

DOUBLE IDENTITY

In the 70's a California lawyer/author, Charles Dacey, published "The Loving Trust" so-named as a marketing tool for a living trust—a revocable trust which owns assets of any nature other than an IRA—which are distributed to beneficiaries at the owner's death without requiring the dreaded process of "probate." Especially dreaded in California where the lawyer handling the probate charges at least 5% of the date of death value regardless of the time or effort required to fill in the standard probate forms and have the office clerk file them.

The five old line firms in Cincinnati—you know them despite the name changes delivered by their marketing consultants who designed the logos after boiling the names down to one or two initials—many of whose members were and are members of this club—frowned on the probate avoidance. All those Wills in their treasured "will drawers" ceased to be their annuities—the gifts that never stopped giving.

The Church of Latter Day Saints also frowned on probate avoidance. Their free genealogy sources dating to 1690 depended on probate records which not only make public what you own and who gets it, but also list the next of kin even though many of the kin do not inherit, having been left out of the Last Will and Testament. What is a researcher to do then? Who is to receive the forgotten bank account which no longer pays interest—the little parcel of land which happens to be adjacent to the new shopping center on 275—the stack of savings bonds Grandad use as book markers in his extensive library?

How about checking obituaries in the local newspaper; or that 15 pound family bible with the embossed cover; or the best resort: the township records and the headstones where the ancestors are buried? What better place to learn the truth than in a cemetery? Well, maybe. The ever increasing use of cremation—and most recently as allowed in three states with more to come, "composting."—has made the headstone inscriptions inaccurate or irrelevant. Cemeteries, however are still useful. My father taught his children to drive in our cemetery where he said we couldn't hurt anyone.

Considering composting vs. cremation I decided. While the process jars the sensibilities after seeing the large cylindrical wood container packed with sawdust, wood chips, and you; rolled occasionally to promote the action; opened after 3 months to comb out the teeth, pacemakers, and knee and hip replacements; resealed for another 3 months, I realized I preferred looking at the daffodil patch where we buried our small poodle “Chocky Boy” wrapped in a towel, to looking at the polished wood box on the shelf holding the cremains of our first Jack Russel “Max”.

Martha Jones, wife of Jacob Jones and mother of their four children loved the old Tudor house including the ample space for jitterbugging with friends on New Year’s Eve when each couple, whether they could do the Boston Kicks or not, brought at least one bottle of bubbly. The hosts provided more to those still dancing after midnight.

After the children were on their way – and the beloved basset hound euthanized – Martha was surprised when Jacob told her they were selling and moving to a three bedroom condo on the 10th floor with an exceptional up and down river view. Martha took one look both ways and never looked again. Jacob may not have been aware of her despondency or, if aware, undeterred in his life purpose to accomplish the American dream as Captain of your ship in the various real estate ventures and related entities he created. She died in several years.

His next wife, Esther Smith, a recent widow of Samuel Smith, proved to be the Captain, telling him what to do – including where they would live – not in some damned 10th floor confinement with no lawn and nosy neighbors. None of his four children were as profligate as her one child—an east coast son who remained estranged from his step-father and his children. His children welcomed Esther who took over care giving for a failing Jacob. They also appreciated the later use of her unused estate tax exemption.

Despite her years of buying and selling homes Esther did not appreciate the risks in the home she picked for them. Not at all in the order of death they had assumed, she died of injuries sustained in a fall down stairs when hurrying to a closing. As surviving spouse, Jacob took charge of final arrangements. As Esther had directed, her body went to U.C. Med. Her son was glad to have Jacob pay all expenses, including a nice reception. But, after the cremains were delivered a year after her death and the urn buried

in a grave site next to Jacob's in Spring Grove, marked by a headstone inscribed "Esther Jones", her son discovered papers one of which Esther signed directing her burial in the grave site next to Samuel Smith in Gate of Heaven.

Her son then objected to her burial in the Jones plot. Jacob agreed to have her cremains disinterred and buried in the site next to Samuel Smith but only if the son pay all costs—which he did through his mother's trust for him. Jacob also insisted that the Esther Jones headstone remain on the grave in Spring Grove. The planner who had helped construct the plans for Jacob and both wives, rather his assistant, conducted the complicated disinterment process, involving the health department and the court system. Jacob died after agreeing to the disinterment, but before it was completed.

Years later the planner visited both grave sites for the first time. Both Spring Grove and Gate of Heaven are vast tracts containing many grave sites—many in use and many just waiting. The monuments, mausoleums, and obelisks in Spring Grove provide some guidance for locating a site. Gate of Heaven requires ground level headstones (with a few exceptions). One has to visit the administration office to obtain directions to a particular site. Only sections are marked, each section containing many sites. The vast monument-free Gate of Heaven has a more peaceful feeling. Chestnut Street cemetery, now celebrating its 200th anniversary as the first Jewish cemetery west of the mountains, holds a practical mix of modest vertical headstones, easy to read from the drive but not blocking the view of the whole cemetery.

He did locate Esther's grave site. Her headstone there reads "Esther Smith". Two graves. Same decedent. Different headstones. The circumstance brings to mind the last trick question Jesus took from the Sadducees while teaching in the Temple. Luke 20:33. They posed: the wife of seven brothers to whom she was serially married died, "Therefore in the resurrection, whose wife of them was she?"

Benjamin Franklin quoting some biblical source said "experience is the best teacher, but the lesson comes **after** the exam."

What did the author learn?

1. In 2nd or more marriages, ask where do you want to be buried?
2. What name do you want on the headstone?
3. Who of power has your written instructions?
4. A “cenotaph” is a grave with a headstone and nothing in the grave.

And, if you want cremation you best put it in writing. And, if you care—rather, to make it easier for the children—select a volunteer, say for an extra \$5,000, telling the child to “earn your keep by keeping your urn.”

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