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## Foreword

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## *Institute on Problems of the Average-Sized Estate*

### FOREWORD

On May 16 and 23, 1950, the Denver Bar Association sponsored a legal institute devoted to the everyday problems of handling an average-sized estate. The institute was prepared under the direction of Co-chairman Charles H. Haines, Jr., and Wayne D. Williams. The speakers were Hubert D. Henry, Merrill A. Knight, Barkley L. Clanahan and John L. Griffith. A summary of their remarks is presented here, together with a short comment by the learned moderator, the Hon. C. Edgar Kettering of the Denver County Court.

Mr. Henry began the institute on May 16 with a discussion of will-drafting. He took as his client, the hypothetical Mr. Abe Gottrocks, an old friend of his Westminster Law School classes. In this instance, Mr. Gottrocks had a wife and three minor children, and an estate valued at approximately \$30,000, including the family home.

In preparing Mr. Gottrocks' will, Counselor Henry used a check list that he feels will cover most of the cases which come into a lawyer's office. From the many available model wills, Mr. Henry has drawn the simple provisions which, in his judgment, will meet the needs of the client with the average-sized estate, this time, Mr. Gottnotsomyrocks. Mr. Henry called attention to another familiar model will for use in the disposition of larger and more complicated estates, that of John Isekore which appeared in the August, 1947 issue of DICTA (24 Dicta 168).

## CHECK LIST AND MODEL WILL FOR AVERAGE-SIZED ESTATES

HUBERT D. HENRY  
*of the Denver Bar*

1. Wills have their own peculiar form, different from living trust agreements and other instruments.
2. The testator and all beneficiaries should be named accurately, and all property given accurately named or clearly described.
3. If testator does not wish legacies charged with inheritance taxes, this must be provided in will.
4. It is often desirable that the real property used as a home, the household goods and personal effects be given outright and specifically, rather than left in trust.
5. Be sure that all of testator's property is given. Does testator have a power of appointment to be exercised?
6. Are after born children provided for or clearly excluded?
7. Is testator under any contract or agreement to make a will?
8. Are there alternative provisions in case of widow's election?
9. Does the testator contemplate marriage? Will is revoked by marriage unless it otherwise expressly provides.
10. Be sure that testator has provided funds for the payment of estate and inheritance taxes, debts and expenses of administration. Be sure that he has not given away more than his *net* estate after payment of these items.