

INSTRUCTIONS FOR USE OF SEPARATE LIST FOR THE DISPOSITION OF TANGIBLE PERSONAL PROPERTY

Florida probate law permits the use of a separate writing or memorandum to dispose of your tangible personal property. If you wish to use such a writing or memorandum rather than itemize various items of tangible personal property in your Will, you should know and follow the requirements that are specifically set out in the law:

The law specifically identifies the types of tangible personal property which *can* and *cannot* be disposed of by a separate writing or memorandum.

Personal property that **MAY NOT** be disposed of by separate writing or memorandum includes:

- 1) Intangible personal property, such as money, evidences of indebtedness, documents of title, stocks, bonds, or securities
- 2) Tangible personal property used in a trade or business
- 3) Other tangible personal property if it is specifically disposed of by will

All other types of tangible personal property, such as jewelry, silverware, antiques, stamp collection, china, glassware, furniture and furnishings, and other items of tangible personal property *may* be disposed of by separate writing or memorandum.

Other requirements in order to use a separate writing or memorandum are:

- The memorandum or list must be signed and should be dated by you. Your signature does not need to be witnessed on your separate writing memorandum or list.
- The memorandum or list must describe clearly each item so that a particular item will not be confused with any other similar item.
- Your Will must specifically refer to the fact that you may be disposing of tangible personally property by a separate memorandum or list. If your will does not mention a memorandum, discuss with us how to make sure that it does. NEVER make *any* change in the Will itself.
- The memorandum or list may be completed prior to or after the date of signing of your Will.

- The memorandum or list, to be effective, must be in existence at the date of your death. Therefore, keep it in a place where it can be easily found. Advise your personal representative of its existence and location.
- You should clearly identify the beneficiary who is to receive each item by their proper name and relationship to you. Also, list the address of the beneficiary if the beneficiary is not a close relative.
- From time to time, you may change the beneficiaries or items of property listed in the memorandum, or you may revise or revoke the memorandum. However, NEVER make any changes by marking or altering the memorandum. Prepare a new memorandum and destroy the old one.