

# ESTATE PLANNING FOR YOUR BONSAI

The term "Estate planning" may not be new but to most, it still is a foreign term. "Estate planning" is actually a term used by tax lawyers when they refer to the planning stage of one's valuable assets which one wants to distribute upon his death, with the end in view of 1) paying the least taxes to the government that may be due in the event of the distribution of the assets (after one's death), and 2) avoiding any trouble in the partitioning of the assets amongst those who may legally be entitled to inherit, or those to whom one wishes to bequeath all or a portion of his assets, technically referred to as the "estate".

On the subject of Tax, do not include your bonsai's as an asset in your estate. That sum of money will be included in your total assets and can be subject to part of Death Duties. Imagine valuing your trees at R100, 000 and the Proportional tax being 30%. Your estate will pay R30, 000 taxes for your trees that may only realise R10, 000

## **Effects of Lack of Planning**

In my experience as a bonsai Hobbyist for at least twelve years now, and as president of BRAT for a few years, I have seen fellow bonsai artists have gotten seriously ill or who have met the Creator (again, most unexpectedly) resulting in their bonsai collections being negatively affected

More often than not, this situation results in their prized trees dying or miserably suffering (either a lot of its branches or a substantial portion of the tree dying back) because of utter neglect by to whom those trees have left, Who thought perhaps that those do not have high economic value: Of being sold at ridiculously low prices at which the buyer himself would not sell if he were to sell those trees.

Really, this can be a double tragedy to the owner (who for many years nurtured the trees with the best care he or she could offer not to mention the fact that there is already a good amount of economic added value to the tree) and also to the bonsai world which has just lost either a potential majestic tree or a tree that has already gained a niche in the bonsai scene; the latter being a more painful situation. .

## **Proven Advantages of Early Planning**

In Japan (where it is commonly believed the art of bonsai was perfected) its magnificent bonsai masterpieces me considered heirlooms have passed hands from one generation to another. In fact these trees are considered priceless collections not just because of their sheer beauty but because of their age too

Easily, not a few of these trees are more than a hundred years old, And yet, these trees have not only been beautifully maintained, but they have also been greatly aesthetically enhanced by those who have been lucky to acquire them either through inheritance, sale, or other modes of acquisition. It is safe to assume that the owners planned early enough the fate of their trees in anticipation of their inevitable permanent absence from this earth or probably the ones who were left with those trees realized their great value

just like, If not more than pieces of diamonds. Indeed these owners "estate planned" their bonsai collection well ahead of time.

Thankfully their trees did not meet an otherwise morbid fate and the bonsai world continues to enjoy their majestic beauty.

## **Making Your Plans Known**

Since non-bonsai enthusiasts cannot accept the proposition that your bonsai collection is worth mentioning in your last will and testament (unless you insist that it be included for formality's sake), you may talk about your estate plans for your bonsai collection to family members and friends in an informal way. Perhaps over meals, or in small gatherings with family members and friends, you could Just mention in passing that if anything untoward happens to you, you would rather see your collection distributed in a particular manner.

So as to avoid losing those trees to the Great Unknown, I suggest the following pointers be done .while you are still with the proper frame of mind and capable:

### **1. Leave your Trees with Interested members**

It will be a blessing, if at least one family member is interested in caring for bonsai. In some cases, both the husband and wife are into the hobby. This should be an ideal situation

Because you are at least assured your surviving spouse will continue to shower your trees with the usual care. But what happens when the surviving spouse meets the same fate, not exactly at the same time but months or years thereafter? In this event at least one of your family members takes up the same hobby, again, this an .ideal situation.

### **2. Sell Your Tree**

With this option, the tree's selling price may not be as much your primary consideration as the willingness of the buyer to give, at least, the basic care required by the tree. The skill of the buyer may not be too important also, for as long as the tree will be assured of its continued existence and beauty.

Nonetheless, it is still a plus factor if the buyer is a skillful bonsai artist; hence, between two potential buyers of different skills, understandably you may opt to leave your tree with one with more skills even if the price should be lower than that offered by the other.

### **3. Sell your trees 2**

An alternate to selling your trees before you go to the happy hunting ground, (and I don't mean go on another dig). Is to sell your trees as a lay by to someone who may want to present a mature tree to a young person. That entails keeping the tree in the finest condition for someone else. There could also be a retainer fee for looking after the trees

You also have the satisfaction of knowing where your trees are going

### **4. Donate Your Tree To A local Bonsai Club**

If there is a bonsai club in your area willing to accept your tree, then you may want to consider donating them.

The main advantage of this is that there is already a pool of skillful artists who can take care of your trees. But be sure that the trees you will be giving the local bonsai club are

worthy of the club's space and resources. You should be graceful enough to accept rejections from the local club if it does not find your trees worthy.

Also make your wishes known to that club Chairman and the Secretary

## **5. Give Them to Friends**

If the local bonsai club does not have the space to accommodate your trees, then these could be distributed to members who, more often would be only willing to accept them. Usually, there are members of varying talents and preferences for trees in every bonsai club. There are those who prefer deciduous trees while there are those who prefer evergreens. In some cases, there are those who may want flowering trees and there are those who are partial to fruiting bonsai.

So whenever possible, the recipients of your trees should get the trees they prefer to take care of with this option. You are almost assured that your tree will get the required treatment they deserve. Otherwise the trees may not be welcome in the new home and just suffer a setback.

## **6. Form a Bonsai Foundation**

This probably may be for those who are affluent and can afford to establish a Nonstock. Nonprofit foundation to take care of their trees, Bearing in mind that a foundation will cost a substantial amount of money. Basically, the scheme under this setup is to deposit a sum of money in a trust fund (usually with a bank) and the interest income there from will be used to defray expenses necessary in keeping the trees alive and attractive, such as wages for the caretakers, water, electricity, etc. You may consult your lawyer in your area on how to go about this scheme. Each country surely has a set of Laws to be followed in setting up a foundation

### **A Matter of Choice**

The above enumerated options are mere suggestions. There may be other ideas you have in mind. Which maybe similar, modifications or combinations of these, for instance you can sell a few of your trees and the rest can either be donated to a bonsai club or given away to friend. In the end, the ultimate objective for your trees not to be caught by surprise if they shall be without all of a sudden a caretaker.

In the meantime. Enjoy the company of your trees as they enjoy yours. But do remember to estate plan for them. It will give you peace of mind and your trees will be eternally grateful to you for making to a part of your estate planning.

An afterthought, we probably have more bonsai Pots than trees, these needs to go into your plan

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