

## **INSTRUCTIONS FOR USE OF SEPARATE LIST FOR TANGIBLE PERSONAL PROPERTY**

Arizona law permits the use of a separate writing or memorandum to dispose of your tangible personal property. Tangible personal property is property that you can touch and see. This is to be distinguished from real property (real estate) which cannot be transferred in this fashion, and intangible personal property such as cash in bank accounts. If you wish to use such a writing or memorandum rather than itemize various items of tangible personal property in your Will, you should know and follow the requirements that are specifically set out in the law. The law specifically sets out certain requirements for the types of tangible personal property that are not and that are permitted to be disposed of by a separate writing or memorandum.

Personal property not permitted to be disposed of by separate writing or memorandum includes cash and currency, promissory notes (or other written documents evidencing indebtedness), documents of title, stocks, bonds, securities, and property used in a trade or business. All other types of tangible personal property, such as jewelry, silverware, antiques, stamp collections, china, glassware, furniture and furnishings, and other items of tangible personal property, are permitted to be disposed of by separate writing or memorandum (so long as they are not already described in your Will. )

Other requirements in order to use a separate writing or memorandum are:

1. The memorandum or list must either be in your handwriting or signed by you. Your signature need not be witnessed. Arizona law does not specifically require a date but one should be given to prevent confusion with other versions. California law does require that the document be dated.
2. The memorandum or list must describe clearly each item so that a particular item will not be confused with any other similar item.
3. Your Will must refer specifically to the fact that you are disposing of tangible personal property by a separate memorandum or list.
4. The memorandum or list may be completed prior to the date of signing of your Will or at a date after the signing of your Will.
5. The memorandum or list, to be effective, must be in existence at the date of your death.
6. The memorandum of list does not apply to and will not be effective to transfer money. Do not use such a list for any of the following items of personal property: evidences of indebtedness, documents of title, securities, stocks, bonds, and property used in a trade or business.
7. The items of tangible personal property disposed of by the memorandum or list should not be those items specifically disposed of by your Will.
8. You should identify clearly the beneficiary who is to receive each item by his or her proper name and relationship to you. If the beneficiary is not in the area, you should list his or her address.
9. Consideration should be given to naming an alternate beneficiary should the first beneficiary not survive to receive the property.
10. From time to time, you may change the beneficiaries or the items listed in the memorandum, and you may also revise or revoke the entire memorandum. However, never make changes by marking or altering a signed memorandum, handwritten or typed. Changes should be made only by a new handwritten or typed memorandum and by signed and dating the new memorandum. After signing the new memorandum, the old memorandum should be destroyed.

For complete information, see Arizona Revised Statutes §14-2513.