

Who Gets the Iron Skillet? A Solution for Avoiding Family Conflict

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The Chambliss estate planning team often helps families navigate the complexities of administering a loved one's estate. Challenges can arise in addressing the personal property in the estate. Wills commonly provide that personal property is to be evenly distributed among family members. Wills rarely address the more common items of personal property in the estate as this can be cumbersome and could require frequent updates to the will if the intention regarding the specific item changes. In assisting families with administering estates, I have witnessed two distinct and diametrically opposed responses to the question of what is to become of the things in and around the house.

The first response is to see practically no value in them. For instance, antique furniture, once coveted and collected, might now be seen as a burden to be hauled off and given away, sold in an estate sale for pennies on the dollar, or reluctantly kept due to a sense of obligation or guilt. This response applies to most possessions left in the home. As we enter the New Year, perhaps reflecting on this response and the lesson it contains is worthwhile: most of the material things we work so hard to accumulate often are not highly valued, or important, in the end. This raises the question: What is truly valuable?

The things truly valuable in the end really aren't things. But some things embody extra importance because of the memories associated with them of family and love. It is often these things that family members greatly desire. An outside observer could rarely guess which items within the home will be loved most by the family. An iron skillet, bronze baby shoes, a quilt — these can be the things that cause the most controversy in an estate administration. Unlike the vast majority of the personal property in the estate, these items can be invaluable to family and friends. Unfortunately, they can bring about the second response to personal property left in the estate, which is to desire the item more than maintaining relationships within the family.

Thankfully, Tennessee has codified a helpful solution at Tennessee Code Ann. §32-3-115. The code provides that a will may reference a written statement or list prepared by the testator, directing how specific personal property will be distributed. To utilize this provision, the testator would make a list that clearly identifies each item to be distributed (i.e., the 12-inch iron skillet which typically hangs above the stove) and specifies who should receive it. This list must be dated and either in the testator's handwriting or signed by the testator. The list may direct the disposition of all items of personal property except: money, evidences of indebtedness, documents of title, securities, and property used in a trade or business.

Leaving a list that directs who should receive specific items is a lovely solution because it may be revised by the testator as often as needed without having to update the will, can prevent disputes over property by providing clear guidance, and can relieve family members from a sense of guilt or obligation to retain the property not listed.

For me, completing the solution is remembering that things are just things. Living a life of love matters far more. And, if I do, someone might just want my iron skillet one day.

If you need assistance with your estate plan, contact [Stephany Pedigo](#) or another member of our [estate planning team](#).