

A Moving Loss

This article was precipitated by an e-mail forwarded to me from a friend

living in the Midwest with a large, close family whose children lived nearby. One of my friend's daughters decided that she needed to follow her dream of moving out West. "What about family ties and loyalty?" my friend protested. Over the following months, I helped my friend process the pain of that transition.

Moving on presents many emotional, practical and legal challenges. This article discusses a few of those challenges.

Years ago, I assisted a ministry with formally incorporating with the state and obtaining nonprofit status with the Internal Revenue Service (IRS). I served on the board of that organization for many years before the ministry decided to disband. I was then asked to assist with wrapping up things with the IRS and learned, to my dismay, that the organization had not filed its income tax returns for many years. A simple postcard return would have sufficed because the ministry had nominal income, but the ministry had moved and changed its mailing address a few years into operation, and the executive director had not advised the IRS of the new address. Fortunately, we found a sympathetic, helpful accountant who assisted us with straightening out that mess with nominal consequences. The lesson from that story is to immediately disclose a change of address because the U.S. Postal Service limits the duration of a forwarding order.

Moving is a great time to save a tree and get rid of excess junk mail. Notify only those organizations from whom you want to continue receiving mail of your change of address. The others may catch up with you in time; you can then contact them about discontinuing mailings.

by Nancy A. Roberson, J.D.

If you receive your income payments via 'snail mail,' make sure that your

mail service between your former and new locations (home and business) is uninterrupted. Years ago, when my late husband, David, and I moved from Indiana to Ohio, David received his paychecks via 'snail mail.' There was a glitch in the forwarding order that we had processed, and we did not receive our mail for several weeks, which created a financial hardship. Nowadays, most of us could live on the lines of credit on our credit cards, but we did not have that luxury back then. A generous cash reserve and credit line on a credit card will help to avert that problem.

Check your legal documents. Do they contain obsolete addresses? If you move from one state to the next, you should make time to meet with a lawyer in your new state to review your legal matters. For your estate planning documents, I recommend asking around for a referral, or see my article in the Spring 2010 *Living with Loss™ Magazine* for tips on finding a lawyer. Even if you don't move from one state to the other, you may still need to change your estate planning documents if they contain your address.

Moving some distance away may mean re-thinking the people whom you have designated in your legal documents and finding new people to assist you.

Even if the people (fiduciaries and beneficiaries) named in your estate planning documents will stay the same, state laws differ. To be safe, your documents ought to reflect the laws of your new state of residence. If you have never done estate planning, now is the time! Realize that if you choose to not have certain estate planning documents, the default people who could serve for you during disability or after death may be limited to people who reside in the same state as you.

Some documents, like health care directives, are very state-specific. Most states have standard forms that you can complete yourself. Contact your state bar or medical association for resources for those forms.

If your profession requires you to move periodically, I suggest including legal expenses as a line item in your budget for periodic estate planning document reviews as you move from state to state. Of course, if you are military, you know that you can consult with the Judge Advocate General office on the base where you are assigned.

Moving may have income, estate or other tax consequences, so consult with an accountant about them.

Moving may require you to downsize and let go of precious memorabilia. Ask a friend or a professional organizer to assist you with this process, which, for you, could range from the joy of eliminating clutter to the gut-wrenching process of saying good-bye to some treasures.

Have you ever made an inventory of your personal property? Now is the time, whether you do it yourself or pay a professional. An inventory will be invaluable upon a theft or loss. What if the moving truck crashes and your possessions are damaged or destroyed? You will have a limited period of time within which to disclose losses. Without a detailed inventory, you probably won't entirely recover the financial loss involved.

Speaking of insurance, do you have replacement cost insurance on your possessions? If you are moving to another state, do you know whether your insurance will provide coverage in your new state? Much to my surprise, when David and I moved from Indiana to Ohio years ago, our car insurance company immediately cancelled our car insurance because our insurance company operated only in Indiana.

Perhaps you are not changing your residence but moving on in another area in your life. I am thinking of a time when my husband, Bob, and I changed churches 20 years ago. I vividly remember sitting in our former church the last Sunday we attended. I

paid little attention to the sermon and instead looked around the sanctuary, carefully observing the people present. I knew that my relationships with many of those people would change – such is the reality of life when regular personal contacts cease. I let myself feel the feeling that I now recognize as grief when relationships change. No doubt about it; whether moving is physical or relational, the grief of letting go is involved. How will you prepare for that?

Recognize that moving away from family and friends doesn't mean your relationships have to suffer. Consider investing in a computer equipped with a Web-cam or purchasing a Web-cam that you can attach to your computer so you can video chat with friends or family any time. Many smart phones these days come equipped with a camera function that allows you to video chat with another smart phone user any time you have a wireless internet connection available.

Yes, moving can be a trying time and feeling loss may be a part of that – but it can also be the beginning of a new and wondrous experience in life.

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Nancy Roberson is a lawyer who has focused her practice on estate planning and probate law for over 25 years. She received her B.A. degree in English from Indiana University in 1971 and her J.D. degree from the University of Dayton School of Law in 1981, where she was a member of the Editorial Board for the University of Dayton Law Review.

Nancy is a member of the American Bar Association, the Ohio State Bar Association, the Dayton Bar Association and the Christian Legal Society. She formerly served as chairperson of the Dayton Bar Association's Estate Planning, Probate and Trust Law Committee and as president of the Dayton Trust and Estate Planning Group.

Since 2003, Nancy has been board-certified by the Ohio State Bar Association as a specialist in the areas of estate planning, probate and trust law. Her interest in the fields of estate planning and probate law grew out of her experience of being widowed at the age of 27 when her daughter, Amy, was two years old. Amy is an adult now, married and working for Nancy. Nancy has been married to Bob Roberson since 1984. Nancy cofounded and cofacilitates two support groups for widows, one of which has operated for over 20 years. In addition, she is actively involved with her church and her family's common interest in basketball. She has presented the "Are You Prepared?" seminar for many years and coauthored the workbook, "Solutions," in 1994 with Pam Walker. Nancy can be contacted through her website at www.dayton-attorney.com.