

# Del Mar Times

## ***Mediation and Trusts***

***By Jane L. Schooler***

I had always gotten along with my siblings, but now that my parents are gone we are fighting about what to do with the family business. Some of us want to sell, but my brother that is running the business now says it's the family business and wants to continue to run the business?

Mediation puts a premium on restoring and preserving relationships. Sometimes just working with a mediator in a neutral place can help facilitate the discussions and generate the options that will help resolve these very tough family issues.

My mother is getting very old and is trustee of both of the trusts of my parents, sometimes she is OK but at times she seems incapable of handling the trusts affairs. Tensions are rising between my siblings and we are not in agreement about what to do, can mediation be useful?

These situations are very difficult; mediation can be useful in getting input from every one involved, in a neutral setting. There are different options in this kind of situation, sometimes just making one of the children a co-trustee with Mom will work to help handle the situation.

My husband and I are both married for the second time; unfortunately, we have not been able to keep the blended family together. Although, much of this is just because of the age difference of the children and the geographical location of where the older kids live and work. My husband and I both want to take care of all of our children ours together and the kids from previous marriages who are adults. We would like to have discussions out in the open about who is going to receive what?

Today, this situation is becoming very common. Talking over the situation and possibly setting up more than one trust will help clear up confusion and possible ill will among your children. On any remarriage all estate planning should be reconsidered, it is easy to inadvertently sideline older children from a previous marriage.

My parents left a trust giving my sister and me all of their property divided equally. Selling the house is going smoothly, we are simply going to divide the proceeds.

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However, we are beginning to argue over who will get the personal possessions, some of which have significant sentimental value. The trust did not specifically state who would get what of this type of property. My sister is the oldest and was designated as trustee, I'm concerned that she will take what she wants and give me the rest. Can mediation help us work this out?

Yes, mediators use many different techniques to divide property such as you have stated above. It is important to seek assistance from a mediator early. The longer the conflict goes on the more difficult these issue will be to resolve and the more difficult it will be to restore the relationship between you and your sister.