

# Southwest Funeral Consumer

Fall 2007

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Newsletter of Funeral Consumers Alliance of the Southwest  
Providing Education and Information to Consumers in  
Texas, Oklahoma, Arkansas, Louisiana and environs.

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## Welcome to New Mexico Members

Those individuals and families who were members of the Northern New Mexico Funeral Consumers' Alliance recently received notice their alliance was having to suspend operations because of an inability to enroll sufficient volunteers to continue operations.

Those members from the West have been welcomed into The Funeral Consumer's Alliance of the Southwest, our sister organization here. The transferring membership brings information on 50 establishments in New Mexico, 13 in Albuquerque. It is hoped at least five of those still

living there will volunteer for the one hour per year needed to update the New Mexico price data base.

We have learned that the State of New Mexico gives citizens of the state the right to care for their own dead. There is a "Guide for Family Directed Funerals in New Mexico". To get a free copy call 505-286-9410 or you may wish to visit [www.theoldpinebox.com](http://www.theoldpinebox.com). That company makes simple caskets of pine boards. In fact you may order one from them for your self and insist that it be used here in Texas. It's your right.



## Your Volunteer Board of Directors

Both Funeral Consumers Alliance of North Texas (FCANT), and Funeral Consumers' Alliance of the Southwest (FCASW) are alive and well in Dallas. FCANT continues to collect information on pricing of funeral services with cooperating funeral homes in this area, and FCASW continues as an educational body. Yearly donations to FCASW are still tax deductible whereas your one-time dues to FCANT are not, because you are getting something of value from FCANT, that being pricing information.

Your Board of Directors is an all-volunteer group that offers direction for the work of the Alliance and offers, as well, a continuing commitment to the day-by-day operation.

It is members of the board who, on a rotating duty roster, answer telephone calls for information. The board sees to the writing, publication and distribution either by e-mail or snail mail, of

this newsletter. The board members are currently involved in redesigning our website to make it more user friendly and easier to navigate.

We ran out of space in this newsletter, but our next edition in the spring will carry thumbnail biographies of all the members of the board. There is, right now, one vacancy on the nine member board of the North Texas Alliance and if you think you could offer some talent and time we would be thankful... even grateful, for you to volunteer. The Southwest board has five members and there is also a vacancy there. That makes room for a second volunteer. Any takers?

If you will notice the reply form that is included with each news letter there is a space where you may offer your willingness to continue the work of the Alliance.

Let us hear from you.



## Board President, Jim Bates' Report to the Membership

The most recent session of the Texas Legislature, the 80th, passed no bills related to the funeral industry. This was both a good thing and a not so good thing.

Consumer harmful bills died in legislative action or non-action, but also bills that would have concerned the cemetery laws and would have been beneficial to Texas consumers, died as well. One aspect of the legislative session that came to light was a growing hostility between the lobbyists for the corporate funeral industry and the lobbyists for the independent funeral homes in the state.

I am a member of the board of the National Funeral Consumer's Alliance and am currently serving on the Affiliate Relations Committee. All affiliates, nationwide, are being surveyed for their support of national issues such as the continuing law suit against SCI. The defendants were recently denied by the court two legal maneuvers. A

ruling on the class action suite is expected in the next few months.

Further on the subject of Affiliate Relations; members, nationwide, were recently asked to make a donation to the national office. The membership of North Texas Funeral Consumers Alliance and Funeral Consumers Alliance of the Southwest, donated the largest amount in support of our national goals.

It makes the President of your organization proud indeed.

Signed, Jim Bates

*(Editor's note)*

Bates filed his report while performing one of his most important roles, that of representing you before the Texas Funeral Commission in Austin.



## Where There's a Will There is Less Confusion

Your Funeral Consumers' Alliance has always urged you to have a will and to make sure that every one involved knows that you have made one and where it is.

There are some aspects of will making and the process of a will's probate that came to your editor's attention through a conversation with Barkley T. Miller. He is a lawyer who specializes in Probate, Trusts and Estates. He is also a mentor and instructor in those subjects for the Dallas Volunteers Attorney Program and will speak to any organization that seeks a speaker with accurate and detailed information on the subject of wills.

You may prepare your own will if you wish. You may write your own will if you wish, a "holographic" will. But understand it must be written totally in your own hand, however short or long it may be. It needs a couple of witnesses and you may be surprised to learn the witness need

be no more than 14 years of age.

It is customary to name an executor who will see to it that your final wishes are carried out. You should have the agreement of whomever you choose, and there ought to be at least one alternative as well. And all parties should understand what is needed and agree to serving. Being named executor should not come as a surprise. You can refuse the job if you wish.

The executors will file with the court a "letter testamentary" within ten days of death at which time they will be given access to any and all business and personal accounts. That way they will be able to contact all those named as beneficiaries and that must be done within 60 days. They will also be allowed to draw upon the estate to meet any expenses of the estate. There is no reading of the will for the beneficiaries, in spite of what mystery writers and movies would have us believe.

*(Continued on page 4)*



# Federal Trade Commission Rulings

- Funeral homes CAN charge extra to refrigerate un-embalmed bodies. There are some exceptions.
- Funeral homes CANNOT charge extra to accept a privately supplied casket days before the funeral.
- Funeral homes CANNOT make a charge to customers to dispose of any packing materials around privately supplied caskets.
- Funeral homes CANNOT charge customers extra for the car they use when they file a death certificate.



Please take a moment to fill out and return this coupon to:

**Funeral Consumers Alliance of the Southwest**  
**2875 East Parker Road**  
**Plano, TX 75074-7503**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Do you contribute to Funeral Consumers of the Southwest? This is an income tax deductible donation.  Yes  No

Would you like to make an annual donation?  Yes  No

How would you prefer to receive this Newsletter?

Print Only  Email Only  Print AND Email

E-mail address :- \_\_\_\_\_

Would you have time to volunteer for light duties with your Alliance?  Yes  No

Would you have an interest in serving on the board?  Yes  No

What talents, or abilities, or experiences would you bring to the board if you were nominated?

\_\_\_\_\_

Are you fluent in Spanish?  Yes  No

Please make a tax deductible donation now to: Funeral Consumers of the Southwest \$ \_\_\_\_\_

**Thank You**

*Just a reminder that even though you and your family are members with a one time fee, you can still declare a tax deduction for any additional moneys you send. Just make sure your check is made out to "Funeral Consumers of the Southwest." That's our educational wing and the only part of our organization that can claim tax deductions.*



**...Where There's a Will (con't)**

*(Continued from page 2)*

Asking someone to be your executor might be a major compliment. It might, if there are major complications, be a major curse. It depends on how well YOU prepare for the inevitable. There is nothing to say a beneficiary, say a family member, cannot be named executor, but who ever it is that you choose should know where your will is. To that end your Alliance offers a couple of items to make that job more sure.

One is the booklet, "Before I Go , You Should Know." That will hold information that you write to cover all the questions of who you are, where you come from, what you've done that you are proud of and who should be notified of your passing. The second item is a heavy duty plastic envelope that will include major documents such as: A signed and witnessed Medical Power of Attorney; A signed and witnessed Directive to Physicians and Family covering your wishes for medical

treatment should you be unable to communicate; The new-in-Texas "Body Disposition Affidavit", by which you determine how your body will be disposed of, whether to be embalmed, or not, cremated, or not, donated to medical science, or not. It is a binding document and need only be notarized.

Also in the package should be information on: bank accounts and their locations, deeds to the home or other property, sums owed to you and sums owed by you to some one else.

The envelope is put into the freezing compartment of your refrigerator because that's easily accessible by those who survive you without a lot of complications and it is a site that is generally disaster-proof against fire, flood and other natural disasters.

As long as we are speaking of wills might we respectfully request that you remember your Alliance with a small bequest to help us in our educational and lobbying efforts on behalf of the living.

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***Read this newsletter then pass it on to a relative or a friend.***

**Funeral Consumers of North Texas now has a membership of nearly five thousand .**

**Funeral Consumers Alliance of the Southwest  
2875 East Parker Road  
Plano, TX 75074-7503**

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