CHAPTER 1

The Single Biggest Mistake Is Not Planning for the One Certainty in Life . . . Death

There are many reasons that an estate plan is not properly effectuated.

The examples used in this first chapter are stories of lost souls, lost Wills, or Wills that were not properly executed or were far out of date. Sometimes, people could just care less about attending to their estate planning and what happens after they are gone. Many people may also rest on false premises, believing that the estate plan that was executed 10 or 20 years ago is still current and effective, as seen in the very out-of-date Wills of Robert F. Kennedy and Ted Ammon. Some might have the best intentions, but just don't get it done because they cannot sign a Will due to a physical disability. With proper legal advice, a Will can be duly executed, as shown by the blind Ray Charles and paralyzed Christopher Reeve. And sometimes a person may think that he has a Will, but a Judge in a court or several courts of law may disrespectfully disagree, as some of the hopeful named beneficiaries of Howard Hughes found out the hard way in the estate mess that he left behind.

Whatever the reason that an estate plan is not ultimately found to be valid or effective, the ramifications and problems that result can be quite serious, so be sure to avoid all of the mistakes outlined in this first chapter, which describes all the ways to make the single biggest mistake.

Mistake #1: No Estate Planning Whatsoever

Question: What do all of the following people have in common?

President Abraham Lincoln	Martin Luther King, Jr.
Rita Hayworth	Jayne Mansfield
Pablo Picasso	Jean-Michel Basquiat
Sonny Bono	Lenny Bruce
Chris Farley	Florence Joyner
Sal Mineo	Dylan Thomas
Peter Tosh	Bob Marley
Tupac Shakur	Keith Moon
George Gershwin	John Coltrane
John Denver	Peter Lorre
Howard Hughes	

Answer: They all died without a valid Last Will and Testament.

How do I know this? Because I have copies of the court files about their estates, indicating that each of them died *intestate*—that is, without a valid Last Will and Testament. Those files are all a matter of public record and can make for fascinating reading.

In addition to all the famous people mentioned above, most Americans die without a valid Will, which often leads to unnecessary expenses, complications, and dreaded taxes. If you don't have a Will, the laws of the state where you are domiciled at the time of your death determine who will get your property, when they will get

your property, and who will be the person or public administrator to administer your estate and take care of any minor children.

Although my friend, the film director Spike Lee, once told me quite bluntly that he did not like the concept behind my first book, *Wills of the Rich & Famous*, and did not believe that his Will, nor anybody else's, should be a matter of public record, I respectfully disagree with Mr. Lee. For the ownership of property to be transferred in a manner that leaves a clear record of how the title to such property came to be in the name of the present owner, there also needs to be a way for a claimant or creditor of a decedent to be able to assert claims against the decedent's estate, so the name and address of the executor of the Will needs to be readily accessible.

Following are copies of the court papers related to the intestate estates of singer, entertainer, and U.S. Congressman Sonny Bono (Exhibit 1.1) and rapper Tupac Shakur (Exhibit 1.2), whose estates were administered in Los Angeles, California. The partial inventory of the tangible personal property in the estate of 25-year-old Tupac Shakur makes for some especially bling-bling reading.

And let us not forget reggae, whose most famous son was Bob Marley. His estate was subject to the jurisdiction of the Supreme Court of Judicature of Jamaica, and the court papers for his estate reveal that his largest asset, other than his musical talent, may have been a company called Tuff Gong Records Limited. (See Exhibit 1.3.)

The great American civil rights leader Dr. Martin Luther King was assassinated in 1968. He died without a Will, left a widow, Coretta Scott King, and four young children. His estate was subject to the jurisdiction of the Fulton County Court of Ordinary in Georgia, and the court papers reveal that his widow needed to post a $20,000 bond for her husband's estate.[1] That cost would have been avoided if Dr. King had seen a lawyer to prepare a Last Will and Testament, which usually expressly states that the executor need not post any bond.

Each of these people had his or her own reasons for not signing and leaving behind a Will. However, sometimes the Will existed but cannot be found. Sometimes, disgruntled relatives or friends

DE-111

HENRY N. JANNOL, ESQ. (Bar #86309) HENRY N. JANNOL, A PROFESSIONAL CORPERATION 1875 CENTURY PARK EAST #1400 LOS ANGELES, CA 90067 310-552-7500 ATTORNEY FOR (*Name*): MARY BONO M. NEIL SOLARZ, ESQ. (Ear #78259) WEINSTOCK, MANION, REISMAN, SHORE & NEUMANN 1888 CENTURY PARK EAST #800 LOS ANGELES, CA 90067 310-553-8844	*FOR COURT USE ONLY* FILED RIVERSIDE COUNTY FEB 23 1998 ARTHUR A. SIMS, Clerk By R Gonzales R. Gonzales Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 46-200 Oasis Street MAILING ADDRESS: 46-200 Oasis Street CITY AND ZIP CODE: Indio, California 92201 BRANCH NAME: Indio Branch (Desert Judicial District)	
ESTATE OF (*Name*): SALVATORE PHILLIP BONO DECEDENT	
PETITION FOR ☐ Probate of Will and for Letters Testamentary ☐ Probate of Will and for Letters of Administration with Will Annexed ☒ Letters of Administration ☐ Letters of Special Administration ☒ Authorization to Administer Under the Independent Administration of Estates Act ☐ with limited authority	CASE NUMBER: FP15865 HEARING DATE: MAR 25 1998 DATE: 3P TIME: 8:45AM

1. Publication will be in (*specify name of newspaper*): THE DESERT SUN **requests**
   a. ☒ Publication requested. b. ☐ Publication to be arranged.
2. **Petitioner** (*name of each*): MARY BONO
   a. ☐ decendent's will and codicils, if any, be admitted to probate. IMAGED
   b. ☒ (*name*): MARY BONO
      be appointed (1) ☐ executor (3) ☒ administrator
      (2) ☐ administrator with will annexed (4) ☐ special administrator
      and Letters issue upon qualification.
   c. ☒ that c. ☒ full c. ☐ limited authority be granted to administer under the independent Administration of Estates Act.
   d. (1) ☐ bond not be required for the reasons stated in item 3d.
      (2) ☒ $ 1,700,000 bond be fixed. If will be furnished by an admitted surety insurer or as otherwise provided by law (*Specify reasons in Attachment 2 if the amount is different from the maximum required by Probate Code section 8482.*)
      (3) ☐ $ in deposits in a blocked account be allowed. Receipts will be filed. (*Specify institution and location*):
3. a. Decedent died on (*date*): 1/5/98 at (*place*): Stateline, Nevada
      (1) ☒ a resident of the county named above.
      (2) ☐ a nonresident of California and left an estate in the county named above located at (*specify location permitting publication in the newspaper named in item 1*):
   b. Street address, city, and county of decedent's residence at time of death (*specify*):
      301 W. El Camino Way, Palm Springs, CA 92264, County of Riverside
   c. Character and estimated value of the property of the estate:
      (1) Personal property: $ 1,550,000.00
      (2) Annual gross income from
         (a) real property: $
         (b) Personal property: $ 150,000.00
         Total: $ 1,700,000.00
      (3) Real property: $ 0 (*If full authority under the Independent Administration of Estates Act is requested, state the fair market value of the real property less encumbrances.*)
   d. (1) ☐ Will waives bond. ☐ Special administrator is the named executor and the will waives bond.
      (2) ☐ All beneficiaries are adults and have waived bond, and the will does not require a bond. (*Affix waiver as Attachment 3d(2).*)
      (3) ☐ All heirs at law are adults and have waived bond. (*Affix waiver as Attachment 3d(3).*)
      (4) ☐ Sole personal representative is a corporate fiduciary or an exempt government agency.

Form approved by the Judicial Council of California DE-111 (Rev. January 1, 1998) | PETITION FOR PROBATE | Probate Code. §§ 8002, 10450 CEB

Exhibit 1.1 California court papers for the estate of Sonny Bono

Source: Sonny Bono, Intestate, Case Number FP 15865, Superior Court of California, County of Riverside, Indio, CA.

ESTATE OF (name) SALVATORE PHILLIP BONO DECEDENT	CASE NUMBER [illegible]

e. (1) ☒ Decedent died intestate.
(2) ☐ Copy of decendent's will dated: ☐ codicils dated: are affixed as Attachment 3e (2)
☐ The will and all codicils are self-proving (Prob.code. §8220).

3. f. **Appointment of personal representative** (*check all applicable boxes*):
(1) Appointment of executor or administrator with will annexed:
(a) ☐ Proposed executor is named as executor in the will and consents to act.
(b) ☐ No executor is named in the will.
(c) ☐ Proposed personal representative is a nominee of a person entitled to Letters. (*Affix nomination as attachment 3f(1) (c).*)
(d) ☐ Other named executors will not act because of ☐ death ☐ declination ☐ other reasons (*specify in Attachment 3f(1)(d).*)
(2) Appointment of administrator:
(a) ☒ Petitioner is a person entitled to Letters. (*If necessary, explain priority in Attachment 3f(2)(a).*)
(b) ☐ Petitioner is a nominee of a person entitled to Letters. (*Affix nomination as Attachment 3f(2)(b).*)
(c) ☒ Petitioner is related to the decedent as (*specify*): SPOUSE
(3) Appointment of special administrator requested. (*Specify grounds and requested powers in Attachment 3f(3).*)

Include in Attachment 3e(2) a typed copy of a handwritten will and a translation of a foreign language will.

g. Proposed personal representative is a ☒ resident of California ☐ nonresident of California (*affix statement of permanent address as Attachment 3g*) ☒ resident of the United States ☐ nonresident of the United States.

4. ☐ Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.

5. a. The decedent is survived by (*check at least one box in each of items (1)-(3)*)
(1) ☒ spouse ☐ no spouse as follows: ☐ divorced or never married ☐ spouse deceased
(2) ☒ child as follows: ☒ natural or adopted ☐ natural adopted by a third party ☐ no child
(3) issue of a predeceased child ☐ no issue of a predeceased child
b. Decedent ☐ is ☒ is not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (*See Prop. Code. §6454.*)

6. (*Complete if decedent was survived by (1) a spouse but no issue (only a or b apply), or (2) no spouse or issue. Check the first box that applies*):
a. ☐ Decedent is survived by a parent or parents who are listed in item 8.
b. ☐ Decedent is survived by issue of deceased parents, all of whom are listed in item 8.
c. ☐ Decedent is survived by a grandparent or grandparents who are listed in item 8.
d. ☐ Decedent is survived by issue of grandparents, all of whom are listed in item 8.
e. ☐ Decedent is survived by issue of predeceased spouse, all of whom are listed in item 8.
f. ☐ Decedent is survived by next of kin, all of whom are listed in item 8.
g. ☐ Decedent is survived by parents or a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
h. ☐ Decedent is survived by no known next of kin.

7. (*Complete only if no spouse or issue survived decedent*) Decedent ☐ had no predeceased spouse ☐ had a predeceased spouse who (1) ☐ died not more than15 years before decedent owing an interest in **real property** that passed to decedent, (2) ☐ died not more than five years before decedent owning **personal property** valued at $10,000 or more that passed to decedent
(3) ☐ neither (1) nor (2) apply. (*if you checked (1) or (2), check only the first box that applies*):
a. ☐ Decedent is survived by issue of a predeceased spouse, all of whom are listed in item 8.
b. ☐ Decedent is survived by a parent of parents of the predeceased spouse who are listed in item 8.
c. ☐ Decedent is survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
d. ☐ Decedent is survived by next of kin of the decedent, all of whom are listed in item 8.
e. ☐ Decedent is survived by next of kin of the predeceased spouse, all of whom are listed in item 8.

8. **Listed In Attachment 8** are the names, relationships, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons named in decedent's will and codicils whether living or deceased, (2) all persons named or checked in items 2, 5, 6, and 7, and (3) all beneficiaries of a devisee trust in which the trustee and personal representative are the same person.

9. Number of pages attached: 1
Date: 2/17/98

▶ _____
(SIGNATURE OF ATTORNEY)

*(Signature of all petitioners also required (Prob. Code, § 1020).)

Exhibit 1.1 (*Continued*)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 2/17/98

MARY BONO
(TYPE OR PRINT NAME)

X Mary Bono
(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

ESTATE OF
SALVATORE PHILIP BONO

ATTACHMENT 8

Name and Address	Relationship	Age
Mary Bono 301 W. El Camino Way Palm Springs, CA 92264	Spouse	Adult
Chesare Bono 301 W. El Camino Way Palm Springs, CA 92264	Son	Minor Born 04/25/88
Chianna Bono 301 W. El Camino Way Palm Springs, CA 92264	Daughter	Minor Born 02/02/91
Chirsty Bono Fasce 18 64th Place Long Beach, CA 90803	Daughter	Adult
Chastity Bono 8968 Vista Grande Street Los Angeles, CA 90069	Daughter	Adult
Jean Bono 67834 Vega Road Cathedral City, CA 92234	Mother	Adult
Santo Bono 7981 Cleta Downey, CA 90241	Father	Adult
Fran Erickson 430 Benevente Drive Oceanside, CA 92057	Sister	Adult
Betty Oliva 10961 Harrogate Place Santa Ana, CA 92705	Sister	Adult

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name and Address*): 53606
Riordan & McKinzie
Jeffrey L. Glassman, Esq.
300 So. Grand Ave., #2900
Los Angeles, CA 90071
ATTORNEY FOR (*Name*): Afeni Shakur

TELEPHONE NO: (213) 629-4824

FOR COURT USE ONLY

FILED
LOS ANGELES SUPERIOR COURT
SEP 20 1996
JOHN A. CLARKE, CLERK
BY ALISHA ARBERTHA, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angels, Ca 90012
BRANCH NAME: Central

ESTATE OF (*Name*): TUPAC A. SHAKUR,
aka TUPAC AMARU SHAKUR, aka TUPAC SHAKUR
DECEDENT

CASE NUMBER:
BP042683

ORDER FOR PROBATE

ORDER APPOINTING
- ☐ Executor
- ☐ Administrator with Will Annexed
- ☐ Administrator
- ☒ Special Administrator
- ☐ Order Authorizing Independent Administration of Estate
  - ☐ With full authority
  - ☐ with limited authority

1. Date of ~~hearing~~: 9/20/96 Dept/Rm: 11 85 AM Time: 5 Judge: Robert J Blaylock Pro Tem

THE COURT FINDS

2. a. All notices required by law have been given.
   b. Decedent died on (*date*): 9/13/96
      (1) ☒ a resident of the California county named above
      (2) ☐ a nonresident of California and left an estate in the county named above
   c. Decedent died
      (1) ☒ intestate
      (2) ☐ testate and decedent's will dated:
      and each codicil dated:
      was admitted to probate by Minute Order on *(date)*:

THE COURT ORDERS

3. *(Name)*: Afeni Shakur
   is appointed personal representative:
   a. ☐ Executor of the decedent's will
   b. ☐ Administrator with will annexed
   c. ☐ Administrator
   d. ☒ Special Administrator
      (1) ☒ ~~with special powers~~
      (2) ☒ with special powers as ~~specified~~ marshall assets
      (3) ☒ without notice of hearing

   and letters shall issue on qualification.

4. a. ☐ **Full authority** is granted to administer the estate under the Independent Administration of Estates Act.
   b. ☐ **Limited authority** is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).

5 a. ☐ Bond is not required.
   b. ☒ Bond is fixed at: $250,000.00 to be furnished by an authorized surety company or as otherwise provided by law.
   c. ☐ Deposits of: $ are ordered to be placed in a blocked account at (*specify institution and location*);
   and receipts shall be filed. No withdrawals shall be made without a court order.

6. ☐ *(Name)*: is appointed probate referee.
   Date:
   SEP 20 1996
   Robert J. Blaylock
   JUDGE OF THE SUPERIOR COURT
   ROBERT J. BLAYLOCK

7. ☐ Number of pages attached:
   Signature follows last attachment

Form Approved by the Judicial Council of California
DE-140 (Rev. July 1. 1988)

ORDER FOR PROBATE

Probate Code, 329
CEB

Exhibit 1.2 Partial inventory from the estate of Tupac Shakur

Source: Tupac Shakur, Intestate, Case Number FP 042683, Superior Court of California, County of Los Angeles, Los Angeles, CA.

Estate of Tupac A. Shakur, Deceased
Case No. BP042683

Partial Inventory #1
Attachment 2

1.	55.371 shs Oppenheimer Account No. 230 2301277991 Strategic Income Fund A	322.26
2.	52.237 shs Oppenheimer Accont No. 300 3003396877 Equity Income Fund A	609.08
3.	Household furniture & furnishings	35,250.00
4.	1995 Jaguar CV (XJS) SAJNX2741SC222099	45,000.00
5.	1996 Hummer SW 137ZA8332TE170007	75,000.00
6.	Rolex watch, president style, green dial, baguette bezel, oyster perpetual, diamond studded bracelet, 18K gold, 8 inches long. Total weight 460 full cut diamonds: 6.90 cts., baguettes: .96 cts., approx, total weight 8 cts.	17,500.00
7.	Rolex bracelet, 18K gold, 7 ¾ inches long, style Rolex, 101 grams, diamond studded, 630 full cut diamonds, approx. total weight: 12.6 cts.	6,000.00
8	Chain bracelet, 18K gold, 7 ¾ inches long, 750, weighting 102 grams, signed Gianni Versace, black enamel discs, diamond studded, approx. total weight: 3.5 cts.	5,000.00
9.	Ruby, diamond bracelet, 14K gold, 9 inches long, 74 round rubies approx. total weight 3.6 cts., 258 full cut diamonds approx. total weight: 5.0 cts. (name plate on bracelet)	5,500.00
10.	Diamond and 18K gold ring, 17 grams, approx. total diamond weight 5.15 cts.	4,000.00

Estate of Tupac A. Shakur, Deceased
Case No. BP042683

Partial Inventory #1
Attachment 2

11.	2PAC 14 gold and diamond ring, 2.10 cts., approx. total weight 24.8 grams	2,000 ✓
12.	Diamond solitaire ring, 14K gold amount weighting 16.2 grams with approx. total weight 3.1 cts. round brilliant cut diamond	8,250. ✓
13.	Diamond stud earring, 14K, approx. weight 2.00 cts.	6,500. ✓
14.	Diamond stud earring, 14K, approx weight .03 cts.	50. ✓

Exhibit 1.2 (*Continued*)

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN PROBATE AND ADMINISTRATION

IN THE ESTATE of ROBERT NESTA MARLEY late of 56 Hope Road, Kingston 6, in the Parish of Saint Andrew, Musician & Entertainer deceased, intestate.

A TRUE DECLARATION of all and singular the estate and effects of ROBERT NESTA MARLEY late of 56 Hope Road, Kingston 6, in the Parish of Saint Andrew, Musician & Entertainer deceased intestate, who died on the 11th day of May, 1981 which have at any time since his death come to the hands possession or knowledge of RITA MARLEY, GEORGE DESNOES, and THE ROYAL BANK TRUST COMPANY (JAMAICA) LIMITED the Administrators made and exhibited upon the corporal oath of the said RITA MARLEY GEORGE DESNOES and GEORGE LOUIS DUNCAN BYLES one of the Officers of The Royal Bank Trust Company (Jamaica) Limited duly authorised to make this oath on behalf of the Bank as follows to wit:-

FIRSTLY: These Declarants say that the deceased was at the time of his death possessed of or entitled to the following Personal Estate:-

Shares in:	Tuff Gong Records Limited)	
	Tuff Gong Recording) Studio Limited)	$1,300,000.00
	Addis Manufacturing) Company Limited)	
	Cash in Bank	50,000.00
	Motor Vehicles	100,000.00
		$1,650,000.00

Exhibit 1.3 Jamaican court papers for the estate of Bob Marley

Source: Bob Marley, Intestate, Suit Number P533 of 1981, The Supreme Court of Judicature, Kingston, Jamaica.

SECONDLY: These Declarants say that the deceased was at the time of his death possessed of or entitled to the following Real Estate:-

Premises at 56 Hope Road
Kingston 6, in the Parish
of Saint Andrew
valued at $400,000.00

LASTLY: These Declarants further say that No Estate of or belonging to the said deceased have at any time since his death come to the hands possession or knowledge of these Declarants save as hereinbefore set forth.

SWORN to by the said RITA MARLEY)
at 4 Duke Street)
in the Parish of Kingston) Rita Marley
this 27thday of October)
1981, before me:-)

Justice of the Peace
for the Parish of:-

SWORN to by the said GEORGE)
DESNOES at 4 Duke Street)
in the Parish of Kingston) George Desnoes
this 27th day of October)
1981, before me:-)

Justice of the Peace

Exhibit 1.3 (*Continued*)

are able to make a Will that does not benefit them "disappear." Sometimes Wills are lost when a lawyer moves offices and files are misplaced as a result.

There are alternatives to making a Last Will and Testament. You can establish a trust during your lifetime that owns all of your property; that property is instantly transferred upon your death to the remaindermen of such a trust. Such a trust can avoid the court procedure by which a Will is proved to be valid or invalid to the satisfaction of the probate or surrogate's court judge. The word *probate* comes from the word *probatio*, which in the canon law consisted of the proof of a Will by an executor.

In the end, those who fail to plan, plan to fail. Those words are so true when it comes to estate planning. Therefore, the first, and most critical estate planning mistake, is simply failing to plan.

Mistake #2: **Out-of-Date Wills**

Despite having been the Attorney General of the United States of America, Robert F. ("Bobby") Kennedy left a Last Will and Testament that was obviously out of date. Signed in 1953, Bobby's Last Will and Testament[2] named his brother, John F. Kennedy, as a co-executor, co-trustee and successor guardian of his and his wife, Ethel's, numerous minor children. The other named co-executor was Bobby's youngest brother, Edward "Teddy" Kennedy. Unfortunately, despite the assassination of his brother and co-executor, President John F. Kennedy in 1963, Bobby Kennedy never updated his Will to reflect that fact. This might have proved quite problematic when Bobby was assassinated just five years later in 1968.

Fortunately, though, Bobby's Will was properly drafted and provided for the contingency that if any of the named executors did not act, then the following persons, in the order named, were designated to fill any vacancy: Eunice Kennedy Shriver, Patricia Kennedy Lawford, and Jean Kennedy Smith.

The probate papers filed with the New York County Surrogate's Court indicated that sister Eunice renounced her right to act as a successor executor.[3] Consequently, it was sister Patricia Lawford who filled the void left by John's death. That decision does not seem to have been the result of any disharmony in the family, as Eunice was living in Paris, France at the time and Patricia lived on Fifth Avenue in New York City.

Given that Bobby was a lawyer, it seems odd that he didn't change his Will after John was killed in 1963. This failure to update might seem even more surprising because Bobby was not just any attorney, but none other than the Attorney General of the United States of America. In my own law practice, I have noticed over the years that lawyers (other than those specializing in trusts and estates

matters) are often quite delinquent in keeping their own estate planning documents current. Perhaps Bobby, like most busy attorneys, put his personal affairs last.

At the time of his assassination in 1968, Bobby had 10 children, and his wife, Ethel, was pregnant with another daughter. Rory Elizabeth Katharine Kennedy was born five months after her father's death. It is yet another sad footnote to the tragic history of the Kennedy family that on the day of Rory's wedding, her cousin, John F. Kennedy, Jr., his wife, and his sister-in-law died when their plane crashed into the sea.

The horrific death and divorce of Wall Street mogul R. Theodore ("Ted") Ammon is also an example of the ramifications of failing to keep one's Will current, particularly given the changing marital circumstances in people's often tumultuous lives. Despite going through an unusually ugly and bitter divorce, the multimillionaire wonder boy never updated the Will that he had signed on August 22, 1995, before the end of his marriage and his life.

Ted Ammon's Will had been prepared by one of New York City's fanciest and finest (i.e., most expensive) law firms, Skadden, Arps, Slate, Meager & Flom, and was a whopping 45 pages long.[4] The Will provided that Ammon's wife, Generosa, was to be a co-executor with the venerable bank, J.P. Morgan Chase & Company. Generosa was also the named beneficiary of all of Ammon's tangible personal property, real estate, interests in Kohlberg Kravis Roberts & Co., and almost the entire residuary estate, either outright or in trust. Generosa would have been entitled to none of that after the divorce was completed, but it never was. At the time of Ted Ammon's murder in his mansion in East Hampton, New York on October 22, 2001, he was still legally married to Generosa, and his Will, which gave her almost everything, was valid and admitted to probate, but badly and sadly out of date.

One has to wonder what Mr. Ammon and his high-priced lawyers were thinking when they never updated his Will despite his impending and bitter divorce. We can only speculate as to whether the fact that the Will was not ever changed was one of the motivating factors

leading to Ted Ammon's murder by an electrician named Danny Pelosi. Mr. Pelosi married Generosa Ammon about three months after her husband's death. Mr. Pelosi was convicted of the murder of Ted Ammon and is serving a life sentence in jail, and Generosa Ammon Pelosi died from breast cancer in 2005. Mrs. Pelosi did not make the same mistake as her former husband Ted; in her last Last Will and Testament, she made no provisions for her surviving husband, jailbird Danny Pelosi.

Mistake #3: **Losing Your Will**

Let's face it. We all lose something sometimes. However, when the thing that is lost is a Last Will and Testament, then that loss can have serious implications that could cost your estate additional taxes and throw the proverbial monkey wrench into your estate plan. People don't plan to lose things, but despite that, it still happens all the time.

This begs the question, "Where is the best place for me to keep my Will?" Most experienced trusts and estates attorneys would agree that it is best if the client does *not* keep his or her original Will, and if the client does keep it, that he or she does not put it in a safe deposit box at a bank to which he or she is the only person with access to that box. For practical reasons, if the client keeps his or her Will and is the only one who knows that the Will is in the shoebox in the guestroom closet, then that Will may never be located. If the client feels that the shoebox is not secure enough and puts the Will in a safe deposit box in the vault at a bank, that box may be sealed and be inaccessible once the client has died. Even if you have given someone else a power of attorney with authority to access your safe deposit box, that power of attorney terminates when the principal dies, and the agent may be left out in the cold. It may require a court order to allow someone to access that safe deposit to search for your Will, and obtaining that court order may be time consuming and expensive.

The best place to leave your Last Will and Testament is with the attorney who prepared it. Just be sure that he or she sends you a conformed copy or photocopy of your Will shortly after you have signed it. Under New York law, and in many other states as well, if the original Will was in possession of the client and the Will cannot be located after the client dies, it is presumed that the client revoked that Will, and the estate may pass by intestacy or by the

terms of a prior Will. If the attorney keeps the original Will in his or her possession, then no such presumption arises, and a copy of the Will may then be admitted to probate if the original cannot be located.

Although I have never lost the original Will of a client of mine, I have seen many cases where that has happened, especially around the time that an attorney might be retiring or closing down his practice. That is often when client files, including original documents such as a Last Will and Testament, get lost in a big dumpster. It is irresponsible and unprofessional behavior for the attorney not to protect and preserve his client's important documents, but it happens nonetheless. The appropriate action would be to file the client's original Will with the surrogate's court for safekeeping or to obtain the client's permission and instructions to send the original Will to another attorney who will be representing that client in the future. Returning an original Will to the client is not generally a good idea for all of the reasons listed above. To avoid this happening to you, it is a good idea to stay in touch with your attorney and be sure that he or she always has current contact information for you.

Regardless, it is a mistake for the client to insist on holding his or her original Will, because at the time that the Will is needed, the client is no longer anywhere to be found.

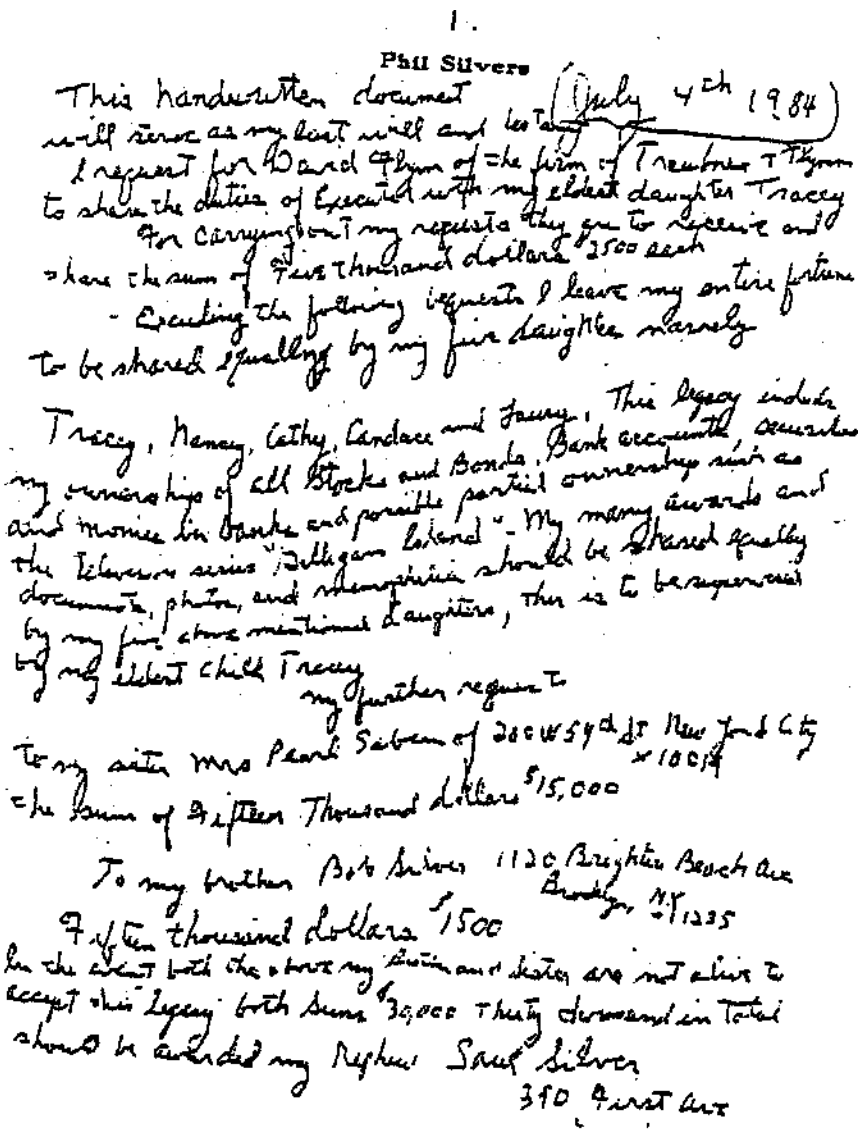
Mistake # 4: Do-It-Yourselfers and Handwritten Wills

Many people adhere to the belief that if you want a job done right, you need to do it yourself. That applies to people who are not lawyers, but believe that they can do a better job than a lawyer even if they don't have a legal degree. Some people believe that lawyers just "get in the way" of communication, and they prefer to take written matters into their own hands. Sometimes that can be fine, but oftentimes, trying to write your Will without legal advice is a prescription for disaster.

From California, the land of fruits, flakes, and nuts, we get the following two handwritten (i.e., holographic) Wills of comedian Phil Silvers (Exhibit 1.4) and film director John Cassavetes (Exhibit 1.5), who died in Los Angeles, California in 1985 and 1989, respectively.

Whereas these two holographic Wills with no witnesses, which are reproduced in Exhibit 1.4 and 1.5, could be and were in fact probated in the State of California, the same would not be true in the State of New York and many others. In California, the signature and material portions of a Will must be handwritten by the testator to be deemed acceptable; however, New York courts will not accept holographic Wills, except for those of military personnel or persons serving with or accompanying them. Although Phil Silvers may have been Sergeant Bilko on the tube, he was not serving in the military at the time that he scrawled out his Will in his own scratchy handwriting. For ease of reading, Silvers' Will appears in its original handwritten form in Exhibit1.4a and is transcribed in Exhibit 1.4b.

Although Silvers actually wrote his Will while he was in New York, it was probated in California. As much as people may have liked Phil Silvers' shtick, he was not a preparer of legal documents. Silvers ends his Will with the single Hebrew word "Shalom," which



1.

Phil Silvers

This handwritten document (July 4th 1984)
will serve as my last will and testament
I request for Ward Flynn of the firm of Trauber Flynn
to share the duties of Executor with my eldest daughter Tracey
For carrying out my requests they are to receive and
share the sum of Five Thousand dollars $2500 each
- Excepting the following legacies I leave my entire fortune
to be shared equally by my five daughters namely

Tracey, Nancy, Cathy, Candace and Fanny. This legacy includes
my ownership of all Stocks and Bonds, Bank accounts, securities
and monies in banks and possible partial ownership such as
the Television series "Fallguy" Ireland - My many awards and
documents, photos, and memorabilia should be shared equally
by my five above mentioned daughters, this is to be supervised
by my eldest child Tracey

my further requests

To my sister Mrs Pearl Saben of 200 W 54th St New York City
the sum of Fifteen Thousand dollars $15,000

To my brother Bob Silvers 1120 Brighton Beach Ave
Brooklyn, N.Y. 1235
Fifteen thousand dollars $1500

In the event both the above my sister and brother are not alive to
accept this legacy both sums $30,000 Thirty thousand in total
should be awarded my Nephew Saul Silver
390 First Ave

Exhibit 1.4a An excerpt from the handwritten Will of Phil Silvers

Source: Phil Silvers, Will dated July 4, 1984, proved November 15, 1985, Case Number P 703086, Superior Court of California, County of Los Angeles, Los Angeles, CA.

Phil Silvers

(July 4th 1984)

This handwritten document
will serve as my last will and testament
I request for David Flynn of the firm of Traubner & Flynn to share the duties of Executor with my eldest daughter Tracey

For carrying out my requests they are to receive and share the sum of Five thousand dollars $2500 each

Excuding the following bequests I leave my entire fortune to be shares equally by my five daughters namely
Tracey, Nancey, Cathy, Candance and Laury. This legacy includes my ownerships of all Stock and Bodns, Bank accounts, securities and monies in banks and possible partial ownerships such as the television series "Gilligan Island" – My many awards and documents, photos, and memophilia should be shared equally by my five above mentioned daughters, this is to be supervised by my eldest child Tracey

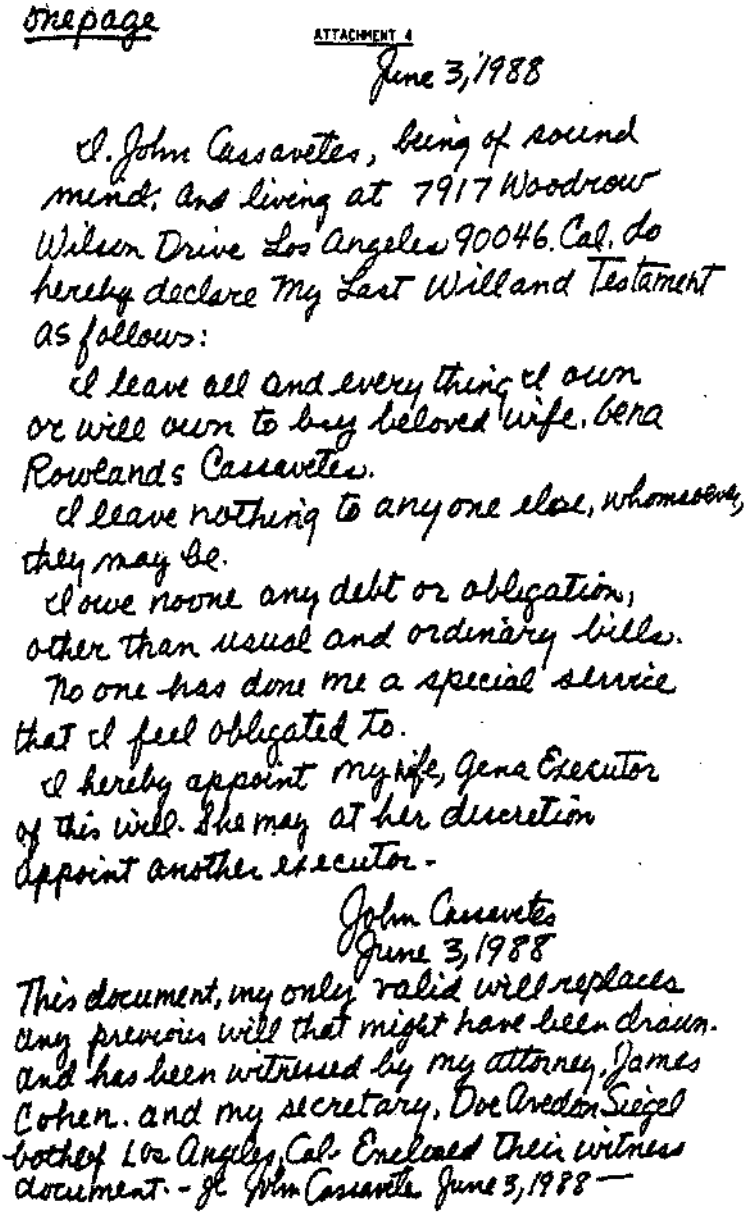
My further requests
To my sister Mrs. Pearl Sabin of 200 W 54th St New York City
10014
the sum of Fifteen Thousand dollars $15,000

To my brother Bob Silver 1120 Brighter Beach Ave
Brooklyn, N.Y
11235
Fifteen thousand dollars $1500
In the event both the above my Brother and Sister are not alive to accept this legacy both Sums $30,000 Thirty thousand in Total should be awarded my Nephew Saul Silver
390 First Ave
New York City
N.Y. 10010

Exhibit 1.4b A transcribed excerpt of the handwritten Will of Phil Silvers

means hello, goodbye, and peace. As Silvers says in his Will, he was "one of a kind," and so was his Will.

The blunt, no-nonsense style of film director John Cassavetes comes through loud and clear in his one-page Will, which is reproduced in its entirety in Exhibit 1.5. Cassavetes' wife of 30 years, actress Gena Rowlands, was appointed the executor of her husband's handwritten Will by the Superior Court of California, Los Angeles County.



one page

ATTACHMENT 4

June 3, 1988

I, John Cassavetes, being of sound mind and living at 7917 Woodrow Wilson Drive Los Angeles 90046. Cal. do hereby declare My Last Will and Testament as follows:

I leave all and every thing I own or will own to my beloved wife. Gena Rowlands Cassavetes.

I leave nothing to any one else, whomsoever they may be.

I owe noone any debt or obligation, other than usual and ordinary bills.

No one has done me a special service that I feel obligated to.

I hereby appoint my wife, Gena Executor of this will. She may at her discretion appoint another executor.

John Cassavetes
June 3, 1988

This document, my only valid will replaces any previous will that might have been drawn. and has been witnessed by my attorney, James Cohen. and my secretary, Doe Avedon Siegel both of Los Angeles, Cal. Enclosed their witness document. - Jr John Cassavetes June 3, 1988 —

Exhibit 1.5 The complete handwritten Will of John Cassavetes

Source: John Cassavetes, Will dated June 3, 1988, proved April 2, 1989, Case Number P. 732515, Superior Court of California, County of Los Angeles, Los Angeles, CA.

Cassavetes's handwritten Will was witnessed by his attorney and his secretary, but it is pure Cassavetes that states, "I owe no one any debt or obligation . . . "

Although Silvers and Cassavetes are amusing examples of handwritten Wills that worked, there are many more stories of handwritten Wills that did not work. If your Will is not accepted as valid by a court of law, your estate will be distributed by the governing laws of intestacy, instead of in accordance with your own wishes. Unless you are Phil Silvers or John Cassavetes, or you follow the proper legal procedures in the state you are in, it is a mistake to handwrite your own Will and attempt to execute it, especially without legal advice.

Mistake #5: Not Signing Your Will because You Physically Can't

Accidents happen. Just ask Superman, Christopher Reeve, whose body was completely paralyzed at the age of 42 as the result of breaking his neck in a freak horseback riding accident. Reeves' paralysis was so bad that he could not even sign his name, although he still he had his mental faculties up until the day he died on October 10, 2004, almost 10 years after his tragic fall.

When Reeve "signed" his Last Will and Testament on September 15, 2003, he could not in fact write his name or even grip a pen or pencil to make an "X." Instead, Reeve was correctly advised to take advantage of the provisions of New York's Estates, Powers and Trusts law Section 3-2.1, which provides that a valid Will may be signed "in the name of the testator, by another person in his presence and by his direction." Thus, Reeve's wife, Dana Morosini Reeve, not only signed her husband's name and her name on the signature page of his Will reproduced in Exhibit 1.6, but she also put his initials on each and every preceding page of his Will.

The following two (see Exhibit 1.7 and 1.8) affidavits signed by Dana Morosini Reeve state exactly how the Will was executed at her husband's express direction. These affidavits were obviously prepared by experienced legal counsel who knew the requirements of New York State law, as the paralyzed Reeve obviously needed good legal advice on the question of how a paralyzed person can properly execute a valid Last Will and Testament.

There are similar unusual requirements for the due execution of a Will when the testator is blind. Take the composer, singer, performer, and musician Ray Charles, for example. Perhaps the most famous blind man of the twentieth century, Ray Charles had Joe Adams, his business manager, longtime friend, and the executor of

for my Last Will and Testament. And have hereunto set my hand and seal, all this 15th day of September. 2003.

Christopher Reeve

CHRISTOPHER REEVE

Dana Morosini Reeve

DANA MOROSINI REEVE

Address,
11 Great Hill Farms Road
Bedford, NY 10506

The foregoing instrument, consisting of fifteen pages, was signed, sealed, published and declared by CHRISTOPHER REEVE, the above-named Testator, (who directed his wife, Dana Morosini Reeve, to sign said document on his behalf), as and for his Last Bedford. NY 10506, all being present at the same time, and thereupon we, at his request and his presence and in presence of each other, have hereunto subscribed our names as witnesses, all this 15TH day of SEPTEMBER 2003.

DOLORES ARRO	residing at	349 BEDFORD CTR. RD.
Dana		BEDFORD HILLS NY 10507
LAURIE HAWKINS	residing at	3165 29th ST #D4
Laurie Hawkins		ASTORIA, NY 11106
JEMA CHEUNG	residing at	81 THORNDIKE ST. #B
JEMA...		BROOKLINE, MA 02446

Exhibit 1.6 Excerpt from the Will of Christopher Reeve

Source: Christopher Reeve, Will dated September 15, 2003, proved November 22, 2004, File Number 3161-2004, Surrogate's Court, County of Westchester, White Plains, NY.

his Will, sign Charles's signature for him in front of two subscribing witnesses.[5] One of those witnesses, Peter L. Funsten, was named as successor executor of the Will and was also the attorney who prepared the Last Will and Testament of Ray Charles.

AFFIDAVIT

STATE OF NEW YORK)
: ss.:
COUNTY OF WESTCHESTER)

Each of the undersigned, individually and severally, being duly sworn, deposes and says:

The within Last Will and Testament was initialed and signed on behalf of Christopher Reeve by his wife, Dana Morosini Reeve, in our presence and sight on the 15th day of September 2003 at 11 Great Hill Farms Road, Bedford, NY 10506. Christopher Reeve did not initial and sign said Power of Attorney because at the time he was physically unable to do so. Each of the undersigned witnessed Christopher Reeve clearly and unequivocally direct Dana Morosini Reeve to execute the Will on his behalf. Christopher Reeve, at the time of directing Dana Morosini Reeve to execute said Will on his behalf, declared the instrument so subscribed to be his Last Will and Testament. Each of the undersigned thereupon signed his or her name as a witness on the Will, at the request of Christopher Reeve and in his presence and sight and in the presence and sight of each other.

Christopher Reeve was, at the time of directing the execution of his Will, over the age of eighteen years and, in the respective opinions of the undersigned, of sound mind, memory and understanding and, other than his physical disability, not under any restraint or in any respect incompetent to make a Last Will and Testament.

Each of the undersigned was acquainted with Christopher Reeve at such time, and makes this affidavit at his request. Each of the undersigned was also acquainted with Dana Morosini Reeve at such time, and witnessed her initial and sign the Will at Christopher Reeve's direction and on his behalf. The within Will was shown to the undersigned at the time this affidavit was made, and was examined by each of them as to the signature of the Testator (as signed by Dana Morosini Reeve), as to the signature of Dana Morosini Reeve, and as to the signatures of the undersigned.

Severally sworn to before me
this 15 day of SEPTEMBER, 2003.

TRACEY E. JENKINS

Exhibit 1.7 Affidavit of attesting witnesses to the Will of Christopher Reeve

Source: Christopher Reeve, Will dated September 15, 2003, proved November 22, 2004, File Number 3161-2004, Surrogate's Court, County of Westchester, White Plains, NY.

AFFIDAVIT

STATE OF NEW YORK)
: ss.:
COUNTY OF WESTCHESTER)

DANA MOROSINI REEVE, being duly sworn, deposes and says:

On SEPTEMBER 15, 2003, I initialed and signed the within Will on behalf of my husband, Christopher Reeve, at his specific direction and request. Christopher Reeve did not initial and sign said Power of Attorney himself because at the time he was physically unable to do so.

Christopher Reeve directed me to place his initials on each of the pages of the Will, and to sign his name on the signature line on page 15 of the Last Will and Testament. At the time that Christopher Reeve directed me to execute said Will on his behalf, he clearly understood and stated that the document was his Last Will and Testament. I initialed and signed the Will in the presence and sight of Christopher Reeve and in the presence and sight of numerous persons, three of whom have signed their names to the Last Will and Testament as witnesses. Pursuant to Section 3-2.1(a)(1)(C) of the Estate, Powers and Trusts Law, I also signed my own name and affixed my residence address to page 15 of the Will.

Christopher Reeve was, at the time of directing me to initial and sign his Last Will and Testament, over the age of eighteen years and of sound mind, memory and understanding and, other than his physical disability, not under any restraint or in any respect incompetent to make a Last Will and Testament.

Dana Morosini Reeve
DANA MOROSINI REEVE

Sworn to before me this
15 day of SEPTEMBER, 2003.

Notary Public

TRACEY E. JENKINS
Notary Public, State of New York
No. 01JE6019541
Qualified in New York County
Commission Expires April 10, 2005

Exhibit 1.8 Affidavit of Dana Morosini Reeve

Source: Christopher Reeve, Will dated September 15, 2003, proved November 22, 2004, File Number 3161-2004, Surrogate's Court, County of Westchester, White Plains, NY.

Interestingly, neither the Will of Ray Charles nor any of the attachments to it state that the testator was totally blind and was directing that his Will be signed by someone else. New York's Estates, Powers and Trusts Law Section 3-2.1(a)(1)(c) is quite specific about the procedures required when a blind person signs his or her Will. At the very least, the Will being signed should be read in its entirety to the blind testator. Every state has its own rules and laws about the necessary legal procedures. The applicable California statute on the subject is much looser, as many things in California are, than the applicable New York statute. In any case, the Will of Ray Charles was admitted to probate by the Superior Court of California, County of Los Angeles, so whatever Charles and Adams did, it worked.

Finally, we should not forget The Great One, Jackie Gleason, who died a resident of the State of Florida. Gleason's legal name was Herbert John Gleason at his birth in Brooklyn, New York in 1916, and his name was the same at his death on June 24, 1987. Most interesting about Gleason's Will is not the Will itself, but the first codicil to that Will, which he signed literally the day before he died. In that codicil, Gleason increased a bequest to his longtime secretary Sydell Spear from $25,000 to $100,000. Because he was near death, Gleason was not able to sign the codicil himself, but instead directed another person to do so for him in the presence of two witnesses. Jackie Gleason's first, and last, codicil is reproduced partially in Exhibit 1.9.

Life's slings and arrows can cause a person to suffer from paralysis, blindness, or other debilitating illness that could preclude a person from signing his or her name. However, laws have been created that establish legal procedures to be sure that your Will is duly executed, even if you can't sign it yourself, as we see in the cases of Christopher Reeve and Jackie Gleason. It is a mistake not to have the benefit of knowledgeable legal counsel if you are attempting to execute your Will but are not able to sign it.

87289592

FIRST CODICIL TO LAST WILL AND TESTAMENT

OF

HERBERT JOHN GLEASON

I, HERBERT JOHN GLEASON, also known as JACKIE GLEASON, a resident of the State of Florida, being of sound mind and memory, do hereby make, publish and declare this to be a Codicil to my Last Will and Testament of April 11, 1985.

FIRST: I hereby delete Article IV of my said Last Will and Testament, and I hereby substitute therefor the following new Article IV:

> IV. I give and bequeath to my longtime secretary SYDELL SPEAR, if she survives me, the sum of One Hundred Thousand ($100,000) Dollars. If SYDELL SPEAR shall fail to survive me, the gift and bequest under this Article IV shall lapse.

SECOND: I hereby delete subparagraph (A) (i) of Article V of my said Last Will and Testament, and I hereby substitute therefor the following new subparagraph (A) (i):

> (A) (i) If my wife MARILYN GLEASON shall survive me and any child of mine or any descendant of a child of mine shall also survive me, then I give, devise and bequeath an

1

Exhibit 1.9 Excerpt from the First Codicil to the Will of Jackie Gleason

Source: Jackie Gleason, Will dated April 11, 2985, proved July 6, 1987, File Number 87-442, Circuit Court, Broward County, Fort Lauderdale, FL.

and confirm my Last Will and Testament of April 11, 1985.

IN WITNESS WHEREOF, I, the undersigned testator, have on this 23D day of JUNE, 1987, signed, sealed, published and declared this instrument as and for a codicil to my Last Will and Testament of April 11, 1985 in the presence of ~~RICHARD G. GREEN~~ BRIAN P PATCHEN and IRWIN D MARKS whom I have requested to become attesting witnesses hereto.

HJG

Herbert John Gleason (L.S.)
HERBERT JOHN GLEASON

On JUNE 23d, 1987, and in our presence the foregoing instrument consisting of this and three preceding typewritten pages was declared by Herbert John Gleason to be a Codicil to his Last Will and Testament of April 11, 1985, and his name was subscribed at the end of the Codicil by RICHARD G GREEN in the testator's presence and by his direction and in our presence. We have this 23 day of JUNE 1987 subscribed our names as witnesses in the presence of the testator and at his request and in the presence of each other after the testator's name was subscribed by RICHARD G GREEN by the direction of Herbert John Gleason.

residing at 2069 North Bayshore Miami Beach, Florida

residing at 201 Jonathans Cove Washington Township NJ 07675

STATE OF FLORIDA
COUNTY OF BROWARD

We, Herbert John Gleason, BRIAN P. PATCHEN, and IRWIN D MARKS, the testator and the witnesses respectively, whose names are signed to the foregoing instrument, having been sworn, declared to the undersigned officer that the testator

Exhibit 1.9 (*Continued*)

witnesses, directed RICHARD G GREEN to sign for him his name to the foregoing instrument as a codicil to his Last Will and Testament of April 11, 1985, and that each of the witnesses, in the presence of the testator and in the presence of each other, signed the codicil as a witness.

Herbert John Gleason
Testator

Witness

Witness

Subscribed and sworn to before me by Herbert John Gleason, the testator, whose name was signed at his direction by RICHARD G GREEN and by BRIAN P PATCHEN and ERICA D. MARKS, the witnesses, on JUNE 23rd 1987.

Adriana Paubmann
Notary Public
My Commission Expires

Notary Public, State of Florida at Large
My Commission Expires: [illegible]
Bonded thru Maryland Bonding Agency

Mistake #6 Not Properly Executing Documents

There have been numerous occasions over the years where a client of ours has called and said that he or she is going away soon, and needs to sign his or her Will before boarding a plane bound for Tanzania, Hong Kong, or some other far away land. Unfortunately, he explains, he and his wife cannot come to our office to sign the documents, and would prefer that we send them to them to get everything signed. I patiently explain that it is not that simple to properly execute a Will (ask Howard Hughes), and that there are important legal reasons that a Will should be signed under a lawyer's supervision and preferably in a lawyer's office.

Every state has its own legal requirements for a Will to be properly and duly executed, and those requirements must be observed or the Will will fail to be admitted to probate by any Court that has jurisdiction. The proper execution of a Will requires certain specific statutory formalities, involving two or three witnesses, affidavits, and/or a Notary Public. Every state has its own law on this subject. However, regardless of what the state law provides, the requirements need to be met precisely; if they are not, a Will can be denied probate because it was not properly executed.

A lawyer who specializes in Wills and estates would be expected to know all of the appropriate formalities and "magic words" that are necessary to have a Will duly executed. In New York, signing a Will in a lawyer's office under a lawyer's supervision leads to a "presumption of regularity," which could be determinative as to whether a Will is denied or admitted to probate.

I was involved in a Will contest involving the purported Will of a well-known international art dealer named Max Hutchinson who had essentially abandoned his wife and children in Australia

and was involved with a woman from New York at the time he died. After he died, the Will was offered for probate in the Sullivan County Surrogate's Court. The problem with the purported Will was that the decedent's girlfriend was not only a beneficiary named in the purported Will, but she was also one of the witnesses to it. *Big* mistake, for her, but lucky break for the family.

Not only did having girlfriend Marion Kaselle acting as a witness void and nullify the bequests made to her under the purported Will, but the alleged Will itself was never admitted to probate. If that purported Will had been signed in a lawyer's office, any trusts and estates lawyer worth his or her salt would never let a beneficiary act as a witness. If a lawyer did allow that kind of a mistake to happen, he might be liable for legal malpractice, or at best be the object of the ire of the disinherited witness/beneficiary.

When it comes to signing a Will, don't be penny wise and pound foolish. Be sure to sign your Will under the supervision of an attorney who specializes in the fields of Wills, estates, and trusts.

The problem of clients taking legal matters into their own hands has been exacerbated in the Internet age. Clients often ask if they can have their Last Wills and Testaments sent to them as an electronic file over the Internet. Not only am I uncomfortable sending such important documents to clients online, based on privacy and confidentiality concerns, but I also believe that putting the document in the client's computer may tempt, and empower, a non-lawyer client to edit his or her Will in the future, in a manner that could be problematic. It also tempts the clients to sign his or her Will without being sure it is done properly under the supervision of an attorney.

On those occasions where the client absolutely cannot get to an attorney's office to sign the Will, we have sent written instructions similar to those shown in Exhibit 1.10 for our New York clients to assist them with the proper execution of their Wills.

And despite our best efforts in this regard, the Wills sent to clients, and then signed by clients without a lawyer supervising the Will execution, are usually returned with some ridiculous defect or mistake that requires that those Wills be signed again. But hopefully, the next time they do it in my office under my experienced supervision.

INSTRUCTIONS FOR EXECUTION OF A WILL

(without a supervising attorney)

1. Gather three adults who are neither beneficiaries under the will nor related to the Testator.

2. Testator should:

(a) Place his initials, in pen, in the lower right margin of each page of the Will;

(b) Fill in the date in the "IN WITNESS WHEREOF" paragraph at the end of the Will and then sign his name (exactly as written) on the line following that paragraph; and then.

(c) Turn to the three witnesses and say "I hereby declare the instrument which you have seen me sign to be my Last Will land Testament, and I hereby request all of you to act as my witnesses."

3. Witnesses:

(a) One of the witnesses should read aloud the paragraph which follows the line on which the Testator has signed his name. That witness should then, on the line following and on the attached affidavit, sign his or her name and include his or her residence address where indicated.

(b) The other two witnesses should then sign their names and fill in their residence addresses on the Will, and sign the attached affidavit.

(c) All three witnesses should print their names on the lines provided at the top of the affidavit and one of the witnesses should also write the street address and city where the Will was executed on the line provided in Paragraph 1 of the affidavit.

4. Notary Public:

The witnesses should acknowledge their signatures on the affidavit before a Notary Public and the Notary should then place his or her signature and Notary Public stamp on the affidavit. The Notary Public should also include the date and place of signing where indicated in Paragraph 1 of the affidavit.

****

The testator and all witnesses should remain in the same room throughout the foregoing ceremony; none of them should leave the room until all have witnessed the Will. Only the original of the Will should be signed by the testator and the witnesses. A conformed copy of the original will should be prepared and kept in a secure place separate from the original instrument. The original will should be returned to the attorney draftsman as soon as possible.

Note: The staples in the Will should never, under any circumstances, be removed, not even for photocopying.

Exhibit 1.10 Instructions for the execution of a Will in New York without a supervising attorney

Mistake #7: The Best-Laid (Estate) Plans

Imagine that you are one of the world's richest men. A tad bit eccentric and irreverent, you don't want people to know who (or what) you are planning to leave your vast fortune to when you die. What do you do? What don't you do? Billionaire Howard Hughes, who died in 1976, might have thought that he had a good answer to these questions.

At the time of his death, Hughes had been divorced twice, most recently in 1971, and was not survived by any children. The multiple legal proceedings surrounding Hughes' huge estate took place in courts in Texas, Nevada, and California. At the end of the proverbial day, not one of the 30 purported Wills of Howard Hughes that had been offered for probate was ever admitted to probate by any court.

Following are copies of only three of the many purported Wills of Howard Hughes. (See Exhibits 1.11, 1.12, and 1.13) The first one was allegedly handwritten by Hughes, and it leaves his entire estate to the Howard Hughes Medical Institute, which he had created in 1953. If all of his property had actually passed to a charitable organization such as the HHMI, there would not have been any estate taxes payable as a result of the unlimited charitable deduction that would have been available to Hughes' estate, and medical research would have benefited as a result.

The next purported Will, which is reproduced in Exhibit 1.12 in its entirety, states that Hughes "leaves" his entire estate to "my son, Richard Robard Hughes, aka Joseph Michael Brown." Unfortunately for Mr. Brown, paternity was never established, and his claim to the entire Hughes fortune was rejected.

Finally, there is the well-known "Melvin Dummar/Mormon Church" version of Howard Hughes' purported Last Will and Testament (Exhibit 1.13), which was referred to in the film *Melvin*

Jan. 11/72

This is my last will and testament.

(1) I hereby revoke all wills and testamentary dispositions of every nature or kind whatsoever made by me before this date.

(2) I nominate, constitute, and appoint my counsel Chester C. Davis, sole executor and trustee of this, my last will, and testament. I refer to my executor and trustee in this document from this point forward as the "trustee".

(3) I give, devise, and bequeath all my monies, holdings, property of every nature and kind, all of my possessions and any profits of the before mentioned to the Howard Hughes Medical Institute for the use of medical research and the betterment of medical and health standards around the world.

(4) I hereby direct my trustee Chester Davis and my assistants Nadine Henley and Frank Gay to continue in their positions and duties, and to also assume a controlling interest in management in the Medical Institute, to decide, direct and implement policies and funds for the proper uses of the Medical Institute in the areas of medical research and the betterment of world health and medical standards.

(5) I hereby request that my trustee make known to any business associates, aides, or confidantes who wish to, or have undertaken a written documentation of any or all parts of my life, the terms of the Rosemont Enterprises agreement and possible infringements thereof - because of the conditions of that document.

(6) I hereby direct my trustee to instruct Rosemont Enterprises to complete all written, visual, and audio, documentation in the presentation of the factual representation of my life for public release two years to the day, after my death.

(7) I authorize my trustee to make funds available limited to one quarter of my total estate to a private agency of my trustee's choice, in the event of my death by unnatural or man-made cause; to apprehend such person or group of persons and to bring them within full prosecution of the law; the funds being made available for legal expenses and costs incurred on behalf of the trustee's appointed agency.

EXHIBIT "C"

Exhibit 1.11 Howard Hughes's Will: The Howard Hughes Medical Institute version

Source: Howard Hughes, Will dated June 11, 1972, Will not probated.

(8) I wish to make known to my trustee that I did not at any time enter into any contracts, agreements, or promises either oral or written, that transferred gave or bequeathed the bulk or any part of my estate to any person, persons, organizations or whatever other than the Howard Hughes Medical Institute. I sign this as my last will and testament.

Howard R. Hughes
Jan. 11, 1972

Exhibit 1.11 (*Continued*)

LAST WILL AND TESTAMENT
OF
HOWARD ROBARD HUGHES, JR.

I, Howard Robard Hughes, being of sound mind and body do hereby declare this my last will and testament. I leave my entire estate to my son, Richard Robard Hughes, aka Joseph Michael Brown, born September, 12th, 1945 in Fort Worth, Texas. At this time, I plan to make public my son's existence but in the event I am unable to do that, this will cannel and supercede any previous wills that I have made in the past. By the time this would be read attorneys for Summa Corporation should have approached my son but in the event that has not been done my son should request a full accounting of all my holdings and should take full control thereof.

Howard R. Hughes

Grosser Albert Walker

WITNESS

Ronald W. Ferguson
7404 Aragon Ct Las Vegas, Nev 89128

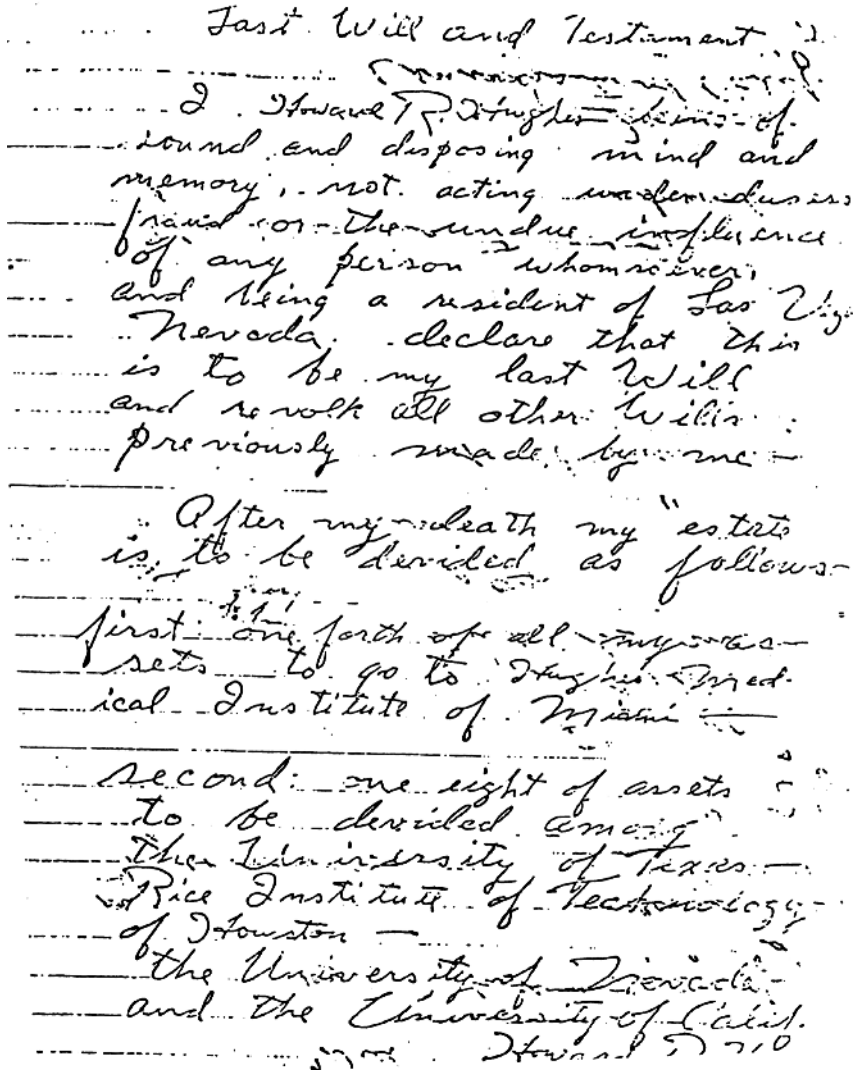
April 11, 1975
Las Vegas, Nevada

WITNESS

James W. Simmons
5572 Latigo Ct Las Vegas, Nevada 89119

WITNESS

Exhibit 1.12 Howard Hughes's Will: The Richard Robard version
Source: Howard Hughes, Will dated April 11, 1975, Will not probated.


Last Will and Testament
I, Howard R. Hughes, being of
sound and disposing mind and
memory, not acting under duress
fraud or undue influence
of any person whomsoever,
and being a resident of Las Vegas
Nevada, declare that this
is to be my last Will
and revoke all other Wills
previously made by me.

After my death my estate
is to be devided as follows:

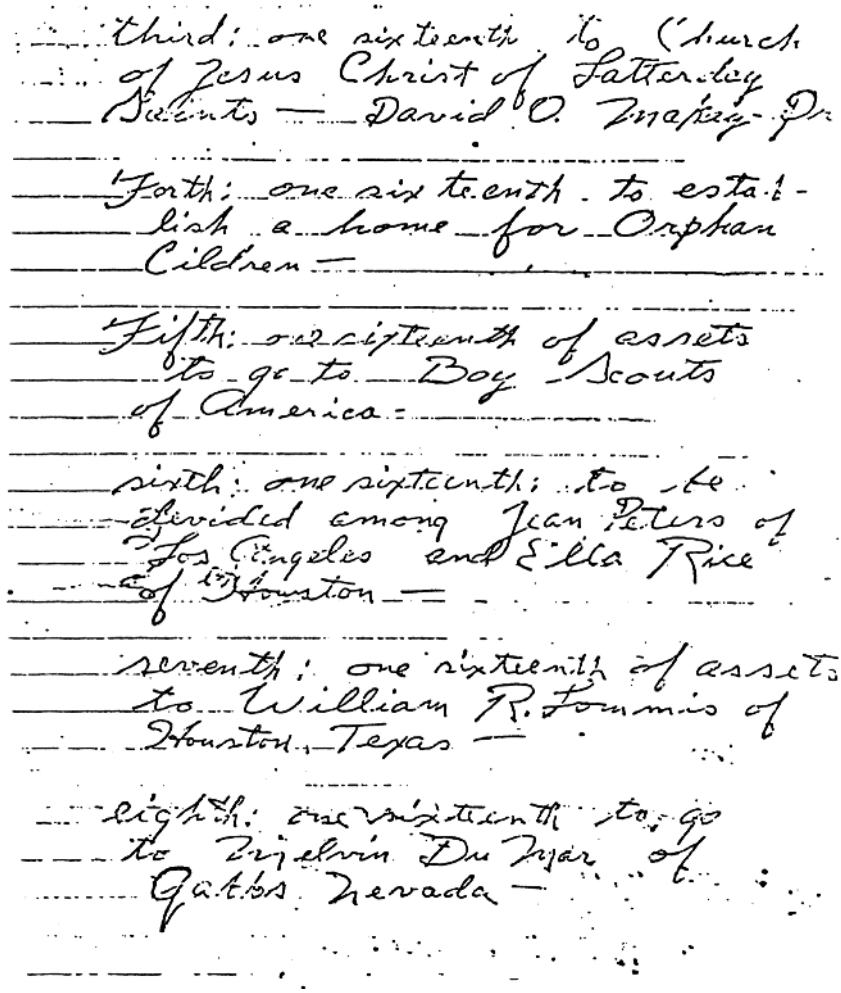
First: one forth of all my assets
sets to go to Hughes Med-
ical Institute of Miami

Second: one eight of assets
to be devided among
the University of Texas
Rice Institute of Technology
of Houston
the University of Nevada
and the University of Calif.

Howard R. Hu

Exhibit 1.13 Howard Hughes's Will: The Melvin DuMar (Dummar) version

Source: Howard Hughes, Will dated March 19, 1968, Will not probated.


third: one sixteenth to Church of Jesus Christ of Latterday Saints — David O. Mackay - Pr

Forth: one sixteenth to establish a home for Orphan Children —

Fifth: one sixteenth of assets to go to Boy Scouts of America —

sixth: one sixteenth: to be divided among Jean Peters of Los Angeles and Ella Rice of Houston —

seventh: one sixteenth of assets to William R. Tommis of Houston Texas —

eighth: one sixteenth to go to Irjelvin Du Mar of Gatos Nevada —

devided among my
personal aids at the time
of my death -

tenth: one sixteenth to be
used as school scholarship
fund for entire Country -

The spruce goose is to be given
to the City of Long Beach, Cali

The remainder of My
estate is to be devided among
the key men of the company
I own at the time of my
death.

I appoint Noah Dietrich
as the executor of this will -

signed the 19 day of
March 1968

Howard F. Hughes

- page three -

Exhibit 1.13 (*Continued*)

and Howard. In that film, the late Jason Robards portrayed a rather scraggly looking Howard Hughes, who is picked up after a motorcycle accident by a trucker named Melvin Dummar. In gratitude for Mr. Dummar's kindness, Hughes allegedly wrote a Will bequeathing one sixteenth (1/16th) of his then estate, which would have been worth approximately $150million, to Melvin. Unfortunately for Melvin and the many worthy charities named in that purported Will, such as the Boy Scouts of America, after a lengthy trial about the validity of the purported Will, the court did not accept that one either.

With none of his purported Wills ever being accepted for probate, Hughes' estate's assets passed by *intestacy*, which means without a valid Will, so state law determined how the property would be distributed. After the payment of hundreds of millions of dollars of state and federal estate taxes, and accounting and legal fees, substantial assets were passed to Hughes' distant cousins, perhaps the most laughing of "laughing heirs." By failing to have most, if not all, of his estate pass to worthy charitable organizations such as his beloved Howard Hughes Medical Institute, Howard Hughes cost his estate a bundle in unnecessary estate taxes. In view of the magnitude of those taxes, Howard Hughes made a mega-mistake by not leaving a properly executed Last Will and Testament.

Mistake #8: Dying Intestate, or Without a Will

Having read a handful of estate planning mistakes, you may be wondering why it is so important to have a Will. After all, many of the celebrities discussed in the preceding chapters had Wills, yet many of them experienced execution problems.

Well, the answer is simple—not having an estate plan can result in significant additional expenses, taxes, and legal fees, not to mention the undue aggravation and agitation it may cause your family members, friends, or acquaintances. As such, estate planning mistake #8 is dying without a valid Will or alternative estate plan.

Without a Will, a Court may appoint an administrator to administer your estate, rather than your selecting an executor of your choice. The terms of your Will also determine how your property is to be distributed after your death instead of by each state's laws of intestacy.

For example, most states would provide that if a person dies without a Will or alternative estate plan in place, that his assets would pass in some statutorily specified proportion to his children and surviving spouse, if any. If the assets of the decedent are substantial, then the portion passing to the children and not qualifying for the marital deduction could result in significant and unnecessary state and federal estate taxes, all of which could have been avoided with a properly drafted Will. Ask the young widow whose 35-year-old husband died, leaving one son and a $20 million estate. Because he had no Will, under the laws of intestacy, approximately one-half, or $10 million passed to the son—a $5-million blunder. Even the simplest Will, leaving all the property outright or in trust to the surviving spouse, would have saved millions of dollars in estate taxes.

I recently handled an estate involving an 85-year-old Irish spinster who never married, whom we will call "Molly" for the purpose

of this anecdote. Molly had been planning to sign a Will in which she left her million-dollar-plus estate to her favorite cousin, with whom she had a very close relationship, literally and figuratively, as he lived across the street from her. Unfortunately for her favorite cousin, Molly never did sign a Will, and she died intestate. That meant all of her 12 surviving cousins became her "distributees," or legal heirs, in accordance with New York State law. To add insult to injury, of the 12 legal heirs, 2 were on the decedent's paternal side and 10 were on the maternal side. That meant the two paternal cousins received approximately $250,000 each and the ten maternal cousins, including her closest cousin, each received around $50,000. That estate, which was handled by the Public Administrator, took an unusually long time to administer, because a kinship hearing was required to establish to the satisfaction of the Queens County Surrogate's Court who the legal heirs were. The decedent was of Irish heritage and many of her relatives still resided in Ireland, and the Court Referee and some of the attorneys needed to travel to Ireland to take the testimony of certain relatives. The expenses of that kinship hearing were borne by all of the beneficiaries.

The problems that arise as a result of the failure to properly attend to your estate planning are many, and it is a big mistake to put off planning for the inevitable—death and taxes.

Notes

1. Martin Luther King, Jr., Died Intestate, Fulton County Court of Ordinary, Fulton County, Atlanta, GA.
2. Robert F. Kennedy, Will dated December 17, 1953, proved June 13, 1968, File Number 4638-1968 Surrogate's Court, County of New York, New York, NY.
3. Ibid.
4. Ted Ammon, Will dated August 22, 2005, proved November 13, 2001, File Number 4105-2005, Surrogate's Court, County of New York, New York, NY.
5. Ray Charles, Will dated February 5, 1997, proved September 21, 2004, Case Number BP 087329, Superior Court of California, County of Los Angeles, Los Angeles, CA.