in prolonged medical care. It often happens that a person may be in and out of medical care facilities, convalescent care, or hospice. The difficulty is knowing when or if the person will ever be returning to his or her residence. One decision to be made is whether there is financial benefit to renting out the premises and whether to rent them furnished or unfurnished. If you rent out the premises, you face the same problems of other landlords. You should box up all truly personal items, tax papers, and valuable items and store them off the premises. Renting the premises furnished is probably not a good idea unless you are ensured of high income tenants who will respect the property. You must foresee the possibility of the person under your care eventually returning to the premises and this should guide you in signing a lease to rent out on a month-to-month basis or longer.

As time goes by, one of two situations is going to occur. Either the person under your guardianship improves and you make plans for his return to his residence, or the person has more and more episodes of medical care. As hospital or hospice stays become more frequent or are prolonged, the chance of the person returning to his/her home diminishes. You should ask the medical providers to

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give you a frank assessment of the medical situation. Once you determine that the person will not be returning home, you need to make other planning decisions on the disposal of personal property.

Food should be given away or consumed. This also applies to alcoholic beverages. If you do not want to use the food yourself, give it to friends, neighbors, or relatives, or call charities to see who will take it. This is only the first time you will be contacting charities and it is probably not the last time you may need their services. So, while you have them on the phone, ask what types of items they will and will not accept. Some will not take food. Some will not take bedding. Some may not accept unused sealed syringes and dressings while others would look forward to receiving them. As much as you have the dedication to giving items where they are most needed, call shelters, religious groups, and clinics. Be sure to ask if they will pick up the items and whether small items have to be bagged or boxed up. This will save time as you have little idea of how much running around you will be doing as part of your guardianship.

Try to find a good home for pets. Unless you are dealing with a fine pedigree or valuable animal, you will face no careful review of your choice for placing pets. If the animal is valuable, you may need to seek bids or offer the animal for public sale and be able to produce a receipt for the sale transaction.

Now comes the time to decide how to sell all of the property that is not designated to specific entities by a will. You have several options. You can sell items yourself from the premises. You can hire an appraiser to price items for you to sell on your behalf or remove the items for sale elsewhere. Be careful of two concerns. First, if you do not know how much or how little items realistically sell for on the secondary market, you may be cheating the estate of potential monies or you may be stuck with many unsold items. Second, if you are inclined to help yourself to items belonging to the person under your guardianship, as some legal guardians are wont to do, you are compromising your position as legal guardian. The fair way to proceed is to have an appraiser determine the value of items you wish to buy, or you should buy from the public sale, being sure in either case that there is a receipt for the sale or transfer of property.

Clothes have limited salability. The most salable clothing for men is sweaters, ties, belts, outdoor jackets, and coats. Shoes, shirts (both dress and casual), and suits that are in style, in good condition and of standard sizes will sell at low prices. For women's clothing the most salable are scarves, gloves, sweaters, and coats. There is a growing market for vintage hats and bags in good condition. Costume jewelry sells well at low prices.

Among furniture, upholstered furniture is handicapped by the color and design of the fabric while extremely worn furniture and stained mattresses will not sell at all. Furniture with exposed wood frame but degraded fabric has desirability for reupholstering. A lot depends on style. This applies to lamps and chandeliers as well.

Items that are chipped, cracked, or broken may be discarded because they will not sell at all unless they have antique or collectible interest. Throw out handleless teacups, chipped plates and glassware. Throw out decapitated figurines and animal statues missing legs or tails.

Large and heavy items have two strikes against them. Large buffets, wall units, and sofas will probably sell less than smaller similar items. Triple-seater sofas usually sell less than two-seater sofas and loveseats.

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Do not think that the larger items will bring the most in sales. In fact, it is the small, easily transportable items that add up quickly in a sale. This includes decorator items, CDs, jewelry, Pyrex and copper cookware, hand tools, and sterling silver. Slightly larger items such as audio equipment sell well if in good condition. However, computer equipment, like cameras outdated by advancing technology, will not sell well. You may be surprised at how quickly "old" items you think have little value are grabbed by the savvy collector or dealer. This includes old toys, trains, dolls, quilts, lace, advertising signs, memorabilia from the 1960s and earlier, Christmas decorations. Some items of fine art and antiques you should consider selling on a consignment arrangement. You cannot achieve the higher price that a gallery or antique shop can get for such pieces. Even after they deduct their selling commission, you will probably net more for the estate than by selling on your own.

To recap, donate or give away food and liquor, damaged or greatly worn items, soiled mattresses, and most clothing. Sell or arrange to have a professional firm sell just about everything else. If you need help with pricing, hire a professional with current experience at selling. You do not need to collect and pay state sales tax if you do the selling yourself. Be ready to furnish all sales receipts along with other estate paperwork to the courts or attorney settling the estate.

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