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Lack of estate planning can lead to family blowups

When there's no will, there are plenty of ways for fights

By **CLAUDE SOLNIK**

The high divorce rate, the growing number of second marriages, longer life spans and the fear of discussing death and writing wills have led to a big increase in the number of family feuds being played out in the courtroom.

Jack Barnosky, a partner at Uniondale-based Farrell Fritz, said he's seen a surge in disputes over inheritances.

And Steven A. Kass, a lawyer in private practice in Melville, said it's often "over substantial wealth. And sometimes it's just on principle."

The litigation often takes place because estate planning is ignored, leaving no clear path to divide assets, experts said.

Randy Shotland, an insurance broker with New York Life in Melville, said he has seen a number of feuds erupt because "there were few or no measures taken to divide estates."

It's the reluctance of Baby Boomers to write wills that leaves such fertile

ground for litigation.

"I'm shocked," Barnosky said. "People have \$10 million. They're 70 years old and they've never done a will. People don't like to think about it. They're notorious procrastinators."

Law firms offering to challenge wills has also led to an escalation in estate litigation.

One more gigantic issue: A complete lack of communication between family members. Barnosky said that



The battle over Anna Nicole Smith's estate went all the way to the U.S. Supreme Court.

people are often left out of the will – and don't know it.

There are plenty of high-profile examples of how a failure to clearly define who's in charge of a will could lead to a massive fight.

Anna Nicole Smith's battle, for instance, reached the U.S. Supreme Court.

Arthur Sackler, the namesake of the Sackler Wing at the Metropolitan Museum of Art, named seven executors for his will. The executors included his wife, an ex-wife, children and an attorney. It's no surprise that "all hell broke loose," Barnosky said.

"Everybody was fighting," he said. "They fought for years."

Not all the disputes are about money. Fights also have to do with ego. When feelings are hurt, anything can happen.

"I call them post-mortem matrimonials," Barnosky said.

Descendants also squabble over who gets to divvy up assets.

"Control is a big thing," Barnosky said. "I've had people fight over \$15,000," he said, adding that's not enough money to make it worthwhile to litigate.

So the lesson in all this is obvious – make sure the will is clear. ■