为何数字资产会打破常规规划

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常规的遗产规划假定资产能够被找到，并且死者以外的人能够取得这些资产。银行账户会出现在对账单上，银行在见到遗嘱认证书或继承证明书后便会与遗嘱执行人办理手续。自行托管的数字资产不满足其中任何一项假定。死者的文件中未必会透露钱包的存在。也没有任何第三方能够释放钱包中的资产。继承人继承了对某项资产的法律权利，却可能永远找不到它，也无法转移它。Chainalysis等机构估计，有数百万枚比特币已永久丢失，其中相当一部分是因为持有人身故时没有密钥传递安排。[1]

本章所述的规划包含四个组成部分：财产清册、密钥管理安排、每个相关司法管辖区的法律文书，以及有能力执行的遗嘱执行人。每一项都不可或缺。有清册而无密钥，只能告诉继承人他们失去了什么。有密钥而无法律文书，则使持有密钥的任何人都能够取走资产，而此人未必是有权继承的人。有法律文书而无称职的遗嘱执行人，产生的只是一份无人能据以行事的授权文书。第D部分（第VIII章）与第J部分（第VII章）阐述了两地的实体继承法。本章讨论的是规划本身。

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注释

1. Chainalysis, "Crypto Crime Report"及2020年至2024年市场分析（估计有300万至400万枚比特币永久无法访问）；Cane Island Digital Research关于丢失币的估计。参见第B部分第II章关于密钥管理的内容。 ↩

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