

Multiple Wills

When actor Gary Coleman died in May from a brain hemorrhage at age 42, he had an estate plan in place. In fact, it appears that he had three of them.

Coleman apparently had a formal will drafted by an attorney in 1999. His co-star from *Diff'rent Strokes*, Todd Bridges, has come forward with relevant additional documents that purport to show Coleman intended to disinherit his parents. Finally, Coleman's ex-wife, Shannon Price, produced a handwritten will that allegedly supersedes the earlier documents. It leaves the entire estate to her. Although they were divorced, Coleman and Price were living together at the time of his death, and she contends that they were planning to remarry.

The size of Coleman's estate is not yet known, so we don't know how big a fight this might become.

Lessons

In general, one's final will is the one that controls the disposition of an estate. When there are multiple wills, a court will have to sort through them, identifying the chronology. Beneficiaries from prior wills, disappointed by the changes, may try to challenge the later wills as procured by undue influence, or they may allege that the testator had lost the capacity to make a new will.

Sometimes such challenges are well founded. In one recent case, a Florida woman changed her will to provide a \$3 million bequest to her dogs, and divided the rest of her estate among her bodyguards and household staff. Her disinherited son has brought a lawsuit alleging undue influence.

Handwritten wills can be effective, though they are not recommended except in extreme circumstances. State laws vary on the requirements for executing a will, but disinterested witnesses are commonly a part of the will execution ceremony. The probate court must determine, from the available evidence and consistent with the law of wills, what the decedent's true intent was.

These are reasons why changing a will should always be handled by an estate planning attorney, who will be able to develop the documentation to support the new will in the event of a lawsuit.