



# CELEBRITY ESTATE PLANS GONE WRONG

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# SPEAKERS



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# AGENDA

- James Brown
- Larry King
- Britney Spears
- Aretha Franklin
- Earl Simmons (DMX)
- Tony Hsieh



# ESTATE OF JAMES BROWN

- **Summary**
- **Background**
  - Career
  - Family
  - Death
- **Estate Plan**
  - \$2M education trust for grandchildren
  - Residue to charity

# OVERVIEW – ESTATE OF JAMES BROWN LITIGATION

Removal of Executors

Settlement of Will Contest

Copyright Litigation

Putative Spouse

# JAMES BROWN – REMOVAL OF EXECUTORS (2007)

- **Named Executors**
  - David G. Cannon (business manager)
  - Albert H. Dallas (personal lawyer)
  - Alfred A. Bradley (former magistrate judge)
- **Appointment and Removal**
- **Subsequent Litigation**
  - Jail
  - Bankruptcy
  - Death

# JAMES BROWN – SETTLEMENT OF WILL CONTEST (2013)

- **Claims**

- Undue influence
- Elective spousal share
- Omitted child

- **Settlement Agreement**

- 47.5% to charity
- 23.75% to putative spouse
- 28.75% to children
- Removal of special executors

- **Signatories**

- All children and grandchildren
- Putative spouse
- Attorney general

# JAMES BROWN – SETTLEMENT OF WILL CONTEST (2013), *CONTINUED*

- **Trial court approved settlement agreement**
- **Issues before the Supreme Court of South Carolina**
  - Standing of removed special executors
  - Removal of special executors
  - Approval of settlement agreement
    - Trustees' signatures not required
    - Good faith contest or controversy not satisfied
    - Unreasonable and unjust compromise



# JAMES BROWN – COPYRIGHT LITIGATION (2021)

- **Estate Assets**
  - Ranch
  - Miscellaneous
  - Termination Rights
    - Inalienable right held by heirs
- **Children's Complaint Against Putative Spouse**
  - Alleged deprivation of termination rights
  - Resolved in 2021 in global settlement

# JAMES BROWN – PUTATIVE SPOUSE (2020)

- **1997:** Tommie Rea Brown purportedly marries Jayed Ahmed
- **2001:** Tommie Rea Brown purportedly marries James Brown
- **2003:**
  - Brown discovers Tommie Rea never divorced Jayed Ahmed
  - Tommie Rea rushes to annul marriage to Jayed Ahmed
    - Jayed Ahmed had three wives in Pakistan
    - Annulment is granted by default (Jayed Ahmed does not appear)
- **2004:**
  - James Brown files for annulment
  - Parties dismiss case with prejudice
  - Tommie Rea waives claims of common law marriage
  - Annulment was never granted

# JAMES BROWN – PUTATIVE SPOUSE (2020), *CONTINUED*

- **Trial Court Rules Tommie Rea is Surviving Spouse**
  - Because marriage to Jayed Ahmed was annulled, her marriage to James Brown was not void
  - Marriage to James Brown was not annulled
- **Court of Appeals Affirms**
- **Supreme Court of South Carolina Reverses**
  - Under existing precedent, annulment of bigamous marriage did not “relate back” to save second marriage
  - Policy: protect integrity of public records and avoid litigation like this



# ESTATE OF LARRY KING

- **Summary**
- **Background**
  - The “King of Talk” died Jan. 23, 2021
  - Family (spouses, children)
  - Pending divorce action
  - Illnesses and death
- **Attorney-Drafted Estate Plan**
  - 2015 Will
  - Larry and Shawn King 2015 Family Trust
- **Controversy**
  - 2019 handwritten will

# KING'S 2015 ESTATE PLAN

- Will drafted by attorneys as part of broader estate plan
- Shawn King (surviving spouse) named as executor
- Will pours over to Larry and Shawn King 2015 Family Trust

## WILL OF LARRY KING

I, LARRY KING, a resident of Los Angeles County, California, and a citizen of the United States of America, declare this document to be my Will. I revoke all of my prior Wills and Codicils.

**1.5 Existence of Revocable Living Trust.** On this same date, prior to me executing this Will, my wife, Shawn, and I executed a Declaration of Trust establishing the Larry and Shawn King 2015 Family Trust (sometimes hereinafter referred to as the "Trust"). The Larry and Shawn King 2015 Family Trust is a revocable *inter vivos* trust (commonly referred to as a "living trust"). My wife and I appointed ourselves as the initial Trustees of the Larry and Shawn King 2015 Family Trust, and continue to serve as such.

**2.1 Executor.** I nominate my wife, Shawn to serve as the Executor of my estate. If for any reason Shawn is or becomes unwilling or unable to serve as Executor, I nominate Kurt Rappaport to serve as Executor. If for any reason Kurt is or becomes unwilling or unable to serve as Executor, I nominate Reed Halladay to serve as Executor. Subject to the foregoing nominations, I confer upon Shawn, Kurt, and Reed, in the order listed, if then serving as Executor, the power to designate additional or successor Executors of my estate under *Probate Code* § 8422.

**4.1 Disposition of Residue to the Larry and Shawn King 2015 Family Trust.** I give the Residue of my estate, whether community property, quasi-community property or my separate property, to the Trustee of the Larry and Shawn King 2015 Family Trust, to be held in trust. All property passing to the Trustee of the Larry and Shawn King 2015 Family Trust shall immediately be added to and merged with and into that Trust to the same effect as if the property were an asset of that Trust at my death. All property added to the Larry and Shawn King 2015 Family Trust shall be held, administered, allocated, and distributed according to its terms, including any amendments made to that Trust during my lifetime.

# KING'S 2019 HANDWRITTEN WILL

- 10/17/19
- This is my last Will + Testament. It should replace all previous writings.
- In the event of my death any day after the above date I want ~~20%~~ 100% of my funds to be divided equally among my children Andy, Chaia, Larry [sic] Jr. Chance + Cannon
- /s/ Larry King
- /s/ Greg Christensen witness 10/17/19
- /s/ Jose M. Ibarra

10/17/19

This is my last Will + Testament.  
It should replace all previous writings.  
In the event of my death, any day  
After the above date I want <sup>100%</sup>~~20%~~ of  
my funds to be divided ~~equally among~~  
my children Andy, Chaia, Larry Jr.  
Chance + Cannon

Larry King

Greg Christensen witness 10/17/19

Jose M. Ibarra

# LARRY KING ESTATE: DUELING PROBATE PETITIONS

## Larry King, Jr. : Petition for Appointment as Special Administrator & Probate of 2019 Handwritten Will

- Filed *ex parte* on grounds of immediate need for appointment to protect the estate
- Larry, Jr. claimed priority over Shawn to appointment due to pending divorce
- Estimated value of estate assets: \$2M
- Cal. Probate Code § 6110 requires:
  - Will must be in writing
  - Signed by the testator (or limited alternatives)
  - Signed during testator's lifetime by 2 witnesses
- Cal. Probate Code § 6111 – “Holographic wills”

# LARRY KING ESTATE: DUELING PROBATE PETITIONS, *CONTINUED*

## Shawn King: Petitions to Administer Estate & Probate of 2015 Will; Objections to Larry King, Jr.'s Petition

- Decedent had stopped pursuing the divorce action, reconciliation likely
- Decedent was ill and potentially subject to undue influence by Larry, Jr.
- Handwritten will invalid
- No need for special administrator
- Larry, Jr. not qualified to serve as special administrator
- Shawn named as executor in 2015 Will
- Probate estate assets worth much less than \$2M



# LARRY KING ESTATE: RESOLUTION

- At the end of April 2021, the probate court dismissed both Larry King Jr.'s and Shawn's petitions without prejudice, apparently at the joint request of the parties' attorneys
- In early June 2021, one gossip site\* reported that the parties had entered into a confidential settlement
- Lesson learned: Fund your trusts!



# ESTATE OF BRITNEY SPEARS

- **Summary**
- **Background**
  - Career
  - Family
- **Conservatorship**
  - Events Leading to Conservatorship
  - Career Highlights
  - Payroll
- **Controversy, Media Frenzy & Political Debate**

# EVENTS LEADING TO CONSERVATORSHIP

- Divorce, custody battles, attack on paparazzo
- Mental health crises lead to 5150 holds in January of 2008
- Jamie Spears files for conservatorship on February 4, 2008
  - Court appoints Jamie Spears and Andrew Wallet as co-conservators and Samuel D. Ingham, III as Britney's court-appointed attorney
  - Attorney hired by Britney lacks standing to intervene

# CONSERVATORSHIP CAREER HIGHLIGHTS

- Jamie Spears takes control of Britney's career
- Britney released four albums
  - two of which—*Circus* (2008) and *Femme Fatale* (2011)—go platinum
- Britney appears as judge on *The X Factor* and *American Idol*
- Britney's four-year residency in Las Vegas (2013–2017) grosses \$137.7M across 250 shows

# PAYROLL

- Jamie Spears
  - Salary of \$16,000 per month, plus \$2,000 per month for office space rent
  - Court approved commissions for deals signed by Britney during conservatorship
    - 2.95% commission for work on *Femme Fatale* tour
    - 1.5% of gross revenues and merchandising from Las Vegas residency
  - Attorney fees, including opposing Britney's attempts to challenge his appointment
- Lou Taylor paid fees of over \$300,000
- Samuel D. Ingham, III paid salary of \$500,000 per year

# CONTROVERSY, MEDIA FRENZY & POLITICAL DEBATE

- **Beginning in 2018, the balance of power begins to shift:**
  - Jamie Spears recovering from surgery
  - Britney amends revocable trust, naming Jamie Lynn Spears as trustee
  - Britney cancels Las Vegas residency
  - Andrew Wallet resigns stating Britney would suffer “substantial detriment, irreparable harm and immediate danger” if he did not step down
  - Britney seeks appointment of qualified corporate fiduciary as conservator of her estate
  - Jodi Montgomery appointed as sole conservator of Britney’s person
  - #FreeBritney movement gains traction

# CONTROVERSY, MEDIA FRENZY & POLITICAL DEBATE, *CONTINUED*

- **Things fall apart in 2020 and 2021:**
  - Britney testifies at conservatorship hearing
  - Larry Rudolph resigns
  - Samuel D. Ingham, III resigns
  - Court allows Britney to hire her attorney
  - Petition to remove Jamie Spears and investigation into alleged conservatorship abuse
  - Jamie Spears files to step down as co-conservator...eventually; seeks approval of final account including \$2 million payment
  - Jamie Spears files petition to end conservatorship

# CONTROVERSY, MEDIA FRENZY & POLITICAL DEBATE, *CONTINUED*

- **Media Frenzy**

- #FreeBritney
- New York Times report
- Hulu *Framing Britney Spears* documentary

- **Political Debate**

- Backlash against the “business of conservatorship”
- Freedom & Right to Emancipate from Exploitation Act (FREE Act)





# ESTATE OF EARL SIMMONS (DMX)

- **Summary**
- **Background**
  - Career
  - Family
  - Death
- **Intestate**
- **Issue:** Does a “common-law spouse” have priority for appointment as executor?



# ESTATE OF ARETHA FRANKLIN: UPDATE

- **Summary**
- **Background**
  - The “Queen of Soul” died on Aug. 16, 2018
  - Survived by four sons
  - Originally thought to have died intestate
  - IRS claim for \$8M in unpaid income taxes and penalties
- **Estate Plan (located in May 2019)**
  - 11-page handwritten will dated June 21, 2010 (notarized Nov. 30, 2010)
  - 1-page document dated October 20, 2010 revoking will from 1970s
  - 4-page handwritten will dated March 31, 2014
- **Controversies**
  - Executor (with agreement of Decedent’s children) entered into settlement with IRS in February 2021
  - Trial on whether to admit either of the purported wills was set to begin in August but has been delayed

# ESTATE OF ARETHA FRANKLIN: UPDATE

Handwritten will dated  
June 21, 2010 (p. 1 of 11)

Notar Public  
Zaretta Coleman  
Wayne County  
Expires: 12/16/2011  
Attested: November 30, 2010 6/21/2010 (af)  
initial.

To whom it may concern (Legal Community  
& family being of Sound Mind &  
sound mind physical health with the  
exception of high blood pressure & (af)  
A mass on the pancreas  
diabetes A-1C number has remained  
to Normal. I revoke & have written  
wills & declare both of them to be.

no good + not my wishes. Particularly of  
written in 1972-73 (in my) & in Michigan (initials)  
since my sisters - Emma & Carolyn & Corbelle  
brothers Cecil & Vernon have passed.  
& for them & no other (attorney, Saul Brown got  
legal power to write it my wishes are.  
or would be. In the event of my death  
I demise that all of my property  
I. To my wife.  
2. To my 3 children - 3 1/2 Acres  
2.585 Kirtsgrove Road - 3 1/2 Acres  
3. 1400 scenic etc also now in  
3. but not 2074 Hickwood Ct  
G Franklin  
4000 E Parkway  
d. T. G. - K. G. -  
they most family  
lot close home in South

Handwritten document dated  
October 20, 2010

The Handwritten will <sup>G Franklin</sup> is  
1972: WAS <sup>1973 1st</sup> stolen by Norman Hopper  
OR given to Ken Cunningham AKA  
Hasson Ali neither have ever mentioned  
it. (of course) but Norman cleaned up.  
the space where I got it & gave.  
Lull (Ken) Hasson. either I  
wrote to Dennis Edwards so he  
definitely. Saw & probably has it. do  
this day. it is NO good + not  
my ~~the~~ wishes. 10/10 This will in  
writing is the current & correct one!!  
Also Miller Corfield SAUL is dead.  
I started a will  
these during the time Saul was my attorney  
it is NO good today. 10/20/10 & was  
never finished + not my wishes as of this  
signed by me writing 10/20/10

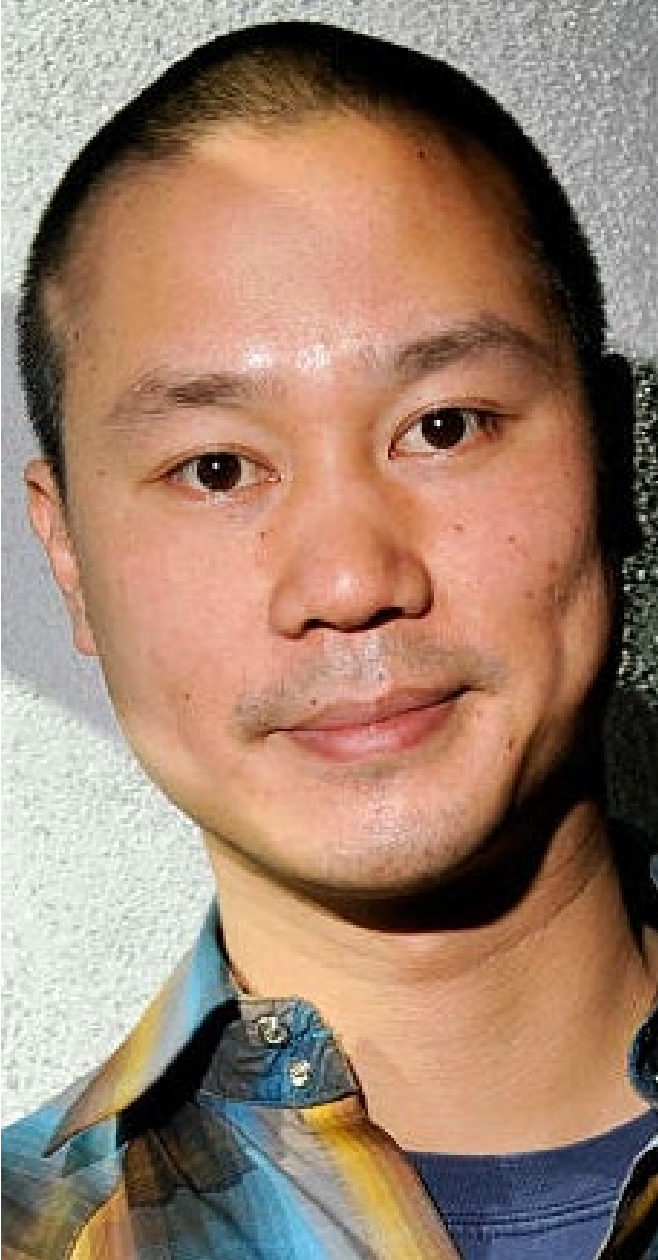
Handwritten will dated  
March 31, 2014 (p. 1 of 4)

3/31/14

To whom it may concern & being of  
Sound mind & sane - my will &  
testimony of the time & place I am  
& making & will my Residence do  
my son Reed at the time of  
decease for him & my grandchildren  
& wife of ~~it~~ be given to ~~it~~

Edward Franklin to live in a B. Sell  
my home in Palm Springs ~~will~~ will  
go to my son Ted ~~18261~~ 18261 Hamilton  
to live in town or sell.

to be Equally distributed for Keaton &  
passer on to my grandchildren. I have &  
I give to my other grandchildren the  
time of my demise. My Remaining  
Assets with Atlantic Records Warner Bros  
handled by Angel Motors (ad) <sup>page</sup>  
& my house - my  
As of 3/31/14. I estimate to 3 million  
after taking tax on in 2014. (See Redmy  
contract with Atlantic Records & Warner Bros  
3 contracts - 1967 - 1969 & 1970

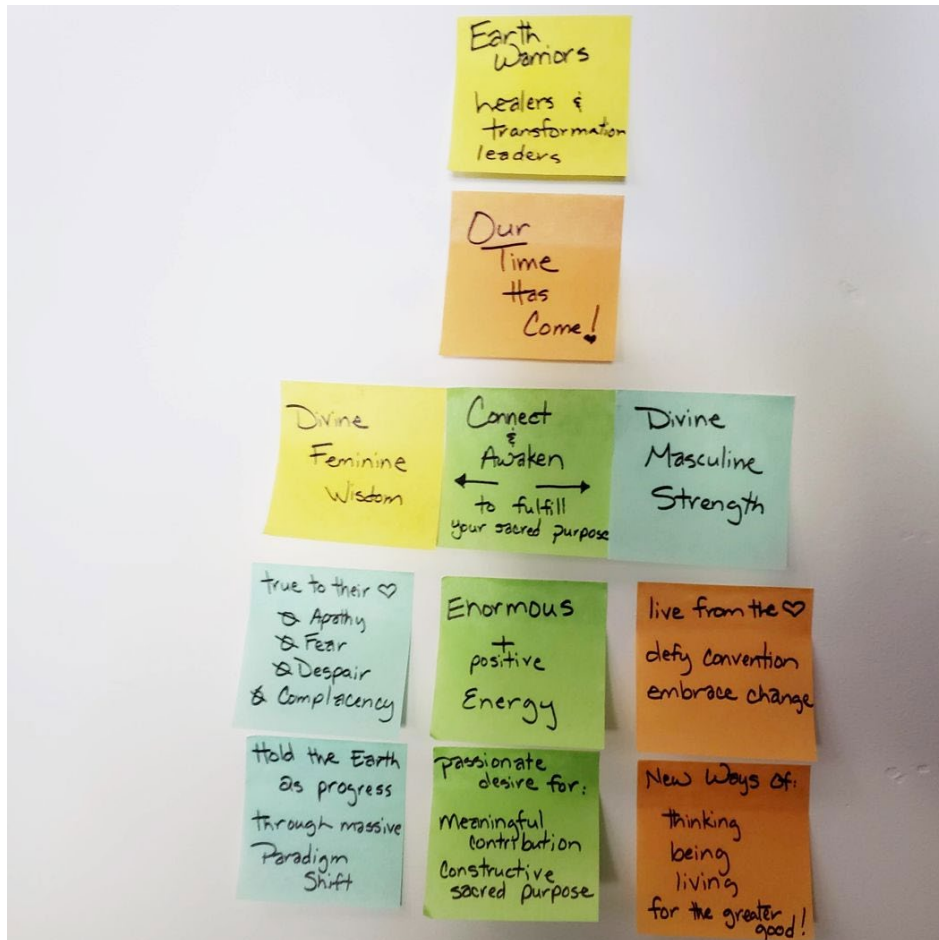


# ESTATE OF TONY HSIEH

- **Summary**
- **Background**
  - Career
  - Final Years
  - Death
- **Intestacy**
- **Issue:** Over \$100 million creditor claims filed by purported business partners, friends and hangers-on, many evidenced by Post-It notes



# THE POST-IT CLAIMS



TONY, MARI JEN. Count Report  
Aug 19th 2020  
I WILL LIVE ON SITE  
SEPT 20th. RESPONSIBLE  
2020  
FOR BARS, HOPE SECURITY  
AND PROJECT MUMIN  
Seward 450K FOR  
SUBMITTING BARS 20% MARI JEN  
5% TONY  
Aug 19th + Mark  
NACHO DADDY & TONY TRANS  
25% TONY → 20% MARI 25% SEAN  
5% TONY

# THANK YOU

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