

Aretha Franklin Dies Without Will or Trust in Place

Although she was facing a terminal illness, Queen of Soul Aretha Franklin died last week without a will or trust plan in place, according to news reports.

A post on the website of **Androvett Legal Media & Marketing** says she certainly isn't the first high-profile person to die with a substantial estate and no will or estate plan. In fact, by most estimates, a majority of Americans may not have a valid will. In other cases, wills are out of date, poorly coordinated or self-prepared, according to Dallas estate planning attorney **Sam Long** of **Shackelford, Bowen, McKinley & Norton, LLP**.

"Planning in situations of progressive or life-threatening illness often becomes impractical and may give rise to contests and disputes," says Long. "However, in one sense, everyone does wind up having a will – the state drafts it for them.

"Unfortunately, if left to the state, the heirs and fiduciaries under state law are not always as one would intend or assume. This can be an issue when there are minor or incapacitated beneficiaries. Among Ms. Franklin's children is a son with special needs who will require financial and additional support throughout his life. A will or, more effectively, a trust is frequently used to insure those needs are met.

"Having no will also can cause additional expense and complexity, delay administration of estates, and sometimes cause a greater burden on heirs that could have been prevented with some planning. For many people, private wealth now is passed along by beneficiary designations, but wills still play

a vital role in the succession of property at death.”