2019 Probate Academy

UNUSUAL WILL PROVISIONS AND ENFORCEMENT ISSUES

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Outline of Presentation

1. Basic Legal Background
2. Unusual dispositions and requests
3. Unusual conditions on gifts
Basic Legal Background
A person may dispose of his/her property and impose whatever conditions the person desires unless the disposition or condition:

1. Violates the law, or
2. Violates public policy.
Event must occur before beneficiary may claim the gift.

“I leave $10,000 to X if she is a law school graduate at the time of my death.”
Condition Subsequent

- Beneficiary receives and retains the gift until the condition is violated.
- “I leave my house to my son but if my son is later convicted of a crime, then the house goes to my daughter.”
Unusual Requests
and
Dispositions
The only item he left to his wife was his “second-best bed.”
When — I pass — Out. see that. I. Am buried — Either
next to Tony — on that side — Or — put me Over on
the — Other side— Give me plenty of room: See that
My grave is Marked by a Single Marker and be shure —
that “I get plenty of room When — I am buried — dont
Crowd me — in a “Small space — please – I ask you —
to use special Care In selecting A Lawyer — to attend
to This Will—”Dont get some Grafter (as most of them
are: Who will rob you Out of your Eye—teeth—” And
then pretend “they are your Friend” A Lawyer — Is
more deadlier than a Rattlesnake—So—look—Out.
In the name of God, Amen.

This codicil sworn by me on 11 January 2001 and transcribed in mine own hand.
I have sound and despising mind and memory of my own free will and resolve,
void of any external influence that may be contrary to my wishes, aforesaid.
My last will and testament bearing the date 8th June 2001.

Whereas the name of Ernest Albert
Colman appears, I declare that it shall be replaced with the name
Ernest John Daynes.

In so much that Ernest Albert Colman was to me a debt of the
property at 1203 Pine Street, Philadelphia,
City and County within the Commonwealth of
Pennsylvania, I declare that it be in one
half measure forgiven.
Albert Orton disinherited his wife because she called him a “rotten old pig” due to his excessive flatulence.
Prohibited From Attending Funeral

- “I forbid that my ex-wife attend my funeral activities or any future things with the family!”

- “I personally hope her and her mother *Rot in Hell.*”

- I want her to know publicly how much resentment I have for her.”
Frederica Evelyn Stilwell Cook
- 1066 pages
- 95,940 words
- Estate worth only $100,000/
Shortest Wills

- Bimla Rishi
  - “All to Son.”

- Karl Tausch
  - “All to Wife.”
Will of Uah

- 2548 B.C.
- Egyptian
Cremains into Tornado
“Let me down one more time”
Money for Animal Care
55 Letter English Alphabet

George Bernard Shaw
Tan skin for book bindings?

Donal Russell
Cremains in Breast Implants

Sandi Canesco
Divide my hair

Napoleon Bonaparte
Stand at funeral

Angel Pantoja
Make dinner for me

John Bowman
Doctor to impale with steel stake

Harold West?
Money to woman birthing most children in a 10 year period
One rose every day

Jack and Sayde
Benny
Ashes to ink

Mark Gruenwald
Gift to Jesus
Buried in Ferrari

Sandra West
Pacemaker to dog

Sunshine
Unusual Conditions
Smoke 5 cigarettes per day
“Leave an awesome tip (and I don’t mean 25%. I mean $500 on a #@% * pizza.)”

At [http://aaroncollins.org/](http://aaroncollins.org/) you can see the $500 tips that have been left all over the country.
- 104 at last count!
“Eat my ashes”
Use skull in *Hamlet*
Disband sports program

Swarthmore College
Haunt anyone who contests will
Teach *Atlas Shrugged*
Do not join military
Be mustache-free
Give double-parking tickets
Marriage Conditions – If not marry

- Will provisions that remove benefits upon marriage be enforced?
  - Depends on facts. Is testator’s goal to:
    - Punish marriage, or
    - Provide support while single?
Marriage conditions – Only if marry

Heinrich Heine
Marriage Conditions -- Who

- Will conditions on whom you can marry based on religion, gender, race, etc. be enforced?
Marriage Condition – divorce current spouse

“I leave my entire estate to my daughter but only if she is divorced from her husband within one year of my death.”
Don’t wear jewelry

Benjamin Franklin
Pray for my soul
Questions?