



***Planning Ahead***

***Lisa C. Alexander, Esq.***

***Jakle & Alexander, LLP***

## **Accidental Disinheritance**

Statistics say more than half of American adults don't have a Will. That said, most of us have a pretty good idea of how we would want our estate to be distributed if something happened to us. It's just that a majority of us have not taken proper steps to be sure our wishes will be carried out. The result can be "Accidental Disinheritance".

"Accidental Disinheritance" is when your estate ends up going to the "wrong" person. It happens when there is no estate plan or when life events occur that upend the estate plan. Here are some examples of Accidental Disinheritance.

You may be in a long time relationship. But without marriage, your partner is not your legal heir and will not inherit unless you provide for your partner in your estate plan. Your estate might end up all going to a "wrong" person - a parent or sibling, and not your intended beloved. Just a reminder - we don't have common law marriage in California.

You may be separated from your spouse, but if death occurs before the divorce becomes final, your soon-to-be "ex" (the "wrong" person) will still have all the legal rights of a surviving spouse, unless you disinherit the ex in your estate plan. Once the divorce becomes final, if the ex-spouse remains as a named beneficiary of certain retirement benefits, the retirement benefits will still be paid to the ex-spouse ("wrong" person) and not the person you may have intended to receive the money.

If you get married after you last updated your estate plan and there is no mention of your new spouse in the outdated plan, the new spouse may be entitled to a share of your estate larger than you intend, with your children ending up with less.

There are many more examples of accidental disinheritance. The point is, it is important to meet with your estate planning attorney to review your estate planning wishes and make sure your wishes are properly documented. Don't let "Accidental Disinheritance" happen to you.

**Lisa C. Alexander is an attorney at Jakle & Alexander, LLP. She can be reached by calling 310-656-4310 or by emailing her at [alexander@jaklelaw.com](mailto:alexander@jaklelaw.com).**