

As soon as a family — or even a person — realizes fundraisers are going to help them, they should consult an attorney who specializes in family law and estate planning. The goal is to clearly and legally document details such as whom specifically the funds are for, who has access to them and how they can be used.

This is especially important when the funds are raised in memorial of someone because those funds typically are raised after the person dies, so they are not part of the deceased person's estate and not subject to probate — the retitling of assets after death.

Jacqueline M. Schuh is a partner with Engelmeier & Umanah, P.A. in St. Cloud. She has more than 20 years experience in estate planning.

As soon as community funds are established for a family, Schuh said, the family should seek legal help. The attorney can set up trusts, help document how to divide funds among family members involved and identify the specific purposes the funds can be put toward.

Working together, the family and attorney also can select a trustee to oversee administration of the funds. Such details grow even more critical amid factors such as divorce or a lack of any estate planning prior to death.

Most of all, as Schuh notes, failure to take these steps not only spurs court involvement, but those costs deplete the assets and keep them from being utilized until a final determination is made.

Coming Wednesday: What fundraisers need to know

LETTERS TO THE EDITOR

Letters to the editor should be the author's original work and credit other sources when appropriate. They should be typewritten, exclusive to this newspaper and no more than 300 words. Include your name, address and daytime phone number for verification. Letters are edited for length, clarity and grammar.

OUR VIEW: PART 1 OF 2

Advice to use before a life ends

No matter how hard, families must prepare

As painful as they are, news reports last week about the family of slain Cold Spring-Richmond Police Officer Tom Decker having to go to court to settle disputes about funds raised in Decker's name offer a teachable moment for all of Central Minnesota.

The lesson? Whether you are raising funds for someone or if your family is the recipient of such funds, you should immediately consult with an attorney experienced in family law, trusts and estate planning.

While not delving into details of the Decker situation, the fact that a Stearns County district judge last week appointed a receiver to determine how much money is in at least four accounts created since Decker was killed perhaps indicates not enough detailed planning was done.

According to an experienced local attorney, resolutions reached through the courts can take up to two years and cost up to \$150,000.

How can that be avoided? Both those organizing community fundraisers as well as the family set to benefit from them need to take some important steps. Today's Our View will focus on what a family projected to receive funds should do. On Wednesday, the Our View will examine steps that fundraisers and well-intended residents can do.