

How to resolve disputes when a feuding family member will settle for “just money”

If your California legal practice involves probate estates, trusts and beneficiaries you've dealt with “whiners”.

These customers you can't make happy - no matter what. It's as if they're determined to be miserable. Others are like silly putty. They can mold themselves into great clients - but not without some adult-hand-holding. Whoever you deal with, there are right and wrong ways to solve hairy disputes.

As a friend once told me, “Any kind of problem that can be solved with a checkbook, (when you've got money in the bank) isn't really a problem.” It's true. That's why you should focus on balancing equities and leave the family drama to the therapists. Though...

What if the Arguments Continue for Months (or Years)?

Well, the first step is to make a quick list of assets with dollar values. Second, find out what each side wants regarding money, equity and timeframe. Third, as you know, is to solve for the difference between what each party wants (and be careful around

egos). These techniques get you to a resolution faster though...

Be Warned: Don't expect an unsophisticated heir or beneficiary to engineer the transaction for you! Especially if you're counting on this to be resolved in a short timeframe, let alone pay your fees from proceeds. Now...

If Issues Remain, Try This...

Use the estate or trust asset as collateral and obtain a loan to the entity. This works because the estate or trust (as an entity) acts as the borrower. As you know, whoever is acting as the fiduciary (executor, administrator, or trustee) is merely the person in charge. Similarly, you can also implement resolution strategies from these cases:

In one case, an out-of-state beneficiary was owed money. She never saw it. The trustee (her sister) lived in the property but didn't pay her fair share. To solve, an attorney who represented a family member of the out-of-state sister was hired to get a court order to remove the trustee - but not before getting a fiduciary mortgage.

“As an only child, I was deprived ... of the opportunity of seeing my siblings fight over their inheritance”

In a more complicated case, a trust and estate each had ownership of a property. Luckily, one of the three heirs wanted to receive cash. The parties then decided to get a single loan on the property to buy out the 1/3 heir. This was faster, and far less complicated than forcing an issue with a partition action.

So, Let Me Ask You...

Are you involved with a case in dispute? Might a fiduciary mortgage, secured by the equity in real property, be a simpler solution? Let's begin with you and I discussing it by calling me directly at **1-800-779-2552**.

When you refer your client, be sure to send them to our website, **CloseProbate.com**, first, before calling.



“Property can be distributed and kept in the family just for now... or forever. CloseProbateSM Fiduciary Mortgages are equity-based and non-recourse”

Call me directly to discuss these (and other) property issues:

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- Title or Dispute Workouts
- Elders or Relocation Challenges
- Buyouts & Parent > Child Transfers

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RICK'S RANTS: This new "executive summary" format is designed to get you directly into solutions. The 'network' in the new title reflects how we connect our community of real estate industry experts and knowledge-base resources to you and your clients, as well as new client referrals to build your legal practice.

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Here are (3) ways I can help you CloseProbateSM

- 1. Borrow on your probate or trust real estate**
- 2. TheGordianKnotShow.com (podcast)**
- 3. CALL RICK - Get guidance and resources**

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