



Challenging a Will – The top 3 ‘joke’ wills

A common question often posed by charities and not-for-profit organisations is: what motivates those making wills (testators) to leave their estate in a particular way?

Generally, if a testator has any family members or financial dependants, they will tend to consider them first. If there is no family, they may then leave their estate to friends, a carer, or someone else who has assisted the testator during their lifetime.

They may also wish to benefit their favourite good causes or ‘repay’ those who have assisted them during their lifetime.

However, sometimes there is simply no explanation as to why testators leave their funds in a particular way. Whilst attempts are made to try and predict charitable legacy income, the cases below may throw some light onto just how unpredictable testators and legacies can be.

Choosing beneficiaries at random?

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 they had each been chosen at random from the telephone directory in front of two witnesses some 13 years previously. Many of the beneficiaries apparently thought that they were the victims of a prank.

However, it was no joke, as Mr Da Camara was a bachelor when he died, aged 42 and had no children. There was also speculation that he may have wanted to amuse people after his death. Yet, as he had no immediate dependants whom he wished to benefit, there may have been some logic to him choosing his beneficiaries in this way.

Charles Millar's joke will

Canadian lawyer, Charles Millar was also known for his love of practical jokes and his last will is thought to be his most successful.

The will stated that it was “*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”.

So, how did Millar “prank” his beneficiaries?

Firstly, his will provided that three of the beneficiaries, who were openly known to loathe each other, were granted a joint lifetime tenancy in Millar’s holiday home in Jamaica. Secondly, several people who were opposed horse racing were left £25,000 worth of Ontario Jockey Club stocks.

Thirdly, Millar left £700,000 of brewery stock in a Catholic business to several prominent Protestant ministers, on the basis that they participated in the management of the brewery and drew on its dividends.

However, the most famous bequest in Millar’s will was that the residue of his estate should be converted into cash 10 years after his death and left to a woman from Toronto who gave 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 sparked to have as many children as possible within that time period.

Attempt to challenge the will

Unsurprisingly, there was an attempt to invalidate Miller’s will, on the grounds that it was contrary to public policy, but Millar had been very careful when preparing the document and the claim failed. Many other attempts made by Millar’s distant relatives to have it declared invalid also failed.

When the estate was finally liquidated, it was worth \$750,000 and the majority of the ‘prize’ was shared by four Toronto women who each had nine children.

So, when a telephone directory and practical jokes have played a part in valid wills, is such eccentricity always supported? 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 unimpressed.

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 run which was run by Ms Wang’s family.

Charitable legacies

The above may demonstrate that sometimes there is no reason for a bequest being left in a will other than the testator’s unique personal perception or sense of humour. It is therefore not always possible to accurately predict whether or not a charitable organisation will receive a legacy.

Of course, longstanding supporters may be more likely to leave a charitable legacy to a charity in the future. However, even that is not always guaranteed, as if someone has donated generously during their lifetime, they may believe that in the event of their death there is no need to make further provision for the charity.

Legacies provide the majority of voluntary income for many charities. Whilst those who work with legacies may understand the difficulties in predicting legacy income, sometimes others may not realise how and why legacies fluctuate from one year to another. Whilst the above are extreme examples, perhaps these cases help to demonstrate just how difficult predicting or obtaining legacy income can be.

However, as a single legacy can potentially benefit a charity by hundreds of thousands of pounds, it is still vital to nurture the generation of legacy income as much as possible. This might be achieved through charities keeping in contact with regular supporters, obtaining new supporters, holding legacy events, providing legacy information or collaborating with organisations such as [Remember a Charity](#) who promote charitable giving in wills.

If you work for a charity, find out more about [protecting charitable legacies](#) and how we can help, or find out more on [contesting a will](#).