

# Whitney's Will is Public

By C.J. Griffin on March 16th, 2012 Posted in Estate Planning, New Jersey

Whitney Houston's Last Will and Living Testament was leaked by the tabloids this week. Of course, it did not take much detective work for the tabloids to "leak" Whitney's estate plan, as all wills must pass through probate court and thus become matters of public record. Had Whitney instead chosen to use a living trust to distribute her assets post-death, the matter could have been kept private (and avoided the significant costs and time associated with probate)

Ms. Houston however elected to leave her entire estate to her daughter Bobbi Kristina via a testamentary trust (a trust that is created post-death). Had Whitney chosen not to use the trust, Bobbi Kristina would have received one, lump sum distribution of the entire estate because she is 18 and thus legally an adult. However, the testamentary trust allows a named trustee to set a distribution plan so that Bobbi Kristina receives various distributions over the course of her life.

Whitney's will serves as an important reminder to keep estate planning documents up-to-date, especially after major life events. Whitney's will was created shortly after she married singer Bobby Brown and was never updated after their divorce. Per the will, Bobby Brown is the suggested conservator should Bobbi Kristina ever be declared incompetent, which means he would control the assets Ms. Kristina receives from Whitney's estate. Moreover, Whitney's will states that if she had no children at the time of her death, Bobby Brown and several family members would split her estate. Given the bitter relationship between Whitney and Bobby Brown, it is doubtful that the will ultimately reflected her wishes. It should have been updated after her divorce.