

Famous People Who Died With Wills and Other Probate Related Planning (“Testate”)



Paul Newman

Mr. Newman died of lung cancer at age 83 on Sept. 20, 2008 in his Westport, Connecticut home. He was survived by his second wife, Joanne Woodward, to whom he was married for 50 years. Mr. Newman and Ms. Woodward had 3 daughters, all surviving; Elinor, Melissa, and Claire. Mr. Newman was also survived by 2 of his 3 children from his first marriage; daughters Stephanie and Susan. His son from his first marriage, Scott, had died at age 28 in 1978.

Mr. Newman provided in his Will for his surviving spouse, Joanne Woodward, to receive the bulk of his estate. Also in the Will, Ms. Woodward was allowed control of Mr. Newman's several production companies and received various real properties outright. It was reported that during his life Mr. Newman had gifted \$5,000,000 to each of his five daughters.

As most of us know, Mr. Newman founded 'Newman's Own' line of food products in 1982. As many of us may not know, Mr. Newman was recognized as a philanthropist around the world, having funded charitable work in the U.S., Kosovo, Ireland, France and Israel. He co-founded the 'Hole in the Wall Gang Camps' for seriously ill children, he is reported to have supported Catholic Relief Service, gave his alma mater, Kenyon College in Ohio, \$10 million for scholarships, helped found the Committee Encouraging Corporate Philanthropy, and in 2011 his estate gifted land to the City of Westport, Connecticut to be managed by the Aspetuck Land Trust. Giveback.org named him the most generous celebrity for the year 2008 (the year of his death) for charitable gifts exceeding \$20 million in that year alone.

To support these various charitable activities, the Newman's Own company established a policy that all net after taxes profits would be donated to charity. The quote from Mr. Newman was reported at that time to be "let's give it all away". As reported on the Newman's Own Foundation website in 2013 (a private independent foundation established in 2005) the distributions from the foundation to charities all around the globe were at \$370 million. To continue this philanthropic gifting after death, he directed that all of his Oscars and other theatrical awards were to pass to the Newman's Own Foundation.

Mr. Newman's Last Will and Testament, dated April 11, 2008, was amended by a First Codicil dated July 24, 2008. The Codicil made clear that Ms. Woodward would receive their Westport home plus the executor was directed to sell Mr. Newman's race cars and personal airplanes. Mr. Newman also did planning through a revocable living trust which is not a matter of public record as the Will and Codicil.

Janis Joplin

Janis Joplin was a singer, songwriter and musician who was a native of Port Arthur, Texas and died at the age of 27 in Hollywood, California. Her mother was a registrar at a business college and her father was an engineer with Texaco Corporation. Both parents survived her, along with her younger sister, Laura (age 21 when Janis died), and her younger brother, Michael (age 17 when Janis died). During her short life she helped change popular music in a dramatic way and, along with Grace Slick, has influenced female singers over the decades since her death.

As one who followed her since she was a well known singer from southeast Texas while I was a teenager in northeast Texas, it seemed to me there was a cognitive dissonance between the smaller town Texas native and the musical star Ms. Joplin quickly became in California beginning in 1966. In my opinion, her attempt to deal with the internal conflict is one of the things that is reflected when one reads her Last Will and Testament which was signed only 3 days before her death by an apparent drug overdose while living at the Landmark Motor Hotel in West Hollywood while recording an album.

In the Third Article of the Will the Executor was directed to "...assemble (her) household furniture, furnishings, jewelry... and other personal effects and to distribute the same...to various of my friends and acquaintances...provided that a preference...be given to any female roommate with whom I have resided for some time prior to the date of my death and with whom I continue to reside (on my death)." There was no one who met this qualification on Ms. Joplin's death.

In the Fourth, Fifth, Sixth and Seventh Articles of the Will, Ms. Joplin left the bulk of her estate to her family as follows: 50% to her parents or the survivor of them; 25% to her sister; and, in trust until age 21, 25% to her brother. The trustee of her brother's trust is allowed to make distributions for his "education" limited to "college or postgraduate studies". The trust also allows for "reasonable" living expenses while in school. In the Articles, Ms. Joplin showed a strong loyalty to her family and fiscal restraints for a younger brother. All of the immediate family members survived Ms. Joplin and her sister and brother are still living. As an aside, after now 40 plus years of her surviving family members managing her rights and image as a family business, there are reports the family has hired a professional estate manager for this purpose. It would be hoped this business move will bring back a broader public recognition of Janis Joplin's talents and accomplishments.

Finally, in the Eleventh Article of the Will, Ms. Joplin directed that her Executor “...be authorized, at the expense of (her) estate, but not to exceed...\$2,500...(for)...a gathering of (her) friends and acquaintances at a suitable location as a final gesture of appreciation and farewell to such friends and acquaintances.” It was reported at the time that this gathering was held about 3 weeks after Ms. Joplin’s death at the Lion’s Share, a small club known as a musicians’ hangout in San Anselmo, Marin County, California. In the end, Janis Joplin left her personal effects and a party for her friends, the rest of her worldly goods for her family and many memories for all of them.

Benjamin Franklin

As I would expect everyone to know, Benjamin Franklin was one of our Country’s Founding Fathers. His Will is dated July 17, 1788 and the Codicil (Amendment) to his Will is dated June 23, 1789. He died in 1790 at the age of 84. Some have said he was one of the wealthiest men in the “colonies” but this is likely not accurate. A very rough estimate of his wealth in today’s dollars would be in the neighborhood of \$75 million.

What distinguished Benjamin Franklin, at least to me, was that he was the 17th child of a soap and candle maker and started out as a printer’s apprentice. After his apprentice training he arrived in Philadelphia with little money and no assets. Mr. Franklin built his wealth on his own by opening what became a very successful print shop, later franchising his printing operation to others in different colonies, went into the newspaper business, developed and owned Poor Richard’s Almanac, was an inventor and was even the Postmaster for the colonies under the British.

Benjamin Franklin had a common-law wife, Deborah Read Franklin who predeceased him. In the Codicil to his Will, he leaves directions to be buried next to her with specific direction for a large marble stone to cover both of their graves. He also had two children: (i) an acknowledged illegitimate son named William Franklin, and (ii) a daughter, Sarah, whose mother was his wife. There are no official records as to the identity of William’s mother but we do know William was raised by Mr. Franklin and his wife, who was called mother by William. Sarah “Sally” married businessman Richard Bache and they had eight children: Benjamin Franklin Bache, Richard Bache, Jr. (a patriot of the Republic of Texas), Louis Franklin Bache, Eliza Franklin Bache, William Franklin Bache, Deborah Franklin Bache, Sarah Franklin Bache (died as a young child) and another Sarah Franklin Bache (their youngest child who survived to adulthood). Only two of Sarah’s children are mentioned in her father’s Will. Mr. Franklin’s son was a British loyalist during the American Revolution which resulted in a permanent split between father and son. Interestingly, in his Will Mr. Franklin forgave all of his estranged son’s debts and left all of his real estate holdings in the Nova Scotia area of Canada to William. William was exiled to England in 1782 and died there in 1814 leaving one son, William Temple Franklin. William Temple was also named in his grandfather’s Will as having his debt forgiven (about \$400,000 in today’s dollars) along with Mr. Franklin’s right in 3,000 acres of Georgia land titles granted to him by that state’s government.

It is interesting to me that all of the financial references in Benjamin Franklin’s Will and Codicil are in “pounds sterling” and “schillings”. At the time Mr. Franklin’s Will and Codicil were written, the U.S. did not have a national currency (was not created until 1792) and each of the 13 states were issuing their own currencies under the old British currency denomination names. So, we may assume that the pound and shilling references in his Will would be Pennsylvania pounds and schilling, but we also note that when Mr. Franklin provides that “what money of shall...remain in the hands of my bankers...at Paris (and) London....” These funds were likely English pounds. Due to the lack of a national currency in the U.S. the legal tender at the time might include British, Spanish, Portuguese paper and coin along with trade commodities.

Benjamin Franklin further left a home and a lifetime annuity for one of his sisters, Jane Mecom, of Boston. Additionally, he left specific land to his son-in-law, Richard Bache and forgave a substantial debt own to him by his son-in-law on the condition that Mr. Bache immediately set free a slave named Bob. Mr. Franklin also left 50 pounds sterling (to be divided equally among them) to the children, grandchildren and great- grandchildren of each of his six siblings. He further left a variety of personal effects and books to grandsons, a cousin, George Washington (his walking cane) and his daughter, Sarah. The great majority of his estate he left outright, as her separate property, to his daughter. In both his Will and Codicil, he left substantial assets for the public schools and qualified apprentices in both Boston and Philadelphia for their support and training for a period of 200 years. Both of these charitable funds grew to a substantial size and survived for the 200 years period.

In actuality, the Will and Codicil of Benjamin Franklin are short when compared to today’s legal documents. However, there is a great amount of material in the two documents that give great insight into the interests, concerns, family issues, public service and the moral obligations of one our greatest Americans. Reading the Will and Codicil can give one even more respect for this great man.

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