

Disposition of Trolley/Traction-related Collections

Reflections and suggested guidelines and norms for collectors and their survivors

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(With extensive input from others, including members of East Penn Traction Club, Pennsylvania Trolley Museum, Electric City Trolley Museum Association, and other sources)

Background:

What will you leave behind when you cross “the Great Divide” from this life? The simple answer is everything. At an East Penn Biennial Trolley Meet in 2003, a clinic was presented that addressed this important though awkward and uncomfortable topic, which was well-attended and resulted in a spirited discussion. Both of us were panelists.

Since that time, little has changed although with the passage of years, the issue becomes timelier for a variety of reasons. The aging of the generations who witnessed the trolley era and sadly, the departure of too many members of that generation from the scene. The reality is that many of them deferred or denied recognition that they would not survive forever, and that they had other priorities than thinking about these matters. Or they assumed that their survivors would know what to do. In many instances, their view was that when they were gone, “not my problem”.

Some of us have had unpleasant firsthand experience with such crass actions as survivors being solicited at funeral services for acquisition of collections, subsequent “low-ball” offers for items or total collections by eager hobbyists or dealers, and disputes where no clear heirs are designated. Then there have been unscrupulous people brazenly helping themselves to items they view as treasures.

Conversely, well-meaning survivors -- or collectors themselves, make unsolicited donations of materials of little relevance to receiving organizations or presentation of materials that duplicate existing holdings or that frankly have no use to the organization or its mission. Too many organizations have the trying experience of how to process so-called “doorstep donations” where boxes of unsorted materials are deposited which stretch the time commitment and space of the would-be beneficiary organization.

Then there are the donated collections where collectors or their survivors have unrealistic estimations of the historical and financial value of items. The reality with collectibles of any kind is that their intrinsic value is the pleasure they have brought the collector. Regrettably, however, that does not necessarily translate into significant or recoverable financial value. These disagreements between donors and recipients can result in needlessly rancorous disputes where either reimbursement or tax deductibility are sought.

Another misadventure relates to disposition of collections where genuinely valuable collections are not recognized as such by survivors, or in some instances, those simply tasked with prompt removal of “stuff” from deceased collectors’ homes. Such collections are simply sold off in bits and pieces with no estimation of the intrinsic value or else end up in a dumpster.

Another species of problem with disposition of collections that we have encountered entails collections involving disputed ownership of inherited collections in the absence of a will or clear declaration of wishes for disposition. It is beyond the scope of expertise of receiving organizations to mediate these disputes; family therapy and Solomonic “dividing of the baby” are not part of any of our skill sets. One of our organizations (EPTC) recently was caught in two of these situations. In one case, it involved a large and interesting collection of photographs, artifacts (some of which would be valuable display items for a museum) and trolley models where a surviving child and a decades-long domestic non-spousal partner of the decedent would not agree on who owned the materials and who was eligible for

reimbursement or a tax deduction. Another instance entailed an unclear and unsigned will and an intimation that maybe EPTC should receive unsolicited but some potentially valuable holdings, including excellent photographs, artifacts, and models. Unsigned wills have no legal standing. The unfortunate resolution was that there was pressure to sell and empty out the deceased collector's home. This resulted in the discarding of the entire collection with no other attempts at finding it a good home.

With this as background, we modestly propose some direction for both potential donors and receiving organizations.

For donors and survivors:

For collectors, do some serious advance planning, including discussion with likely survivors, heirs, and proposed recipients about whether your holdings are needed. Avoid leaving these time-consuming and potentially painful decisions to survivors. And document your wishes in a properly executed will. And possibly, propose a Plan B if the chosen organization declines the donation.

Determine who is the owner. If the collection or part of it is to be donated, or sold, who will be either reimbursed or who will receive or share any tax deductibility? This must be clear before approaching an organization.

If the survivors wish to retain any or all of the collection, that decision is theirs and they need not explain nor justify, unless there is an executed will to the contrary.

Attempt to get an unbiased appraisal of the monetary value of the collection. Remember, a potential buyer might make a fair estimate but on the other hand, might "low-ball" the offer to obtain the items at a low price for either themselves or for sale at a higher price. Finding an appraiser can be a challenge; the trolley "stuff" is a distinctly niche market. Some "appraisers" are "stealth" buyers. An ideal appraiser should state a disclaimer about being neither a potential heir nor purchaser.

Have realistic expectations about the dollar worth for collections that might have brought enormous pleasure and entailed significant monetary expenditure to the collector but might contain relatively little or nothing that relevant organizations want or need. Many of your loved one's holdings might well already be in the collection of their favorite organization, and others either might not be within the mission of that organization, or they might lack the resources for transporting, sorting, storing, and disposing of those items.

Allow the receiving organization flexibility in retaining or disposing of materials. Demands to keep collections fully intact in perpetuity likely cannot be honored. Some things they might want to preserve, others will be better utilized by liquidating and using the proceeds for other mission-related activities, hopefully those activities that had meaning for the collector. And some items can be discarded without any loss to the historical record. Where there is disagreement between a receiving organization and donors, a compromise might entail a time-limited retention period (e.g., with PTM until after the next West Penn Meet to sell items not needed for archival purposes, after which they can be discarded?). PTM's Deed of Gift specifically states that the museum accepts the materials without restriction as to use or disposition. This is a recommended practice.

Respect that the personnel and archival space of a receiving organization are finite; they cannot accommodate everything. Some organizations, such as Seashore Trolley Museum, have stated that will not accept more books, even those that theoretically could be sold. And some organizations such as East Penn do not have a designated space for donated or willed items and further, although tax-exempt, are not charitable organizations that can offer a tax deduction to donors. Accordingly, East Penn specifically requests that items not be willed to the club.

If a proposed receiving organization declines the donation, either due to its not being relevant to its mission or being duplicative of existing holdings, ask for suggestions regarding alternative organizations. The museums are collegial with each other and willingly share such information.

Recognize that even desirable and relevant items donated might be beyond the ability of the receiving organization to maintain.

For organizations:

If family members want to retain potentially desirable collections, there is no further discussion. Remember, no means no and family members and heirs need not justify their rationale for keeping materials. If there are items of great historical value, negotiation is reasonable, but assiduously avoids any potential coercion or manipulation. Perhaps keep the lines of communication open and request that the heirs contact you if they later change their mind.

If heirs wish to keep items where there is documentation in a properly executed will that the collector wanted to bequeath the materials to an organization and the items are of great value to the organization, the organization must decide if litigating is worth the time, effort, expense, and potential ill-will.

No conversations or acceptance of donations until all disputed issues about ownership by heirs are resolved and documented.

For items not mission-related or duplicative, decline the offer with thanks and if possible, provide some direction for alternative places to donate the items.

Refuse donations with excessive contingencies such as retention intact in perpetuity. Clearly, requests to deny access to persons of specified ethnicity, religious or political identity or sexual orientation will not be honored.

For donated items that are liquidated, perhaps offer the donors input as to where the proceeds might best be directed to honor the memory of the donor.

Be vigilant about the risk of discarding or disposing of items that are part of the historic record. Once lost, they might be irreplaceable.

Make acquired collections of archival materials available for use by members and those members of the public with interest-especially students. This will help encourage an influx of new generations of members, historians and enthusiasts. Conversely, “squirreling away” donated historical items and denying access to them dishonors the spirit of the bequest.

Be respectful of accepted donations with proper storage and protection from the elements or theft or other mishap.

Dr. Allman has done unbiased appraisals of donated collections for PTM and ECTMA and has been instrumental in soliciting donated collections to those organizations.

Mr. Lybarger has extensive experience as an archivist and in processing donated and purchased collections.