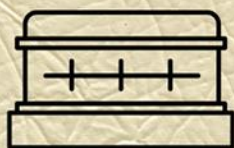


WHERE THERE'S A WILL



*Who Inherited
What and Why*



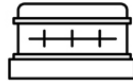
STEPHEN M. SILVERMAN



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INTRODUCTION

John F. Kennedy set aside a modest \$25,000 for his wife, Jacqueline, when he wrote his last will and testament, signed June 18, 1954. She was also named an executor of his estate, along with Kennedy's brothers Robert and Edward. The then-Massachusetts senator and future president's real wealth was secured in trusts protected from prying eyes that a public document such as a will could afford. JFK made provisions for any future children – daughter Caroline would be born in 1957, John Jr. in 1960 – although there, too, specific bequests were not spelled out. The will was not updated before his assassination in 1963.

Marilyn Monroe is another story. Constantly surrounded by attorneys, managers, and agents, she regularly revised her will. Her final testament, dated January 14, 1961, was signed only one year and seven months before she died. As reported in the papers of probate, her attorney "described MISS MONROE as being 'in complete possession of her faculties,' 'astute,' and 'above normal in intelligence.' In discussing business with her he found her to 'understand the nature and import of the various matters.' On the execution of the Will, she 'understood the nature of her act,' did not 'appear to be under duress at any time,' and was not 'emotionally disturbed.' An analysis of the Will in the light of MARILYN MONROE'S background establishes what appears to be a rational, orderly disposition of her estate."

If only there had been a rational, orderly disposition of her life - but, then, who can alter the inevitable?

This book was inspired by the simple query of a friend as to why Cary Grant, who left an estate valued at \$50 million, chose to remember a specific British journalist with \$25,000. (The

reason was simply friendship, not because of blackmail, as fantasized.) So, this book is an attempt to probe the lives and deaths of various celebrated people by tapping into their voices from the grave - their last wills and testaments.

Gruesome? Certainly not. Uplifting? Sometimes. Sad? Frequently. Despite often-specific intentions, in most cases - after jilted relatives and most especially lawyers and the tax people finish with an estate - the deceased seldom fully gets his or her way.

In a few rare cases, though, pleasant surprises can develop. Orson Welles's will (he died in 1985) left his Las Vegas house and most of his remaining estate to a Yugoslavian actress, Oja Kodar (née Olka Palinkas), because he fell in love with her. Far more beneficial to the rest of us was a small proviso in Welles's will that prohibited any tampering with his works. As a result, American telecommunications baron Ted Turner was stopped dead in court from colorizing Welles's 1941 classic *Citizen Kane*. Thank you, Orson.

Another happy incident: In an eighty-twenty split, Valerie Eliot, widow of poet T. S. Eliot (d. 1965), and Eliot's British publisher Faber and Faber were both enjoying a pleasant income, nothing more, from the collected poems and plays of the literary giant. Then, in 1981, composer Andrew Lloyd Webber set to music one of Eliot's lesser works, *Old Possum's Book of Practical Cats*, called it *Cats*, and Mrs. Eliot and Faber and Faber are now sharing about \$3.5 million per annum from that book alone. (UPDATE: When she died in 2012, obituaries for Valerie Eliot cited her "sizable fortune," allowing her to amass an art collection that eventually fetched \$12.5 million at auction. Included in the sale were works by Picasso, Matisse, Manet, Rodin, and Winston Churchill.)

Then there are the fights. In the course of researching this book in the Surrogate's Courts of New York and Los Angeles, I was alerted to expect a call from the granddaughter of an actor who was best known for his gangster roles. The actor had died in 1973, and here, seventeen years later, his relatives were still squabbling. My request to see the file sent up a red flag; I was to be interrogated to ensure I was not an attorney for one of the opposing sides.

The fights are usually nothing less than bitter, even when no will exists. In the case of comedian Lenny Bruce, who left no will when he died in 1966, his mother Sally Marr and daughter Kitty Bruce at one point were pitted against one another to see who owned Lenny's right to his likeness. The dispute arose because of a feature-movie depiction of Bruce's life, *Lenny*. In California, both Bruces are now protected thanks to legislation passed in 1985, giving the legal heirs of deceased celebrities the right to the dearly departed's name and likeness. (The biggest breadwinner in that sweepstakes over the past few years has been Marilyn Monroe.)

Generally, wills are signed in the offices of attorneys, but there are exceptions. Adolf Hitler signed his in his Berlin bunker one day before he allegedly took his own life. Der Fuehrer willed his remaining worldly possessions to the party, "or, if this no longer exists, to the state." Ernest Hemingway wrote his will in Cuba, and, true to his style, kept it short.

My favorite anecdote associated with the signing of a will involves the director-choreographer Bob Fosse (*Cabaret*) and his pal, the playwright and scenarist Paddy Chayefsky (*Network*). On the eve of Fosse's undergoing an operation for open-heart surgery, his lawyers prepared his will, and Chayefsky paid Fosse a bedside visit in New York Hospital. Fosse requested that his friend read and sign the document.

"Am I in it?" asked Chayefsky.

"No," Fosse informed him, "you're the witness."

"Then fuck you," replied Chayefsky. "Live!"

While most wills reflect a writing style that is dry and filled with legalese, here, too, some exceptions exist. F. Scott Fitzgerald's document dated June 17, 1937, reveals a great deal about the writer, who amended his requests in his own hand only six weeks before he died on December 21, 1940. Item one stated, "I will and direct that at my death my executors . . . provide for me a suitable funeral and burial in keeping with my station in life." With his pen Fitzgerald, who since the mid-1930s had felt his life was on the skids, crossed out "a suitable" as the description of his desired funeral and substituted above it, "the

cheapest." Then he struck a line through the phrase "in keeping with my station in life."

Noted misanthrope - and closet bigot - William Claude Fields (1879-1946) likewise injected his personality into his last testament. In the document dated April 28, 1943, Fields ordered that after the death of his principal beneficiaries - his brother, sister, and last girlfriend - "I direct that my executors procure the organization of a membership or other approved corporation under the name W. C. FIELDS COLLEGE for orphan white boys and girls, where no religion of any sort is to be preached. Harmony is the purpose of this thought. It is my desire the college will be built in California in Los Angeles."

It didn't happen. Fields's estranged wife attached herself to the will, and the targeted charity money was never to be garnered. (A real Fields touch: His wife must have truly despised him; in the probate papers, it is stated that "Under the will the decedent had directed that his body be cremated. The widow, through her counsel, instructed the Forest Lawn [cemetery] to have him buried.")

If there appears to be a preponderance of show business names in this book, it is no accident. High-profile lives frequently result in high-profile deaths. In addition, through technology, show business personalities have the capacity to keep generating income long after their physical bodies and talents leave this earth. Even before the advent of home video, it could be the case. Once again, let's look at Marilyn Monroe. In the year immediately following her death, her estate was expecting to receive 10 percent of the distributor's gross from two of her films, *Some Like It Hot* and *The Misfits*. Monroe's share was calculated to be \$510,930.61 from the first film, and \$86,820.01 from the latter - "subject to United States income tax withholding, State income tax withholding, agent's commission, Motion Picture Relief Fund deductions, and other nominal payroll taxes." (Sadly, Monroe was in hock at the time of her demise, so a lot of that expected income would not have been hers even if she had lived.)

There are perhaps lessons to be gained from what follows here. However, the purpose in gathering this information was not to be didactic, but rather to satisfy some morbid and some equally

healthy curiosity and, in some way, set about measuring a few interesting lives and how they were led.

Truth to tell, there is a revelation that surfaced, not so much in the researching of this book, but in its writing. In its typing, actually.

And that is the difference between owning and owing. It's only one letter.

- Stephen M. Silverman

New York City

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JOHN JACOB ASTOR

When someone has the kind of money old man Astor was sitting on when he died, he can pretty much reach into the future and write it - which is exactly what Astor did. Having owned so much of what is now New York City, America's first multi-millionaire wrote a will that reads a bit like an international treaty partitioning Western Europe after World War I.

Astor died \$20 million to the good in 1848. That's approximately \$201 million in 2018 dollars, a pittance compared to some of today's multibillionaires, but it was the largest fortune in the New World at the time, and that alone earned him a notoriety common to the "have-mores" of today.

In retrospect, what makes Astor's estate even more fantastic is that basically, he amassed it from nothing, and even nearly went broke several times in the process. Astor was born in Walldorf, Germany, on July 17, 1763, the son of a butcher. After spending a couple of years in London working with his brother in a musical instrument store, Astor arrived in New York in 1783, at the end of the Revolution, and continued in the business. His real passion, however, turned out to be the fur trade, in upper New York State and Canada, where he tramped through wilderness territory that up until then had been the exclusive domain of the Indians. A heavy load of pelts strapped to his back, and over his shoulder a musket, his face dirty and bitten by black flies, Astor roamed those woods for seventeen years, eventually parlaying that sweaty equity - plus a few loans - into a small fortune estimated at \$250,000.

Astor's fur trade grew by hook and possibly by crook - today he might have wound up in jail for insider trading or fraud - until it reached around the globe.