

Aretha Franklin: Too Much Estate Planning

Aretha Franklin was a larger-than-life figure to her many adoring fans during a music career that spanned nearly 60 years. Over that time, she put out 38 studio albums and 6 live albums. The Queen of Soul also penned two wills that became the subject of considerable controversy after her death and showed that no matter how famous you are, your final wishes could come down to state law if you are not proactive about estate planning.

Two Wills Are Not Better Than One

Aretha Franklin, the commanding voice behind such hits as “Respect” and “Think,” was thought to have passed away in 2018 without voicing her views on how her estate should be divided among her four sons, seemingly leaving it up to state law and a judge to decide.

But when Franklin’s niece agreed to serve as personal representative of the estate and began going through the singer’s Michigan home, she discovered not one but two handwritten wills—one from 2014 found in the couch cushions and a second from 2010 found in a locked cabinet.¹

The documents contained key differences about the division of real estate, personal property, and music royalties among her sons, and the sons disagreed over which version should control the estate. Further complicating matters, both wills had detailed lists of assets, but neither was prepared by a lawyer or listed witnesses.

Her sons ended up squaring off in probate court over which of the discovered wills expressed their late mother’s true intentions at the time of her death. Following a two-day trial, a jury put the five-year—and at times combative—controversy to rest when it determined that the 2014 document should serve as the will.

Lessons Learned: R-E-S-P-E-C-T the Estate Planning Process

Aretha Franklin avoided dying intestate (meaning without a will) by handwriting a will. But her estate planning errors led to a situation that was just as complicated—and just as easily avoided.

Clients can learn these valuable lessons from Franklin about what to do—and *not* do—when creating an estate plan:

- **Let loved ones know where documents are located.** A will must be presented to the court and verified before it can take effect. If it cannot be located, it is essentially useless. Clients need to make sure loved ones know where their will, along with their additional estate plan documents like trusts, powers of attorney, and life insurance policies, can be found. Ideally, they should be kept somewhere secure, such as a fireproof safe, or a filing cabinet, or online in an encrypted cloud. Anyone needing access to the documents should also be given access

¹ Ben Sisario & Ryan Patrick Hooper, *Four Pages Found in a Couch Are Ruled Aretha Franklin’s True Will*, N.Y. Times (July 11, 2023), <https://www.nytimes.com/2023/07/11/arts/music/aretha-franklin-will-couch.html>.

codes. Document copies can be given to the estate planning attorney, executor, or a trusted friend or family member as a fail-safe.

- **Do not keep more than one version of documents.** Only one will is admissible to probate. The most recent version of a will or other estate planning document typically prevails over an older one, as it did in Franklin's case. If new documents are created, clients should consider destroying the old ones to alleviate confusion.
- **Handwritten wills may be okay but are not ideal.** Handwritten wills are considered valid in more than half of the states, including Michigan. However, they must meet certain criteria, such as bearing a signature and setting forth the material issues (what the person owns and the individuals they want to receive those accounts and property) in the person's own handwriting. Disputes over a handwritten will's validity can be avoided by working with an attorney who can ensure that the document is legally prepared and executed.
- **Make your intentions clear.** Having more than one will raises questions about which should take precedence. But in some cases, even a proper will can be superseded by, for example, a beneficiary designation on a retirement account or property owned together by two or more people in joint tenancy with survivorship. To prevent discrepancies, confusion, and conflicts, paperwork should be in alignment across estate planning documents.

How We Can Help You Help Your Clients

It cannot be emphasized enough that estate planning is not just for the rich and famous. You may convey a similar message to your clients when discussing an asset management plan. In our celebrity-driven culture, figures like Aretha Franklin can serve as a cautionary tale about what can happen when a plan is left to the last minute or not completed under the guidance of an experienced estate planning attorney.

One of the best gifts a client can leave their family is a professionally prepared estate plan that leaves nothing to chance or speculation. Clients should know that a missing, incomplete, or unclear estate plan can lead to conflicts between heirs that necessitate court intervention and drain estate assets.

The more you understand estate planning and how it fits into a wealth management strategy, the more you can build client trust and earn repeat business. To begin a collaboration with us, please reach out to schedule a meeting.



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