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What Happens If You Die Before Signing Your Will?

It's a question that comes up more often than you might expect:

What happens if something happens to me before I actually sign my will or trust?

For many people, estate planning is something they think about for years before taking action. By the time they sit down to start the process, they've already spent a lot of time considering what should happen to their assets and their family.

But once those conversations begin, the question becomes very real.

What Happens Without a Will or Trust?

If you pass away before signing your estate planning documents, your wishes aren't what control what happens next—the law does.

These are called intestacy laws, and they determine how your assets are distributed if you don't have a valid will or trust in place.

In many cases:

- If you're married, assets may pass to your spouse.
- If you're not married, assets are typically divided among children in equal shares.

Certain assets, like jointly owned property or accounts with designated beneficiaries, may transfer automatically. But anything owned individually may have to go through probate and be distributed according to state law.

The key point is this: the outcome may not match what you actually want.

Why "Almost Done" Isn't Enough

A common situation is someone who has started the estate planning process but hasn't finalized or signed their documents.

Unfortunately, notes, conversations, text messages, or unsigned drafts don't carry legal weight. For an estate plan to be valid, it needs to meet specific legal requirements, typically including proper signatures and, in many cases, witnesses and a notary. Without that, it's as if no plan was ever put in place.

Don't Let Delay Decide for You

Putting off estate planning can feel harmless, especially when life gets busy or decisions feel difficult. But waiting too long can mean that the default rules take over, rules that may not reflect your priorities, your relationships, or your long-term goals.

At the same time, creating a plan and never revisiting it can lead to similar problems. Life changes, and your plan should change with it.

The goal isn't to get everything perfect right away. It's to get something in place, then adjust and refine it over time. Because in estate planning, having a plan is always better than leaving it up to default rules.





When Belongings Become a Burden

Most estate planning conversations focus on financial accounts, real estate, retirement savings, and legal documents. While those assets are certainly important, there is another part of every estate that often gets overlooked: personal belongings.

Furniture, collections, family heirlooms, boxes in the basement, items stored in the garage, and decades of accumulated possessions all become part of the legacy you leave behind. The question is not whether someone will eventually deal with those belongings. The question is who will be responsible for sorting through them and how difficult that task will be.

How Clutter Can Affect Estate Administration

Many people become accustomed to their surroundings and gradually lose awareness of how much they have accumulated over the years. What feels normal to you may appear very different to the family members who eventually have to manage your estate.

Excess belongings can create several practical challenges during estate administration.

Important documents may be difficult to locate. Wills, trusts, insurance policies, account statements, passwords, and other critical records can become buried among household items.

Valuable assets may be overlooked. Collections, antiques, jewelry, firearms, artwork, and other items may be unintentionally discarded or undervalued if nobody realizes their significance.

Practical Steps You Can Take Today

Addressing the issue does not require a major cleanout project. Small steps taken over time can make a significant difference.

Start by creating a basic inventory of important belongings. A simple list with photos can help family members understand what exists and where it is located.

Organize and label storage areas whenever possible. Clearly marked boxes and folders can save countless hours of searching later.

Most importantly, make sure you have chosen the right people to serve as your trustee, personal representative, or executor. These individuals will ultimately be responsible for managing your affairs, and their job becomes much easier when your belongings and records are organized.

Estate Planning Is About More Than Assets

Many families spend years creating wealth, purchasing property, and collecting meaningful possessions. Yet very few spend time considering how those belongings will be managed after they are gone.

The reality is that every item in your home will eventually belong to someone else. Taking steps today to organize your belongings, communicate your wishes, and create a comprehensive estate plan can spare your loved ones unnecessary stress and expense later.

Estate planning is not just about deciding who receives your assets. It is about making life easier for the people you care about most.

Testimonial:

“They've been an invaluable help with many situations. Wonderful local resource. Great knowledge, ideas. Staff is prompt and courteous.”

- Mike S. ★★★★★

What Happens When Your Farm Successor No Longer Wants the Farm?

Many farm succession plans are built around a specific assumption. One child or family member will eventually take over the operation and continue the family farming legacy. But what happens when that person changes their mind?

Why Farm Successors Leave

Every situation is different, but there are several common reasons why a successor may step away from farming.

Generational disagreements can create tension over management decisions, technology adoption, expansion plans, or the future direction of the operation.

Economic realities can also play a role. High input costs, volatile commodity prices, and tighter margins make farming increasingly challenging.

In other situations, a spouse or family member may decide that the demands of farm life are simply not the right fit for their family.

Regardless of the reason, a farm succession plan must be flexible enough to respond when circumstances change.

Use Business Entities and Buy Sell Agreements

One of the biggest mistakes farm families can make is transferring significant ownership before everyone is confident that the successor is committed to farming long term. A gradual approach often works best.

When a family is ready to begin transferring ownership, a carefully structured business entity can provide flexibility and protection.

However, ownership transfers should never occur without a well-drafted operating agreement and buy sell agreement. A strong buy sell agreement can



establish what happens if a successor decides to leave the operation.

These agreements often include formulas that allow the farm to repurchase ownership interests at a discounted value during the early years of the transition.

This helps protect the farm from having to generate large amounts of cash to buy back ownership interests unexpectedly.

Build Flexibility Into Your Farm Succession Plan

Farm succession planning is not a one time event. It is an ongoing process that must adapt as families, businesses, and circumstances change. If a farm successor leaves, it is critical to review and update your estate planning documents.

Allowing outdated documents to remain in place can create confusion, conflict, and unintended consequences in the future.

By using gradual ownership transfers, strong buy sell agreements, and regularly updated estate planning documents, farm families can create a plan that remains effective even when unexpected changes occur.

The goal is not simply to create a succession plan. The goal is to create a succession plan that can withstand the realities of farming and protect the future of the operation for generations to come.

Farm Fact: Minnesota is one of the nation's top agricultural states, with more than 65,000 farms covering over 25 million acres. That's nearly half of all the land in the state.

OFFICE HOURS AND LOCATIONS

ROCHESTER: 1801 Greenview Dr SW, Ste 102,
Rochester, MN 55902
Monday-Thursday 8:30am-4:30pm
Friday 8:30am-3:30pm

WINONA: 65 Johnson Street, Winona, MN 55987
Monday-Thursday 8:30am-4:30pm
Friday 8:30am-3:30pm

LAKE CITY: 120 W Center Street, Lake City, MN 55041
Monday-Thursday 8:30am-4:30pm
Friday 8:30am-3:30pm

ST. CHARLES: 819 Whitewater Ave, St. Charles, MN
55972
Tuesday 12:30-4:30pm
By Appointment Only

To schedule an appointment at any of our offices,
please call (507) 288-5567.



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