

Antiques, Collections and Things - Oh My!

By Gina M. Barry, Esquire

Many of us collect “things” – some of them more valuable than the rest combined. We appreciate the beauty of things, and we take pride in owning them. We enjoy the challenge of obtaining rare collections, which, if substantial, may bring renown amongst collectors and non-collectors alike. If you have, or intend to have, cherished collections that are of substantial value, there are several considerations for you to keep in mind.

First, it is important to properly document your collection. Be certain to record the purchase date and price, as well as the condition of the item and any identification numbers or other identifying information. Be sure to retain any documentation relative to the acquisition of the item. Also, if your items are not located in an obvious location, provide location information for each item. If you have chosen to insure your valuables, you should also be sure to maintain current copies of all insurance contracts.

As you obtain your items, it is important that you store them properly and in an appropriate location so as to preserve their condition, and hence, their value. If you have obtained an item that is not in mint condition, consider whether restoring the item will be profitable. An imperfect piece could be more valuable than a

piece that has been altered from its original state.

Further, it is extremely important that you take all necessary steps to safeguard your collection. Depending on the value and size of your items, you may consider options ranging from a monitored security system to a home safe or a safety deposit box at a local bank. If it is ever necessary to transport your items, be sure to carry them in ordinary packaging so as to not draw unwanted attention. Further, if you ever find it necessary to ship your items, be sure to use a reputable shipping line and always purchase insurance.

After spending a lifetime building a collection, many people forget to plan for the disposition of their collection when they pass away. They often do not inform their families of the nature and value of their collection, and no mistake could be more tragic. When the value of the items is unknown, this lack of knowledge may result in an uneven distribution despite the best intentions. Worse yet, valuable items may be discarded as worthless. You should consider whether any of your heirs will value the collection from a collector’s standpoint as you did. If it is important to you that the collection remains intact, you should consider leaving the items to this heir and

leaving other assets to any remaining heirs.

Once you have decided to whom you would like to leave your collection when you pass away, it is important that you establish an estate plan to ensure that your wishes will be carried out. Although many people leave instructions with respect to their items, if they have not legally established their wishes, the instructions may not be worth the paper on which they are written. It is important to establish a Will, which may include a reference to a properly created Memorandum of Instruction. Note well - if you direct the disposition of an item in your Will, that direction must be carried out; however, if you direct the disposition of the item in a Memorandum, your direction is merely an expression of your wish that the items will be given to the people you have named. Further, failure to properly value your entire estate may result in the need to liquidate some or all of the collection in order to pay estate expenses. There are planning techniques available for those who have substantial collections in their estate that they do not want liquidated for the payment of expenses; however, they must be undertaken prior to your passing in order to be most effective.

If you are an avid collector of things and you expect someone else to value the collection after

you have passed away, you must take steps now to ensure the proper documentation, maintenance and disposition of the collection. Only by doing so can you ensure that your treasure will carry on as another man's treasure.

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