

3 IMPORTANT TIPS

to Making a Will that Works in Both Israel and America

By Douglas Goldstein,
CFP®, TEP (Registered Trust
and Estate Practitioner)



The most important measure of a will is that it works. By “works” I mean that at the end of the day (or the end of life, in this case), when the will is executed, distributing the assets goes smoothly to the intended people, and that it doesn’t get challenged by a potential inheritor. If you haven’t written a will, or haven’t reviewed yours recently, these points will help to make sure that your will really works to both distribute your property *and* make it easier for your heirs.

SPEAK TO YOUR LAWYER

Lawyers know how to write wills that meet all the legal requirements to make them *kosher*. With many rules and legal regulations, an untrained individual could easily make a mistake in drafting a will, and then the distribution of his assets will not go smoothly. In fact, if the will isn’t written properly, the assets may not even go where intended! So, your first step now is to make sure your assets are distributed as you want, is to find a good lawyer.

MAKE SURE YOUR WILL IS UNDERSTANDABLE

Although the lawyer writes the will, the practical application of it happens at the level of the banks and brokerage firms. When my clients pass away, I work with their heirs to make sure the deceased’s American brokerage and retirement accounts are transferred according to the will and beneficiary forms. Since dual citizens have to deal with multiple tax codes, receiving bequeathed assets can be full of bureaucratic challenges. **You can simplify and streamline the handling of your estate if you set it up correctly.** Here are some tips to consider (from a company that actually takes care of transferring inheritances for clients):

1. **Designate an executor.** The executor is the person who is in charge of making sure everything written in your will happens, and he or she is our main point of contact. For example, people frequently choose their spouse or one child to serve as the executor. There’s a lot of detail-oriented work involved in the job, so make sure you select someone who is responsible and organized.

Sometimes clients are told that there's no need to write the name of the executor in the will. Our experience is that it's best to name someone specific so that this important job isn't left to chance. An additional benefit of naming an executor is that it speeds up distribution of assets; time isn't wasted choosing an executor that the courts needs to approve. When naming an executor in the will, it may be wise to also designate subsequent executors, in case one cannot do the job. If you can, only name one at a time, since it's easier if there is only one person from whom we need to receive orders, not "co-executors."

2. **Don't include account numbers.** Lawyers sometimes tell clients, "Give me a list of all your accounts and their account numbers and we'll include that in the will." In general, we've found an exact listing of accounts in the will itself can complicate matters. Unless there is a reason for one specific account to go to one specific person, it's easier NOT to list accounts.

Here's why... Let's say you go through all the effort to write your will and list your account numbers in it. Then two years later, you switch banks, or your brokerage firm changes its numbering system and assigns you a new number, or the financial institution gets bought by another one and the name/number changes. That might necessitate your updating your will... or your heirs dealing with a lot of paperwork to prove that an account *not* listed in the will is *really* one that is listed. Although it's not for everyone, most people just say something like, "I bequeath all of my worldly assets to my wife/husband, and if he/she is no longer living, then divide them equally amongst my children." In that case, your executor will simply look up all your accounts and follow your instructions. You can always place a note next to your will which list out all of your accounts and account numbers, which will simplify the job of the executor. If something changes, you can just update the note without having to rewrite your will.

3. **Use an Israeli will for your American brokerage account.** Although there are plenty of reasons to have a will for certain assets in the United States (for instance, if you own American real estate), our experience is that the Israeli will has legal standing to transfer assets from our clients' American brokerage accounts to their heirs, regardless of where they live or nationality. Although we require an Israeli will

to be translated to English, we haven't had problems using a properly probated Israeli will in transferring assets to heirs.

Note that IRA (retirement) accounts in America get distributed based on a "beneficiary form" that was filled out when opening the account. As such, they don't get transferred to your heirs via the will.

This article is not legal advice, since I'm not a lawyer. I'm a licensed financial professional with nearly three decades of experience in helping multi-nationals with their U.S. investment accounts. Take these points to your lawyers and tell them that from a practical standpoint, you'd like to name an executor, not list specific account numbers, and, unless there is a compelling reason otherwise, write only one will in Israel.

Douglas Goldstein, CFP® is the director of Profile Investment Services, Ltd., and helps people who live in Israel handle their U.S. investment portfolio. He is also the author of *The Inheritance Book: What you need to know about receiving and investing an inheritance from the U.S. when you live in Israel*, which you can buy on Amazon by clicking [here](#).

 Profile-Financial.com  02-624-2788

