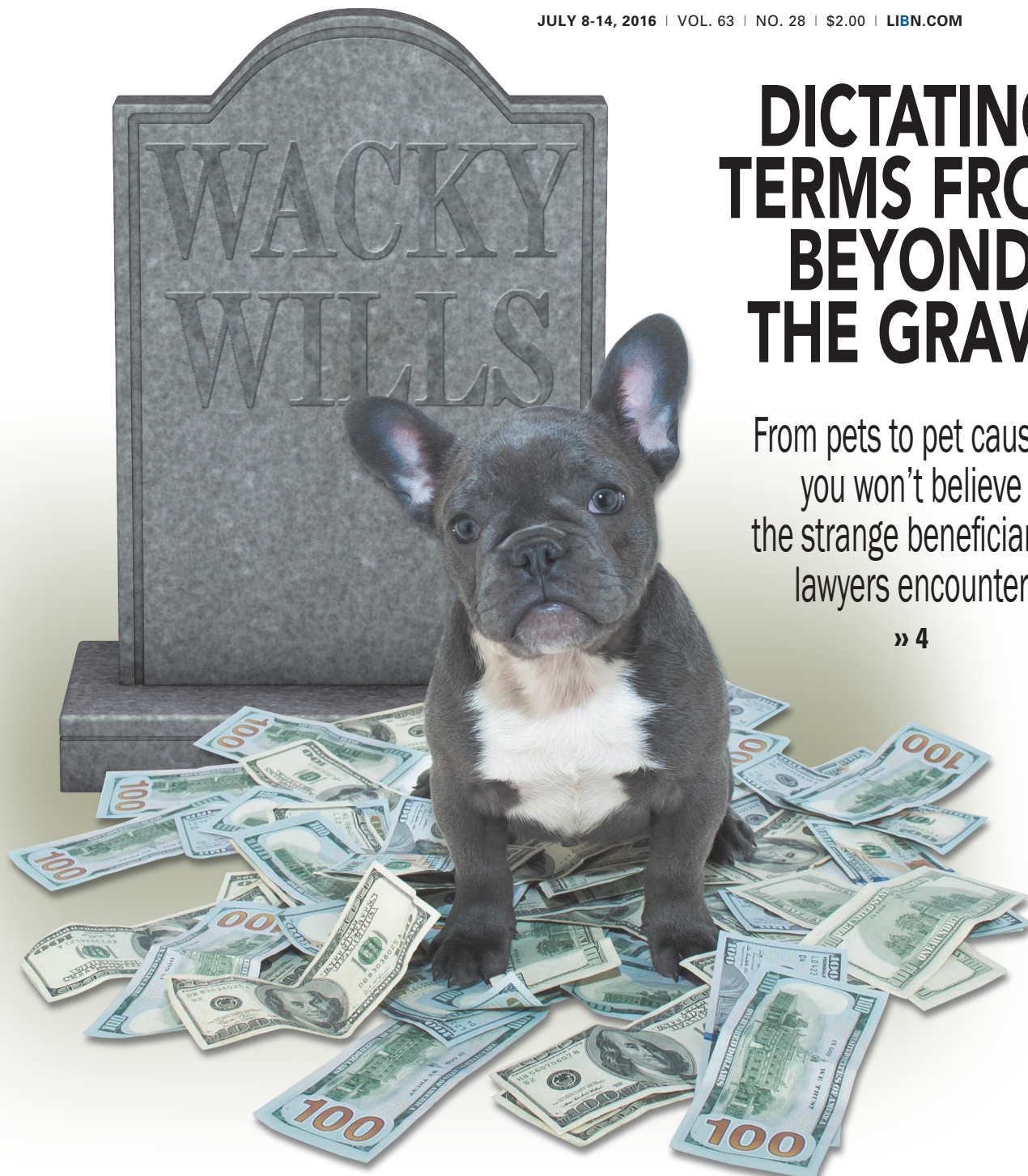


Long Island BusinessNEWS

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WACKY WILLS

Some attorneys say it's a matter of passing on values; others call it 'dead-hand control'

By ADINA GENN

There's the German countess who left \$80 million to her dog. And the woman who arranged a "pet trust" so that when she died, her horse would live at a particular stable – so long as the animal's befriended donkey resided there too, for companionship.

There's the man whose offspring would never have to worry about paying tuition – if they attended an Ivy League school. And there are children who get a percentage of an inheritance if they earn \$100,000, so they'd presumably already be productive members of society and never be "trust fund kids." And there are the offspring who only become beneficiaries if they marry within the faith.

Call it a desire to pass along values. Or call it extending control from beyond the grave. Long Island trusts and estates attorneys have seen and heard it all.

Whether the grantor is rich and powerful – and maybe famous – or simply of modest means, many look to estate planning as a way to perpetuate values into the next generation, experts say.

"People do awfully strange things when it comes to money," said Jeffrey Greener, a partner at Rivkin Radler, a law firm in Uniondale.

"There's nothing wrong with parents trying to imbue their kids with their values," he added. "But every kid is different. It has to be done very carefully."

As old as time

People plan wills to protect their families and to avoid the need at a later date to sort out an estate in court. Still, estates can stir up bitter sibling rivalries as old as that of Cain and Abel.

Greener points to legendary rocker Frank Zappa's children. For nearly 10 years, Dweezil Zappa performed "Zappa Plays

Zappa" – tribute shows that earned the younger Zappa a Grammy. But now the band is touring as "Dweezil Zappa Plays Frank Zappa," navigating around threats of copyright infringement damages after receiving legal notice from the Zappa Family Trust, whose operations are overseen by Dweezil's brother Ahmet, after the death of Gail Zappa, Frank's wife. Ahmet recently told *The New York Times* that the stipulation was "in accordance with the family trust," and protected his father's legacy.

None of this is new: Going back 400 years was William Shakespeare, who infamously in his last will and testament left his "second best bed" to his wife, perhaps a lasting commentary on what many claim was an unhappy marriage.

"There are all kinds of wacky wills," Greener said. Still, he pointed out, like in the case of Frank Zappa, who took measures to protect his family and his considerable catalog of hits, "sometimes there are unintended consequences."

Which is why trusts and estates attorneys say it's critical to work with an expert who can help them attain their goals. Rather than a "do it yourself" will that is downloadable online, it's critical to "get advice so you can accomplish your goals by working with someone who specializes in estate planning," said Mary O'Reilly, a trusts and estates attorney and partner at Meltzer, Lippe, Goldstein & Breitstone in Mineola.

While a will wraps up how an individual wants to distribute assets after death, a trust specifies how and when – perhaps over an extended period of time – a designated person may distribute those assets to the person's beneficiaries.

"Incentive trusts are used to incentivize the [would-be ben-



Photo by Bob Giglione

JEFFREY GREENER: People do strange things when it comes to money.

eficiary] to be productive members of society, to work and go to school" and more, O'Reilly said.

She recommends putting mechanisms in place to account for the unexpected. For example, in the instances of stipulating a college education or a certain salary requirement in order to receive funds from a trust, what if the would-be beneficiary can't get out of bed because of a long-term illness or an injury, or doesn't want to go to college?

The experienced trusts and estates attorney can provide the necessary guidance and flexibility so that an individual can still be a beneficiary while honoring the grantor's wishes, especially with irrevocable trusts.

"I find out what my clients' goals are and what they need to accomplish these goals," O'Reilly said.

Phrases like "shall only' become unchangeable," she added. "You don't want to draft those types of trusts."

Affairs of the heart

"Some people don't want their children or grandchildren to marry out of their faith," said Dennis Wiley, who co-chairs the Nassau County Bar Association Surrogate's Court estates and

trusts committee and is an associate at Rivkin Radler. "Occasionally race is mentioned," he added.

In one instance a grantor would only leave \$1 million to a beneficiary if she divorced her son-in-law.

Wiley described these kinds of stipulations as "anti-social wills," which courts often strike because they go against public policy, running counter to social norms.

"I try to steer clients against it," he said.

But O'Reilly said in New York, incentivizing people to marry within a particular faith is not so unusual as the region has become increasingly diverse, making it easier to meet others of a particular religion.

Helping hand

But mostly, Wiley said, grantors have the best intentions.

"They have a good sense of who their children are – their vices, and attributes," he pointed out. Parents want their children to "attain admirable traits and skills to help them succeed.

"Today," he added, "people don't get married, and their parents want to encourage it. They're delaying having children. Parents want to help."