



"Where There's a Will . . ."

By Herbert E. Nass, Esq.

The Last Wills and Testaments of two of our most admired dearly departed celebrities, paralyzed actor Christopher Reeve and blind singer Ray Charles, highlight how each of them provided for his family and duly executed his estate plan despite the serious physical disability that they each endured.

Although he played a Superman with super human powers in the movies, Christopher Reeve was unable to sign his Last Will and Testament dated September 15, 2003. Instead, Reeve took advantage of the provisions of New York's Estates, Powers and Trusts law Section 3-2.1 which expressly provides that a Will may be signed "in the name of the testator, by another person in his presence and by his direction." Reeve's wife, Dana Morosini Reeve, not only signed his Will on his behalf, but also initialed every page with her husband's initials "CR". Reeve's wife Dana appeared to be very involved with the 24/7 care of her paralyzed husband, and so it is therefore somewhat surprising that Dana Reeve was not named as the Executor of his Will, or even as a co-executor.

In most cases, I recommend to our clients that his or her surviving spouse be named as either the sole executor or one of multiple co-executors of the Will, unless there is a good reason why he or she would be precluded from serving in that fiduciary capacity.

Reeve's Will includes a single, specific bequest of his "Samick piano" to his brother, Brock Reeve.

Conspicuously absent from Reeve's Will though is any mention of The Christopher Reeve Paralysis Foundation. That may be attributable to the fact that Reeve's personal medical and care costs undoubtedly were astronomical, leaving relatively little for charity after providing for his wife and three children. Nonetheless, because of Reeve's efforts, that foundation has raised millions for spinal injury and paralysis research and helped put the issue of stem cell research front and center in the national consciousness.

Having reviewed how a paraplegic can arrange for his Will to be executed in accordance with legal requirements, our next celebrity answers the question, "How does a blind man sign his Will?"

Perhaps one of the most famous blind people in recent times, the singer/songwriter/performer known as Ray Charles, had his longtime friend and manager, and the executor of his Will, Joe Adams, sign Charles' signature for him in front of two subscribing witnesses.

Interestingly, neither the will of Ray Charles nor any of the attachments to it state that the testator was totally blind and was directing that his will be signed by someone else, let alone that this someone else happened to be the executor of the will. New York's Estates, Powers and Trusts Law Section 3-2.1(a)(1)(c) is quite specific about the procedures involved in certain highly unusual circumstances, such as a blind person executing a Will. At the very least, the Will being signed should be read in its entirety to the blind testator, but each state has its own legal requirements and procedures. The applicable California statute on the subject is much looser, as many things in California are, than the applicable New York statute.

Ray Charles' Last Will and Testament, which was signed in Los Angeles on February 5, 1997 and admitted to probate on December 8, 2004, is structured as a so-called "pour-over" will, with all of the assets passing, or "pouring over", into the "Robinson Family Trust," which had been established in 1986. The assets would be held and distributed in accordance with the terms of that trust. In addition to all of his "jewelry, clothing and other tangible articles of a personal nature, my household furniture, furnishings and appliances, and any automobiles which I may own at the time of my death", Charles left the "residue of my Estate, real, personal and mixed, and including automobiles I may own at the time of my death.... to the Robinson Trust."

The terms of that trust are confidential and not a matter of public record, as the Will and other probate papers would be.

In addition to his considerable musical legacy, Ray Charles also left twelve (12) children, all of whom are expressly named and identified in his Will, two ex-wives, many girlfriends, twenty (20) grandchildren and five (5) great grandchildren. Mr. Charles was apparently quite prolific in, and out of, the recording studio.

Ray Charles was also exceedingly charitable, and established in the 1980's the Ray Charles Robinson Foundation for the hearing impaired. Although Ray's Will does not mention his Foundation, it is believed that the Foundation is a substantial beneficiary of his trust. The blind Ray Charles came to believe that hearing was the most important of the senses. He once said, "I can't imagine being deaf... To me, it's the worst thing in the world. Imagine never being able to hear music. Most people expect me to help the blind, but I don't think they need help. After all, I'm blind and I'm doing alright."

Assistance with this article provided by Todd A. Schulman, Esq.