Bequests Gone Bad – PG-Calc Webinar – July 30, 2026

Q&A Questions Not Answered During Session

Q: Waiting for formal notification from the trust company for a donor that expired on March 8th. Is that normal? Any recommendations? (Marion Yongue)

A: While five months isn't a crazy amount of time to wait for a trust notification, you are certainly within the window where it makes sense to reach out to the trust company and let them know that you were informed by the donor that your charity was a beneficiary of the donor's trust (which you were told was handled by the trust company) and that you were aware the donor passed in March. Ask them if your charity was indeed named as a beneficiary and if so, where they sent the initial trust notice. If it is a "smaller" trust company – I'd start with a phone call, but if it is a larger one (unless you have the name of the trust officer in question), then I'd send a certified letter and follow-up with a phone call in a month.

Q: Donor has an account at Fidelity that names my charity as 100% beneficiary. The same donor's will states, "all my financial accounts to go to my nephew John." What clause rules? (James Shannahan)

A: Typically, a will has no effect (nor trumps) a valid beneficiary designation – as the beneficiary designated-asset does not pass through probate. However, that will not necessarily stop an aggrieved beneficiary for suing for it. If you have gotten to the point where any legal action has been filed, I would advise you hire outside legal counsel – as this is likely a winnable case for your charity.

Q: If a bequest check comes in, says bequest gift on check, drawn from estate, but you never knew about this gift coming, they may not have been a donor, how much follow-up to do with executor? We do not know if we might be owed more, if we got the right amount, or just let it go? (Donna Batcho)

A: In almost every state, you are entitled to a copy of the Last Will & Testament as a beneficiary. If the amount you received is a nice round number – then you are likely (but not necessarily) a specific bequest beneficiary and all you will be entitled to is a copy of the Will. If the amount received is an odd number (such as $14,566.22) – then you are likely a residual beneficiary and you will typically be entitled to a copy of the Will, the Estate Inventory, and the Final Accounting. I am assuming that there was not a cover letter or that this otherwise came from a lawyer overseeing the probate (if it is call him/her and ask about it). Assuming you have a mailing address of whomever sent the check (or if it is on the check itself), I would start by writing a nice letter expressing your condolences and thanking the fiduciary for making the distribution. Continue on to request a copy of the Will "so that we may complete our records and meet audit requirements." If you are likely a residual beneficiary then I would also ask for a copy of the Inventory and Estate Accounting, when it becomes available. Should you get no response, then I'd go online to the clerk of court of the county where the donor passed and see if the records are available either online or if there's a number to the probate department that you can call to make such a request.

Q: We have trouble getting original death certificates sometimes. Do you have any tips for receiving those when Vital Records denies the claim? This is particularly an issue when the executor is unresponsive. (Kassi Summers).

A: It sounds like you have tried the first two options I would suggest – contacting vital records and contacting the executor. Not sure if you went through VitalChek or the state's vital records department directly, but I would try the one you have yet to go through. You might have to be a little "creative" or "broad" in your description of your relation to the decedent, as some states have a limited definition of who can obtain a death certificate. If the decedent had an obituary, check with the funeral home – sometimes they can help with obtaining one for you (although there is nothing that requires them to help you with that). I would also check to see if the decedent has an open probate in the county that he/she passed away in and determine if there is an attorney of record overseeing the matter. Contact him/her and request an original of the death certificate. Lastly, if you are waiting for a death certificate before sending in claim paperwork, send it anyway without the death certificate. There may be other beneficiaries, one of which may have already provided the requestor with a death certificate.

Q: How often do you stay in touch with donors to confirm their legacy plans? (Liz Scholten)

A: That depends in part on the level of stewardship the donor has indicated they want, your organization's resources, and if you have designated stewardship levels for your planned giving donors. That being said, I think a charity should be "touching" a planned giving donor in some manner at least once a year. That is not necessarily to confirm an existing planned gift, but just to keep your donor records current (mailing address) and to remind the donor that your charity is thankful for their intended gift. I would suggest a "donor audit" every five years or so where you write or otherwise contact the donor to indicate the charity is updating its records and would like to reconfirm that it remains a part of the donor's estate plans. That may be as part of a larger PG donor survey or just an informal conversation. Consider leading with the phrase, "We know that as people's lives change, so often do their estate plans. We are checking in to confirm that XYZ Charity is still a named beneficiary of your (will, IRA designation, estate plan, etc.). Kindly complete the brief enclosed form and return it to us in the provided self-addressed, stamped return envelope."