# Estate Planning of the Rich and Famous

By Missia H. Vaselaney[1]

If you are a fan of NCIS, you will know what I mean when I say that I am the female Tony DiNozzo. On NCIS any situation that the characters happen to be in Tony always relates to a movie or a movie star's life.[2]

The individuals who I am going to discuss in this Article may be rich and famous, but they have many of the same problems that we encounter everyday with our clients.

**Bury Me Please:**

The first decision most individuals have to make after a family member passes away involves the person's funeral and disposition of the body. High emotions can cause a contentious situation between family members, if a client has not prearranged his or her funeral especially in the case of a second marriage.

The recent case of Casey Kasem, famous DJ of America's Top 40, is an extreme example. Casey's wife, Jean Kasem (Cheers and Ghostbusters) has a very acrimonious relationship with Casey's children from his first marriage. There were protracted legal battles prior to his death regarding Jean's secreting the 82 year old Kasem away to Washington State without his children's knowledge. At the time, Kerri Kasem had already been appointed her Father's conservator. Despite this fact, Jean removed Casey from The Santa Monica Hospital. After Jean moved Casey, his condition deteriorated rapidly. His children sought a restraining order to prevent Jean from having Casey's body cremated. When the children sought the restraining order they found out, through a private detective that they hired, that their father's body had already been moved to Montreal and that Jean was intending to have him buried in Norway. Neither Jean nor Casey, who is Lebanese, has any connection with Norway. It is very difficult to have a body exhumed under Norway's Laws.

The children are now making allegations that Jean may have hastened their father's death and are trying to prevent her from receiving her inheritance under a Slayer Statute (A law that in most states prevents a person that caused another's death from profiting from the deceased's death). In the meantime, Jean says that she is going after an Irrevocable Trust that Casey set-up for his children more than 30 years ago. Stay tuned; I am sure there is more fighting ahead.

*If you want to read about similar situations research James Brown and Mickey Rooney.*

[1] Author gratefully acknowledges the help of Jeremiah Doyle, IV of BNY Mellon Bank in Boston, Massachusetts for his contribution to this Article.

[2] I come by my love of movies and Hollywood gossip naturally. During WWII my father was a "Hollywood" Marine and my mother was a USO dancer who knew quite a few people who went on to become famous, Including one Oscar winning actor who she briefly dated.

If you want to make sure for either yourself or a client that an individual's wishes are honored in Ohio, you should complete *Ohio's Appointment of Representative for Disposition of Bodily Remains, Funeral Arrangements, And Burial Goods and Services*. Ohio Revised Code Section 2108.70, effective October 12, 2006, allows for the completion of this document. A will, that meets certain requirements, also can be used to stipulate funeral and disposition arrangements. However, since most wills are not dealt with until several days after the funeral, it may not be the most appropriate place to designate this information. Ohio law provides a prioritized list of individuals who are authorized to make such decisions if an individual fails to designate this information themselves. The first person being the surviving spouse (may cause problems if it's short-term, second or third spouse). If there is not a surviving spouse, then adult children have the authority, then the parents of the deceased, then siblings, then grandparents and then lineal descendants of grandparents, (aunts, uncles and cousins), (not sure I would want my aunt, uncle or cousin making these decisions).

Finally, it falls on any person willing to accept the responsibility. I have had several clients, who have had no immediate family, or even extended family, who I made the funeral and burial arrangements for because they would not decide before their deaths.

**What do Family's Fight About Most?**

Anyone, who has practiced this area of the law for any length of time knows that answer - tangible personal property. For some reason tangible personal property is symbolic. Family members sometimes fight more over tangible personal property, than large amounts of money.

*University of Texas at Austin v. Ryan O'Neal,* this case stemmed from Farrah Fawcett's estate plan which had a clause that said all her "artwork" was to be donated to the University of Texas at Austin. Most people are familiar with the famous Andy Warhol painting of Farrah Fawcett. Andy Warhol actually created two identical paintings, one which he gave to Farrah and one which he gave to Ryan O'Neal. In December 2013, the Jury found O'Neal's testimony to be credible and he had several witnesses supporting his assertion that one copy had been given to him. The University of Texas at Austin asserted that both paintings belonged to Farrah. Each painting is estimated to be worth at least $12 million. The University's only witness was a University Development Officer who stated that Farrah said she owned both paintings. O'Neal stated that he wanted to keep the painting for himself and then for the son he shared with Farrah. The University of Texas at Austin appealed, but later conceded the jury's decisions and O'Neal will retain one copy of the famous picture.

Perhaps Farrah's attorneys should have been more precise in describing her artwork and it would have prevented over a million dollars in costs and attorney fees being spent on the litigation. The University even had to agree to pay $25,000 of O'Neal's expenses.

Another instance of arguing over tangible personal property involves the Estate of Robin Williams. Williams's relatively short-term wife, Susan Schneider, married the actor in October, 2011. They were married just over three years at the time of his tragic death. Robin Williams, unlike most individuals, had a well-crafted estate plan. At first there were professional news articles commenting that nothing was known about his estate because it must have been so carefully planned that nothing was going through Probate and therefore, nothing was known about his affairs. However, approximately five months after Williams's death, Schneider filed suit to interpret certain provisions of his Trust.

Williams's estate planning documents stated that Schneider would receive a life estate in his Tiburon, California residence (he had several residences) and a life estate in the furnishings and collections in the home. He very intentionally stated that his children were to receive his "clothing, jewelry, personal photos prior to his marriage to Schneider...memorabilia, awards in the entertainment industry and other tangible personal property". Schneider has asserted that Williams's multiple Rolex watches constitute a collection which should go to her, as opposed to being jewelry which would go to the children. She has made various other assertions regarding the personal property, all of which have left the children very heart broken and bitter.

In addition, she is arguing that his Trust is not providing enough income to her. Williams set up a "Reserve Trust" in his estate plan to pay for the expenses of the residence in which Schneider received a life estate. The Trust contained a provision that any income not so used was to be paid out to Schneider. Schneider is trying to use that provision to boot-strap her way into obtaining more assets and/or income. The children correctly assert that this provision was put in the document so that the Trust would qualify for the marital deduction.

Another example of why this area of law is so complex, is that ordinary words and phrases do not have their normal meaning. I once spent almost $100,000 of a client's money interpreting the meaning of "otherwise provided for" because the other side argued that the deceased made gifts to my client too, so their client should not be disinherited because he was "otherwise provided for" because so was his sister. I wish the attorney that drafted the document had not used that old-fashioned polite phrase to disinherit the son and had simply stated "treat my son as if he has predeceased me, with no lineal descendants surviving".

## They Died too Young and Without Updating Their Estate Plans

### *Philip Seymour Hoffman*

Supposedly, Hoffman was not a fan of marriage, but would he have changed his mind had he known it would cost his family over $12 million? When he last updated his Will in 2004, he only had one child. After establishing a trust for his son, the balance of his estate went to his son's mother, Hoffman's longtime girlfriend, Mimi O'Donnell. After

this will was executed, the couple had two daughters. In order for the children to be treated equally, O'Donnell will have to equalize them at her death or by gifts during her life, so like their brother; they do not have to wait for their mother to die to receive some money. Finally, Hoffman should have had a funded revocable trust, instead of a trust contained in his Will. A funded revocable trust would have afforded his family the privacy he craved. (Jackie Kennedy, a very private individual who desired privacy, would be horrified to know that all her affairs, as outlined in her Will and the several trusts created in the document, are a matter of public record.)

***Paul Walker***

Paul Walker's death was sudden, tragic and ironic. Paul did his estate plan when he was only 28 years old, before he was really famous. At the time he was single and the father of a 3 year old daughter. His estate planner suggested a plan that many of us would recommend. A pour-over will and a revocable living trust. However, he failed to fund his trust, so the make-up of his assets is public information. Although, the trust is not public, we can assume that it does not give all the money outright to his daughter on her 18th birthday, the way a simple will would. Paul's mother is the trustee. At the time of his death, Paul had a fiancée who had been with him for 7 years. Unfortunately, he did not update his documents to include her.

***Heath Ledger***

Early in his career, before the birth of his daughter with Michelle Williams, Heath did a simple will leaving his entire estate to his father. Unfortunately, the law that governed his Will, presumably Australian law, did not provide for after-born children or maybe only provided for after-born legitimate children. Heath's father and Michelle Williams reached a settlement whereby the majority of Heath's estate was put in trust for his daughter.

It is admirable that these actors did their estate planning at such young ages, when the majority of individuals in the United States do not even have a simple will. However, they and their advisor forgot one very important rule. Estate plans must be continually reviewed, especially when major life events occur.

## Estate Planning Rich and Famous Fun Facts

- Abraham Lincoln, an attorney, died intestate as did 4 other Presidents.
- The Estates of Marilyn Monroe and Mickey Rooney were both insolvent.
- Chief Justice Warren Burger prepared his own Will that was only 176 **words** long. (Less is not always more when it comes to estate planning documents.) His estate planning cost his family significant probate and estate tax savings. It also demonstrates that attorneys who do not practice in this area should not dabble.

There are so many other stories (Clark Gable, Doris Duke, The Bishop Family, Douglas Fairbanks and Leona Hemsley, to name just a few) that this article could probably turn into a book. However, as I stated at the beginning, celebreties may have more money than most individuals, but at their deaths the problems are no different than anyone elses. It appears their advisors are less qualified, considering that you would expect them to receive “Red Carpet” treatment.