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RETIREMENT

Single? No Children? No Will? Big Mistake

Retiring

By ALLEN SALKIN MARCH 10, 2017

You would think I would know better.

As an investigative journalist, I once spent months working on a series of articles about what happens to the estates of people who die without wills. It can be ugly. In New York City, politically connected lawyers, judges and contractors can, as our reporting team found, feed on these unguarded estates like leeches on flesh at a nudist camp lake.

In one typical case, my colleagues and I at The New York Post found that a Queens Surrogate's Court judge had appointed three lawyers connected to the local Democratic Party as "guardians" of potential heirs to the estate of a never-married, childless woman. Ostensibly in search of heirs, they spent part of the deceased woman's $670,000 estate on a junket to Puerto Rico for themselves, a court employee and their spouses. In the end, the highest-paid lawyer siphoned off $116,025 in fees, while the dead woman's 14 cousins received inheritances of

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We worked our tails off on these articles back in 1998. At the end of the workday, I would return to the co-op apartment I had bought downtown for around $100,000 a year earlier. Single, I would sort through my mail, reading paycheck stubs noting that I was dutifully funneling 5 percent of my paycheck into a 401(k) matched by my employer.

And if I had been run over by a taxi (or a vengeful Queens lawyer) and killed, the same vultures would be free to feed on my estate — because I was just like one of the unfortunates we had written about. I didn't have a will.

Nineteen years later, I still don't. I'm not alone. More than 50 percent of adults do not have a will, according to Chas Rampenthal, general counsel of LegalZoom.

Certain people never reach one of those obvious points in their lives to write one. If you are unmarried in middle age, do not have children and have never had a devastating disease or brush with death, making plans for what happens to your stuff if you're not around may not feel pressing.

But then you hit a milestone birthday, or a relationship becomes more committed, or your niece starts talking about attending an expensive art college — or all of the above, and the hotelier Ian Schrager and his partners start erecting a luxury hotel-condominium across the park from your Lower East Side tenement. All of a sudden, you may realize that you are sitting on serious money that could matter to someone you care about.

What to do?

For Elias Colombotos, a painting contractor in Queens with no children, this moment came when his parents died, eight weeks apart, in 2012. Both had prepared very clear wills and other papers. In the case of his father, who had Parkinson's disease and dementia, a health care proxy and other instructions left no doubt as to what to do about inserting a feeding tube. The answer was no.

With his mother, the will revealed that she had, in clear and legally rock-solid

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Soon after, Mr. Colombotos, now 57, called a lawyer to have his own will and other papers drawn, at a cost of $600.

“That experience with my mother made me feel like this is an important thing to do right,” he said. “I realized how painful it could be, how much strife it could cause.”

Mr. Colombotos was very specific. He will be cremated. For now, some of his money will be split between two charities and the rest among his friends. His prized Yamaha acoustic guitar will be left to his sister, because it was such a moment of grace for them, when — both childless — he and she played music together at a beach house after their parents died.

The experience had another beneficial effect for Mr. Colombotos: It pushed him to be more proactive in his dating life. “I can’t wait until I love someone and feel safe enough with them to make them my beneficiary,” he said. “It will be a nice feeling.”

Whether it’s best to make a simple handwritten will, to use an online legal service or to call a lawyer to make estate paperwork is a continuing debate. When I called lawyers, they said (not surprisingly) that using a lawyer is best. And when I called LegalZoom, with the online option, Mr. Rampenthal said, “We are talking about prices that start at $149 for a will bundle and $199 for living trust plans, which is often less than most lawyers charge for an hour of their time.” The resulting documents, he said, are designed to stand up in any state.

Jon Biondo, a veteran estates lawyer in New York, said he charges $750 for a basic estate package.

“It’s not the most satisfying purchase,” he said, explaining one reason people put it off. “It doesn’t work until you die.”

A search of a mobile app store for wills and trusts yielded dreadful-sounding results. How to Write a Will for $2.99 promises that it “includes some very helpful information for setting goals” and tips on “how to write a handwritten will.” I

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The headline on the only review was, “Not Worth It.”

Another New York estates lawyer, Anne Litwin, said there were some tricks of the trade that good lawyers knew. One is the best way to disinherit someone. “It’s better to almost disinherit them than to totally do it,” Ms. Litwin said. For instance, if you have an estate of $1 million, you could leave a closely related but troublesome family member $25,000, and combine that with a no-contest clause saying that if anyone challenges the will in court, they lose their inheritance.

“You need to dangle something in front of them to incentivize them not to protest,” Ms. Litwin said.

But even a lawyer can’t make sure every final request is honored.

Lorraine Massey, a grandmother and entrepreneur known for popularizing curly-hair products, said she redid her estate after she sold her share in a company of which she was a founder. She asked her lawyer, she said, if she could specify in her will that no funeral director or anyone else straighten her hair for her final repose.

The lawyer told her no, because by the time the will would be read, it would most likely be after the funeral. Her best strategy would be to repeat the request to her loved ones over the years.

I decided I would go with the lawyers. The best way to start before visiting a lawyer is to write down what you want to leave to whom, said Joe Rosenberg, who teaches an estates class at the City University of New York School of Law.

In my case, a copy of an early draft of the script from the “Festivus” episode of “Seinfeld,” signed by Jerry Stiller, is typical of my weird collectibles. Others include: a videotape of the first television commercial aired in the new millennium, originally broadcast somewhere in the South Pacific; a promotional boxing card from the night Laila Ali made her professional debut; a knife Ferran Adrià used to cook; a Satchel Paige autograph; and a nearly complete run of back issues of Heeb and Omni magazines.

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book on Chrismukkah, gets the “Seinfeld” script (even though I think I’ll outlive him, because he eats too many hot dogs).

It’s a start.

Sherry Amatenstein, a therapist and editor of “How Does That Make You Feel? True Confessions From Both Sides of the Therapy Couch,” said that for years, she has advised patients to make wills, even though she never reached a life milestone that prompted her to do so.

“I have a condo, I have artworks, I have a dog, I have people I care about,” she said. As a friend of mine, she promised me that when I’m done with my will, she’ll do hers. “I think it’s an act of love to do a will,” she said, “because you’re trying to make life easier for those we leave behind.”

So, O.K., I’ve started the process. My friend Kiri gets the Adrià knife. I promise I’ll finish writing the rest of the damn thing soon.

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