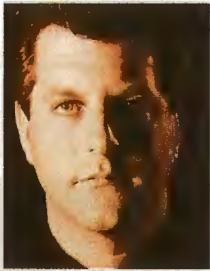


A Graceful Exit

At the eleventh hour, actress and art patron Kitty Carlisle Hart added a codicil to her will that was generous to a housekeeper and equalized gifts to her children



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On April 17, 2007, the nation lost a grande dame of the arts and culture: Kitty Carlisle Hart, chair of the New York State Council on the Arts from 1976 to 1996, a woman who had an extraordinarily long and varied career in show business.

Born with the name Catherine Conn (pronounced Cohen) to a Jewish family living in New Orleans, La., in 1910, Kitty was 96 years old when she died in New York City. In between, she appeared in numerous films, including the Marx Brothers' *A Night at the Opera* (1935), Woody Allen's *Radio Days* (1987) and *Six Degrees of Separation* (1992). She also starred in many Broadway plays and musicals. And she was married to the playwright and director Moss Hart from 1946 until his death in 1961. Moss was famous for such plays as *You Can't Take It With You* (1936, Pulitzer Prize), *The Man Who Came to Dinner* (1939), *My Fair Lady* (1956) and *Camelot* (1960).

It was after Moss was gone that Kitty became known to popular culture, all over America really, through appearances on such popular television game shows as *To Tell the Truth*, *What's My Line*, *Password* and *The Match Game*, on which she was always charming, fashionable and sophisticated.

This famous lady left a last will and testament dated May 17, 2002. A first codicil

to that will, dated Jan. 24, 2007, was added less than three months before her death. The codicil increased a bequest to Kitty's housekeeper, Ester Sonne, from \$10,000 to \$50,000. The codicil also includes a provision that forgives any indebtedness from Kitty's two children, Catherine Hart (who has the same first name that her mother was born with) and Christopher Hart. The clause states: "If the amount given to them, including any forgiveness of debt, are unequal, then I give to the child having received a lesser amount, a sum sufficient to equalize the monetary gifts to my children. Monetary gifts to a spouse shall be included in the computation of gifts to a child. I do not intend to equalize monetary gifts to my grandchildren since they are unequal in number." Although grandma apparently made lifetime gifts to her grandchildren, there are no bequests mentioned in her will to any of her three surviving grandchildren.

There is also a \$5,000 bequest in the will to the "KITTY CARLISLE HART THEATRE in Albany, New York." (Not too many people would be able to make a bequest to a theatre named after themselves.)

As for her tangible personal property, Kitty's jewelry was bequeathed to her only daughter Catherine; the rest was divided equally between both Catherine and

Christopher—with the request that they “give a portrait or picture of me to the KITTY CARLISLE HART THEATRE.” We can only wonder which portrait it will be and where the theater will hang it.

Although Kitty was survived by two adult children who are the only beneficiaries of her residuary estate, Kitty named her attorney, David Grossberg, as the executor of her will. The 96-year-old Hart wisely named a person younger than herself as her executor. Attorney Grossberg is only in his 80’s and was obviously very trusted, as he’d served as Hart’s attorney for more than 45 years. Hart’s will provided that if attorney Grossberg “shall cease for any reason to act” as executor, then Kitty appointed her two adult children, Catherine and Christopher, as successor co-executors.

On the probate petition filed with the New York County Surrogate’s Court, the value of the Hart estate is listed as being in excess of \$500,000. But clearly the emphasis here should be on the “in excess of.” In New York, \$500,000 is the threshold that requires a payment of the state’s largest probate filing fee in the amount of \$1,250. The documents do not list the full value of Hart’s estate. The court file also reveals that Grossberg followed all proper procedures and had his client sign the attorney-as-fiduciary disclosure form in accordance with New York Surrogate’s Court Procedure Act Section 2307-a, which allows an executor to receive a full executor’s commission, instead of one-half, which is payable in the absence of the signed disclosure form. We do not know what a full commission would be without knowing the gross value of the Hart estate.

Hart’s will provides that were she to have had no survivors, her entire residuary estate would have been left to the Dramatists Guild Fund, Inc. “with the request that this be administered in such a way as to

perpetuate the name of MOSS HART, by a separate fund or similar arrangement.” If the Dramatists Guild were no longer in existence, the executor had the discretion to distribute the residuary estate to tax exempt organizations “for the benefit of playwrights and to encourage writing for the theatre, endeavoring to use the name MOSS HART in connection with this.” Even though Moss had died 46 years earlier in 1961, Kitty did not forget him in her will.

Moss Hart’s plays and Kitty’s appearances will live on in the memories of those fortunate enough to have seen his dramas or her performances. **I**

Kitty Carlisle, circa 1934, right, when she was a Hollywood film actress under contract with Paramount and appeared with Bing Crosby in *She Loves Me Not*.

Below, in 1964, then Kitty Carlisle Hart, on a celebrity panel of the television game show *To Tell the Truth*, with host Bud Collyer (standing rear) and actors Tom Poston (left) and Orson Bean.



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