

# Your *Trust* Matters

August 2023 Newsletter



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### The Aretha Franklin Will Dispute: Lessons on Engaging an Attorney for Estate Planning

The Aretha Franklin will dispute stands as a vivid illustration of the complexities that can arise in the absence of a meticulously drafted estate plan and the indispensable role of an attorney in ensuring a smooth transition of assets after one's demise. The legal battle that followed the passing of the legendary Queen of Soul shed light on the importance of seeking professional guidance in estate planning, underlining the potential consequences of inadequate preparations.

*The family dispute over Aretha Franklin's will has finally been put to rest. After a two-day trial and less than an hour of deliberation, a Michigan jury found that a handwritten document found in between Aretha's couch cushions is a valid will.*

*When the singer died in 2018, her family believed that she had no will and that her estate would be divided equally amongst her four sons . . . under intestacy laws. However, a few months later, not one, but two handwritten documents were discovered in her home that were purported to be wills.*

*Neither document was prepared by an attorney or followed traditional will formalities. The earlier will, written in 2010 and found in a locked cabinet, was signed on every page and notarized while the later will, which was written in 2014, was found underneath a couch cushion in a spiral notebook and was only signed on the last page.*

*Because both wills lacked formalities such as witnesses, the jury was left to decide whether the 2014 document met the requirements of a holographic will under Michigan law—Michigan is among the states that recognize handwritten wills. Typically, the most recent will takes precedence over older documents, but even a holographic will must still meet certain state-specific criteria to be declared valid.<sup>1</sup>*

The will dispute offers valuable insights into the critical need for engaging an attorney for estate planning purposes. Estate planning involves crafting legally binding documents that outline the distribution of one's assets and belongings after death. While the

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prospect of a legal battle over one's estate might seem distant or improbable, it is precisely these unforeseen circumstances that underline the necessity of thorough estate planning.

A qualified attorney brings a wealth of legal knowledge to the process, ensuring that the individual's wishes are accurately documented and in compliance with state laws. Estate planning attorneys possess the expertise to create wills and trusts that align with the individual's unique situation and goals. This not only minimizes the potential for disputes but also guarantees that the assets are distributed in accordance with the decedent's intentions. Moreover, an attorney can assist in addressing potential tax implications, enabling the reduction of tax burdens on the estate and its beneficiaries. Estate tax laws can be intricate, and failure to navigate them appropriately could result in a significant reduction of the estate's value. Lastly, an attorney can provide a buffer against family disagreements. By crafting a clear and unambiguous estate plan, an attorney helps minimize the chances of misinterpretation or ambiguity that can sow discord among family members.

As the legal proceedings surrounding Aretha Franklin's estate demonstrated, investing in professional guidance during the estate planning process can ultimately save loved ones from unnecessary turmoil and ensure that one's legacy endures untarnished. Please contact your MidWestOne Bank Trust Officer to assist with reviewing your estate planning documents and/or coordinating a meeting with your estate planning attorney.

<sup>1</sup>[Aretha Franklin's Will Drama Is Over \(wealthmanagement.com\)](https://wealthmanagement.com)

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