

Where there's a will doesn't always mean there's a way



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The final suit is finally settled over the giant trust left behind by Leona Helmsley, the late, ingrate hotel heiress.

Dubbed “the Queen of Mean” for her mistreatment of employees – she once made a waiter publicly drop to his knees and beg to keep his job – Helmsley died in 2007, leaving an estate now valued at around \$8 billion. Though her bark was as bad as her bite when it came to humans, Helmsley had an undying affection for dogs, leaving \$12 million to her pet Maltese, Trouble. She wanted most of the rest of the estate spent on the care and welfare of other dogs.

But the trustees went to court in 2009, arguing that Helmsley’s instructions on canine care were not legally binding because they suggested rather than directed. For all you non-lawyers, that’s precatory, not mandatory. The court agreed, giving the trustees broad power to spend the money as they deem fit, which happens to be on health care, medical research and education ... for humans.

Four animal welfare organizations banded together to fight the ruling, but a

New York court rejected their motion last month, in part because the groups lacked legal standing, having not been specifically named in the will. An official with the Humane Society of America bemoaned the ruling, noting that much good could be done with “just the annual interest thrown off by an estate this large.”

We certainly understand his interest.

About 25 percent of Americans include pets in their wills, according to legal experts, a quarter of an estimated 68 million pet dogs and 73 million cats. Tobacco heiress Doris Duke left her dog Rodeo \$100,000 in her will, while singer Dusty Springfield – yes, she’s dead – arranged for her cat Nicholas to receive a lifetime supply of imported baby food, his favorite meal. Actress and animal rights activist Betty White reportedly has ordered her entire \$5 million estate to be probated to her pets.

But the Helmsley case was “the perfect storm,” according to Eric W. Penzer, a partner at Farrell Fritz and an expert in trusts and estates law. “Here you have someone infamous leaving an extraordinary amount of money to an animal,” he said. “She’s the Queen of Mean to people and then leaves a fortune to her pet.”

By Penzer’s math, the Helmsley case took a full 25 dog years.

It should be noted that the courts have trimmed Trouble’s inheritance

down to \$2 million, although that still makes her one rich bitch, with more than enough for food, grooming and a \$60,000 annual stipend for Carl Lekic, a Helmsley hotel manager who was appointed to keep Trouble out of her namesake.

The Helmsley family trust declined to discuss Trouble’s health and whereabouts with me this week, but at last report the 10-year-old Maltese was doing fine at the Sandcastle Hotel on Lido Beach, guarded by a \$100,000-a-year security detail following death threats.



I was unable to confirm whether the threats came from Florida seniors who are eating dog food so they can afford their prescriptions.

When Trouble finally does pass, she will be buried next to her former mistress at Helmsley’s \$1.4 million mausoleum in Sleepy Hollow Cemetery in Westchester. The mausoleum features classical columns and faux-Tiffany stained-glass windows depicting the skyline of New York City. Andrew Carnegie, Walter Chrysler and Elizabeth Arden are buried nearby.

By order of Helmsley’s will – so this is mandatory, not precatory – the mausoleum is acid-washed or steam-cleaned at least once a year. Visiting grandchildren must sign a guestbook at the tomb or risk losing their inheritances.

Helmsley’s is not the strangest will ever fought over in court. That honor goes to Donal E. Russell, a sometimes-poet and fly fisherman from Springfield, Ore., whose 1994 will stipulated that his body “be skinned from the head down and tanned for the purpose of face binding volumes of my verse.”

When the funeral director balked, Mrs. Russell went to court. And lost. Tanning human hides, it turns out, is not legal in Oregon.

But unlike a dog with a security detail, there is poetry in the idea.