

## PERSONAL PROPERTY MEMORANDUM

Your Will or Trust may include a provision allowing you to make gifts of tangible personal property in a separate writing that you may create yourself. This writing—often called a **Personal Property Memorandum**—is simply a list of items and the people you wish to receive them. It may be prepared **before or after** you sign your estate planning documents, and you may update it at any time if you wish to change or add gifts.

The purpose (and convenience) of this provision is to allow you to make future decisions about leaving specific personal items, heirlooms or other mementos to specific people **without needing to amend your Will or Trust**. Please note, however, that certain rules must be followed for the memorandum to be valid, including:

- Your Will or Trust must contain a provision that properly incorporates a separate, signed memorandum. (*We include this provision in all our estate plans.*)
- The personal property memorandum must be **signed and dated** by you and **refer to the memorandum provision** in your Will or Trust.
- The gifted items and intended recipients must be **described with reasonable certainty**.
- **For a Will-based plan:** California law limits the value of gifts made by a separate memorandum associated with a Will to no more than **\$5,000 per item** and no more than **\$25,000 in total**, based on the fair market value as of date of death (Probate Code §6132).
- **For a Trust-based plan:** There are **no statutory value limits** on gifts made by a separate memorandum associated with a Trust. However, because trust law is less settled in this area, the best practice is to include all specific gifts directly in your Trust document whenever feasible, particularly if the items have significant value.

We recommend that you keep your signed and dated Personal Property Memorandum with your estate planning documents or in another location where your personal representative can easily find it. You may also wish to provide a copy to your estate planning attorney for your file.

### What is Tangible Personal Property?

"Tangible personal property" means **items of personal or household use**, including, but not limited to, furniture, furnishings, automobiles, boats, and jewelry. It also includes precious metals in tangible form and collectable coins held for their historical or investment value rather than as legal tender.

The term "tangible personal property" **does not include** real property, mobile homes, intangible assets such as bank accounts, promissory notes, and other monetary deposits, documents of title, securities, cash, or common coin and currency used as legal tender.

*All information herein is for general information only and should not be construed as legal advice or legal opinion.*

*You are urged to consult with your own attorney on any specific legal questions you may have.*

*Rev.11/2025*