



Can I leave my Estate to.....?

If you start typing “*Can I leave my Estate...*” into Google, it suggests that the most popular ways of completing this question includes:

- “*...to anyone*”
- *....to my dog*
- *....to my cat*
- *....to charity*
- *....to my grandchildren*
- *....to one child*
- *....to a friend*”

These suggested responses reflect the most popular questions which people have asked Google about leaving an estate and these are considered further below.

...To Anyone

In England and Wales you can generally leave your estate to whoever you like, but it is also important to remember that wills can also be challenged, declared invalid and claims can be brought against an estate under the [Inheritance \(Provision for Family and Dependants\) Act 1975 \(“the Inheritance Act”\)](#) in certain cases.

...To My Dog/Cat

Legacies can be used to benefit pets, but they are not usually left directly to the pet. Instead the inheritance is normally paid to someone who will look after the pet, or to a trust fund (to be applied for the pet’s benefit).

For example, in 2007, US hotelier Leona Helmsley died leaving an estimated £4 billion estate. Her will included a

gift of \$12 million to her Maltese dog, called Trouble. This sum was to be held in a trust fund and trustees were nominated to act as the custodian of the money (on Trouble's behalf).

German Countess, Karlotta Libenstein also left millions to her Alsatian dog, Gunther III. When Gunther III then sired, Gunther IV, the lucky pup later inherited his father's massive fortune of over \$100 million.

...To Charity

Legacies provide vital voluntary income for many charities and there can also be tax advantages for your estate if you include charitable legacies in your will. The COVID-19 pandemic is likely to affect income streams for many charities, so legacies may become even more important to charities in the future.

...To my Grandchildren

Gifts to grandchildren in wills are common, but if they are minors, you will need to consider when and how they will inherit. For example, at what age and how their inheritance will be managed until then.

...To One Child

There are lots of reasons why people leave their estates in a particular way. If they have a spouse/partner, children or financial dependants, they may provide for them, but, that is not always the case.

Some people may include all of their children in their will, but others may have good reasons for excluding some (or all) of their children or leave children unequal shares of their estate e.g. if they have already gifted assets to one child during their lifetime.

However, if a child is excluded from a will, this may prompt an Inheritance Act claim for financial provision (or further financial provision) to be made to them from an estate.

...To a Friend

If a person has no close relatives, they may wish to leave their estate to their friends. However, if they do have close relatives, financial dependants, a spouse/civil-partner or co-habiting partner (of more than 2 years), they should consider whether leaving part or all of an estate to friends will prompt a claim against their estate.

....And the rest?

In some cases, there may be no explanation why a testator has left their estate in a particular way. For example, Portuguese aristocrat, Louis Carlos De Noronha Cabral Da Camara chose the beneficiaries of his will by making a random selection from the Lisbon telephone directory. The beneficiaries were later told that they had each

been randomly chosen from the directory, some 13 years previously, in front of two witnesses.

Many of those selected apparently believed that they were the victims of a prank and there was speculation that Mr Da Camara may have wanted to amuse people after his death. However, when Mr Da Camara died, he was aged 42, a bachelor and had no children. As he had no immediate financial dependants, there may therefore have been some logic to Mr Da Camara choosing his beneficiaries in a random way.

Canadian lawyer, Charles Vance Millar was also known for his love of practical jokes and his last will might be his most successful. When Mr Millar died in 1926, his will included some unusual legacies and it states that it is: *“necessarily uncommon and capricious because I have no dependents or near relations and no duty rests upon me to leave any property at my desk and what I do leave is proof of my folly in gathering and retaining more than I require in my lifetime”*.

Firstly, Mr Millar left three beneficiaries who were known to dislike each other a joint life tenancy in his holiday home in Jamaica. Secondly, he left several people who were opposed horse racing \$25,000 worth of Ontario Jockey Club stocks.

Thirdly, he left \$700,000 of brewery stock to several prominent Protestant ministers who supported the temperance (anti-alcohol consumption) movement, on the basis that they participate in the management of the brewery and also drew upon its dividends.

However, the most famous legacy in Mr Millar’s will was that the substantial residue (balance) of his estate should be converted into cash 10 years after his death and left to a woman from Toronto who had given birth to the most children during that period. If there was a tie, the bequest would be divided equally. This became known as *“The Great Stork Derby”* after the ‘race’ it could have prompted to have as many children as possible within that time period.

Unsurprisingly, there was an attempt to invalidate Mr Millar’s will, on the grounds that it was contrary to public policy, but it was a carefully prepared document and the claim failed. Many other attempts to have the will declared invalid also failed.

When the 10 year period expired, \$570,000 from Mr Millar’s was shared by four Toronto women, who each had nine children.

Are a testator’s wishes always upheld?

Just because practical jokes have played a role in valid wills, it is important to remember that not all wills and unusual legacies are successful and some can prompt court claims.

For example, when Nina Wang left her estimated \$13 billion dollar fortune to Feng Shui specialist, Tony Chan, in return for being granted ‘eternal life’, the Hong Kong High Court was not impressed.

In 2006, Ms Wang had changed her will, leaving everything to Mr Chan. A previous will had left her estate to her family and charities. Ms Wang's will was later challenged and the court found that the will was invalid. An earlier will was upheld leaving the estate to a charitable trust which was run by Ms Wang's family.

It is therefore essential to consider how a will or unusual legacy might be received by others. For example, if relatives are excluded from a will in favour of a quirky legacy, they might challenge the will or seek provision from an estate

Our [Disputed Wills Team](#) advise about the risks involved in leaving unusual legacies and claims involving wills or estates. Contact us by calling 01202 786161 or emailing online.enquiries@la-law.com.