

# The “Daily Plan-It™”

LAW OFFICES OF GARY R. WAITZMAN, L.L.C.

Volume 12, Issue 16

8/12/2010

## ***Dog Fight Ensues Over Millionaire Heiress’s Wild and Wacky Will***

When estate planning issues hit the news, you nearly fall asleep reading what is often a pretty tame case or legal proposal.

However, every so often a case pops up that leaves me scratching my head, wondering what the deceased must have been thinking when he or she wrote instructions that cut out children in favor of pets.

I recently read such a case in the Wall Street Journal (<http://tinyurl.com/2emxujt>) about an heiress who left a “dog fight” over her assets.

### **Conchita the Millionaire**

When Gail Posner, the daughter of Miami takeover artist Victor Posner, died in March at age 67, she left instructions in her Will that her tiny Chihuahua, Conchita, and two other dogs she owned had the right to live in her \$8.3 million mansion, with a \$3 million Trust fund to keep them in comfort.

The dogs weren’t the only ones to benefit from her generosity that was spelled out in her Will. Seven of her bodyguards, housekeepers and other personal aides were left a total of \$26 million, and were allowed to live rent-free in the mansion to care for the dogs.

### **Only Child Cries ‘Conspiracy!’**

Ms. Posner’s only living child, Bret Carr, has filed a lawsuit in Miami-Dade County against several of his late mother’s staff members and advisors, accusing them of drugging her and conspiring to steal her assets by inducing her to change her Will and Trust arrangements. He accuses her Trust attorney of using undue influence to get the woman to change her wishes.

Carr was bequeathed a mere \$1 million in his mother’s Will. He says his mother’s aides directed a “deeply disturbed” woman to promote Conchita as “one of the world’s most spoiled dogs” — complete with a four-season wardrobe, full-time staff and diamond jewelry. Carr’s attorney said that this campaign was part of a ruse to explain why a large Trust fund was left to the dogs.

### **Courts Usually Fix These Things**

Who is to say what will happen here? Can Carr convince a court that his mother was not in her right mind when she wrote her Will?

In 2007, New York real estate magnate Leona Helmsley left her dog \$12 million. A judge reduced that to \$2 million and directed the rest to charity.

Posner’s beloved Conchita might have a bone to pick with Carr over his lawsuit, but most estate planning experts say he’s got the upper paw.

A Will that leaves little or nothing to heirs but millions to caretakers is usually thrown out by the courts. Judges often find that the Wills were written or altered with undue influence exerted by the caretakers.

As always, I hope this article has helped, or at least humored, you and your clients. If you have a specific issue or concern, please contact our office.

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