

Where There's a Will...

**By Reg P. Wydeven
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One of my favorite things to do in my practice is help people with their wills. While I'd still rather talk about the Packers getting knocked out of the playoffs early than discuss death, it is a great feeling to help people get their affairs in order and contribute to their peace of mind knowing their wishes are documented.

But even if you dot every 'i' and cross every 't', people will try to challenge the best laid plans if there's enough money at stake. Take Huguette Clark, for example.

Ms. Clark passed away last year at the tender age of 104. She spent most of the last several years of her life alone in a Manhattan hospital room. Ms. Clark had no children, and because she was not visited by her extended family, she cut them out of her will that she signed on April 19, 2005. It read, "I intentionally make no provision in this my Last Will and Testament for any members of my family, whether on my paternal or maternal side, having had minimal contact with them over the years."

Instead, her will left some money to various charities and people who tended to her, some to a charitable foundation she established, a chunk to her goddaughter and a bigger chunk to her longtime nurse, Hadassah Peri, including her doll collection.

While her extended family apparently did not visit her in her final years, Ms. Clark had relatives coming out of the woodwork after they found out her estate was estimated to be \$400 million. The heiress of copper baron and Montana Sen. William A. Clark, Ms. Clark's doll collection alone is estimated to be worth millions of dollars.

With that much on the line, a group of 20 of Ms. Clark's distant relatives, consisting of mostly half-grandnephews and half-grandnieces, filed a motion with the New York County Surrogates Court claiming her will should be null and void. According to the family, Ms. Clark "did not know the nature, extent, or value of her assets, was not in sound mind or memory, and was not mentally capable of making a will, and, among other things, lacked the clearness of mind necessary to understand the nature and contents of her will."

Ms. Clark's family is also alleging that at the time she signed the will, she was under the "undue influence" of her nurse, Peri, her lawyer, Wallace Bock, and her accountant, Irving Kamsler. They also allege Peri, Bock, and Kamsler acted fraudulently.

Manhattan Surrogate Court Judge Kristin Booth Glen may agree. In December, she suspended Bock and Kamsler as executors, ruling that they "violated the rules of professional conduct" while overseeing Clark's massive fortune, were 'dishonest to authorities' and are 'unfit to serve.'" The two advisors tended to Ms. Clark's money and her affairs the last 14 years of her life.

If the will gets tossed, court documents filed in November claim Clark had written a different will just six weeks before the one she signed in April of 2005. The earlier will purportedly left her relatives almost her entire fortune.

Because of the hard feelings involved with contesting a will, many of my clients want to include a clause excluding anyone from their will who contests it. However, Wisconsin law dictates that such a clause may not be enforced "if the court determines that the interested person had probable cause for instituting the proceedings."

Just to make sure my family won't fight over my estate, I'll work hard to keep it under \$400 million.

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