



**Q. My uncle said he's going to leave me his Corvette in his will. Will I get the car if he owes other people money?**

**A.** Typically, the debts of the person who died are paid before any assets are distributed. If there are no assets left in the estate after the payment of the administrative expenses and other debts, you would not be entitled to the car.

**Q. I'm single, in my 20s with no kids, and I don't own very much. Do I really need a will?**

**A.** Probably not. However, it's never too early to have one since it's one of the only ways to ensure your wishes will be followed. At any age, if you die without a will, the state will determine the beneficiaries of your estate, and it may not be the outcome you intend. It might not be a bad idea to have a basic will now. You can always modify it as your circumstances change.

**Q. Can I just leave a letter instead of an official will?**

**A.** A letter may contain most of the requirements of a will, but it would not be valid in Massachusetts without attesting witnesses.

**Q. My same-sex partner and I are legally married here in Massachusetts, but neither one of us has a will. If one of us dies, will the other get everything?**

**A.** Intestacy laws in Massachusetts — the ones that govern if you don't have a will — now treat same-sex spouses equally with opposite-sex spouses.

A surviving same-sex spouse would inherit everything if there are no surviving children or "next of kin" (blood relatives). The surviving spouse would take only half the estate if there are children, who would get the other half in that case.

It gets a little more complicated when there aren't any children but there are next of kin. Generally, the surviv-

ing spouse would still get the entire estate, or at least a majority of it, depending on whether the estate was more than \$200,000. If next of kin are involved, the remainder of the estate would pass, in this order, to parents, siblings, nieces and nephews, grandparents, uncles and aunts, and cousins.

One important caveat is that federal law does

not recognize same-sex marriage, so certain federally governed items, such as retirement accounts, could pose tricky problems for you. It might be best to consult an attorney.

**Q. If my brother receives more under our parents' wills than I do, is there anything I can do to get my fair share?**

**A.** Unlike a spouse who has a right to take his "elective share" from a will if he feels he was shortchanged, a child or sibling has no such right. But any heir may challenge or "contest" a will in court if he

thinks there are valid grounds — such as, the person whose will it is (the "testator") was not of sound mind.

**Q. My parents want me to be the executor of their wills. Does this require any special training?**

**A.** The executor, appointed by the Probate Court, is in charge of collecting and managing the estate's assets, paying its debts and any taxes that may be due, and distributing the assets in accordance with the terms of the will. For a simple estate, you would not need any special training. For a more complex estate, legal help might be required. **{EXA}**

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