PUT IN WRITING! Creating Agreements Between Family and Friends

By Deborah Hutchison and Judge Lynn Toler of *Divorce Court*

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Introduction

There Must Be a Better Way

By Deborah Hutchinson

The first time I truly realized the value of putting something in writing was after my divorce. The court had ordered my ex to pay me back for supporting him during medical school, but he didn't pay. I was frustrated and angry. I could have pursued this through expensive legal channels but my lawyer needed proof that I was trying to collect. My ex didn't return my phone calls and never answered my letters so I wanted a quicker, cleaner solution. I decided to send him an actual bill in the mail each month. This worked! Having documentation in hand was enough to keep him on track with his payments. I was so encouraged by my success, I created a billing system—*Bill Your Ex*—so that women and men everywhere could use the same technique.

When empty-nester friends of mine had three adult children moving back home at the same time I suggested they write up an agreement so that there would be no misunderstandings. Together we drafted the "Adult Child Returning Home Agreement." One child was happy to have clear parameters, one was indifferent, and the third was reluctant to sign. Yet they all signed and helped to make what could have been a volatile living situation into a smooth transition time for themselves and their parents. As a true testament to the value of the Adult Child Returning Home Agreement, all three children are now out on their own and doing quite well. Thus was born my first official *A Sane Approach to an Emotional Issue*TM Agreement.

I've had occasion to lend friends money and, in the past, have been taken advantage of. In one case, I lost my money and my friend. Then I decided to try writing an agreement before lending money. This became the Lend Money to Friends and Family Agreement—my second *A Sane Approach to an Emotional Issue*TM Agreement. In it I spelled out a payment plan. Emotionally, I felt inner peace. I was happy to lend and felt protected at the same time.

What I have discovered is that writing up an agreement helps everyone involved move past the emotions that come up when we deal with friends and family members.

Agreements make it possible to help each other and at the same time establish boundaries so that relationships aren't put in jeopardy by miscommunication or misunderstandings.

Several years ago my husband's mother gave him a large painting which we did not have room to hang in our house. His brother just bought a house with lots of wall space. We thought we could offer the painting to him to store on his wall until we needed it. Apparently we weren't clear that it was a loan because when we wanted it back, his brother did not want to return it. It had become part of his décor. Uh-oh. We were totally surprised. Obviously he thought we had given it to him. After we communicated our original intention, he did return the painting, but the experience prompted me to create this book.

You've probably found yourself in similar situations. Have you ever lent money to a friend only to find yourself out \$50, \$500, or \$5000 and the friend? Have you ever agreed to let a family member live under your roof temporarily only to find yourself frustrated and cramped with no relief in sight? Have you ever argued with a roommate

over who gets to keep the dog you shared because you love the dog but can no longer stand each other?

If it hasn't happened to you, you probably have friends who've experienced a situation like it. When people are let down by those close to them, the emotional fallout can be considerable. After all, a trust has been breached and, most of the time, there is no record of what has transpired. If the parties are still speaking at all, their conversations have probably eroded into "he said"/"she said." And it isn't long before the ill will begins to infect everyone around them.

I wrote this book because I want to show people that there is a better way—what I call *The Sane Approach*. Taking the Sane Approach simply means putting the terms of an arrangement or agreement in writing. Consider it a professional approach to dealing with personal situations. Yes, you can do this even with family members and close friends. *Especially* with family members and close friends. When it comes to family and close friends a written agreement can mean the difference between seeing your money again versus kissing it goodbye, helping your child get on her feet versus playing perpetual hostess to a slacker, sharing the companionship of a pet versus sending it back to the shelter, and most importantly, building a stronger bond versus fracturing a relationship.

When my friend's sister was buying her first house she knew her credit check would turn up some bad debt. She asked my friend if she could borrow money to pay off credit cards so she would be approved for her mortgage. That made sense and my friend wanted to help. But my friend never asked how her sister would pay her back once she took on monthly mortgage payments—and still had the bad habits that caused her to rack up debt in the first place. My friend's sister is working hard to make ends meet and my

friend doesn't want to hold the money her sister owes her over her head, but she never intended to just give the money to her. Now my friend wishes she had written down that her sister would pay her back someday, even if it wasn't until she sold the house!

Too often we enter into emotionally loaded situations with nothing more than a promise or maybe a handshake between us. Sometimes we skip even that. This leaves both parties vulnerable to misunderstanding. Consider the family quarrels and broken friendships you've encountered. Chances are miscommunication and confusion about money or responsibility were at the heart of the problem. And we've seen that it doesn't take long for a simple misunderstanding to blossom into an irreparable feud.

Written agreements signed by both parties are far superior to oral and implied agreements because they give the parties some certainty and clarity. They help everyone by establishing, up front, the exact terms of their understanding. They become tools for better communication.

The key reason *Put it in Writing* works so well is that it respects the points of view and the needs of both parties. The process encourages participants to think about potential problems and to agree to ground rules that will help avoid problems down the road. The agreements also serve as evidence of both parties' commitment and desire to make the situation work. Written agreements offer peace of mind and set us up for the elusive win-win. They can make it easy to help out the people we care about or ask for help when we really need it.

We live in a cautious society. We sign agreements all the time...when we read something on an Internet site, when our children join the soccer team, when we subscribe to the newspaper, when we buy a new TV. But often with the people closest to us, we fail

to take such a simple step and we put our relationships in jeopardy. In this book we provide guidelines for writing agreements to cover almost any situation so there is no excuse for leaving things to good faith (which too often goes bad!).

Below is another story from a friend:

After graduating from college Diane's son found a job in the media. It paid next to nothing but he was pursuing his dream and Diane was proud of that. He couldn't afford to rent his own place so he moved home. Then the trouble started. He would "work" late nearly every night, crash and then leave again early the next morning. On weekends he partied and slept. Diane's younger son was picking up on this behavior and she didn't feel it should be going on in our home. When Diane finally tried to discuss it with him, he accused her of being unsupportive. Meanwhile she felt all she was doing was supporting! Things definitely got worse before he finally moved out. An agreement ahead of time would have saved this family a lot of grief.

Now we certainly understand that there are some obstacles to our "no brainer" approach. It's hard telling someone to whom you are close, "I love you, I trust you, "but I want a written agreement." The other party can get insulted and upset. The common sense guidelines in this book can help you take the sting out of asking for a written agreement. We will show you how to approach the other party and explain how writing things down benefits everyone involved. If approached properly, everyone will see that putting things in writing is a gesture of commitment to a continuing and positive relationship.

Another sticky point to our Sane Approach is keeping your written agreement in force. Even when things are written down, people may forget specifics or become lazy or sloppy. They may let a payment slip or overlook a violation or two. While this is natural and understandable among friends and family, don't underestimate the importance of upholding the terms you took such care in recording.

If one party fulfills his or her obligations to the letter while the other disregards the terms entirely, difficulties will arise. We understand that this may happen and address what you should do about it in chapter three.

I've asked **Lynn Toler** to join me in writing this book. She is a former municipal court judge whose jurisdiction included small claims actions. She saw, first hand, all of the madness and the sadness that arises between family and friends when there is an agreement without documentation. Judge Lynn, as she is called on her nationally syndicated television show *Divorce Court*, has seen the worst cases of *he said/she said* in small claims court, much of which could have been avoided if someone had pulled out a pen and paper and written something down.

Together we created this book to show you how to use the agreements we've included or how to write your own simple agreement to make your life less stressful.

We know how hard it can be to ask someone you care for to enter into a written agreement. Even if you manage to do so, choosing the right words and the exact information to include can be tough. We have created simple agreements that will assist you in common, yet uncomfortable situations that often arise between family and friends. We have addressed not only the *what* and the *why*, but also the difficult question of *how*.

So, the next time someone wants to borrow money, or perhaps you need to borrow money, *put it in writing*; the next time someone wants your ideas or you want to share ideas, *put it in writing*; when your teen passes the road test and asks to use your car, put it in writing; if you lend your brother a painting to store temporarily; *put it in writing*, should you decide to share a dwelling with others...set the parameters, *put it in writing*. There are all kinds of situations that call for written documentation of some kind. Once you start to write things down, you'll see that *Put it in Writing* can become a valuable tool in your daily life.