

King Ranch & Undue Influence

April 2013

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The San Antonio Court of Appeals recently discussed the elements of undue influence in a case involving the estate of a great grandson of the founder of the King Ranch.

Case Facts

Belton Kleberg "B" Johnson died in 2001 at the age of 71. His estate was valued at up to \$60 million. His third wife, Laura, was the primary beneficiary of his 1999 will, and that will was tendered for probate. B's children, who had been included in a dozen or more prior wills, contended that their stepmother had unduly influenced B to execute the 1999 will. After a four week trial, the jury found undue influence. Laura appealed, and the court of appeals affirmed.

Three Elements of Undue Influence

The court stated that the three elements of undue influence are:

1. Existence and exertion of influence;
2. Overpowering the testator's mind; and
3. No execution "but for" the influence.

Evidence of Undue Influence

Among many facts supporting the jury's findings was evidence that B drank heavily and that Laura had "ample opportunity" to unduly influence B while he was drunk. Also, B had been open with his family about his estate plan, but became very secretive after marrying Laura. Laura attended "numerous" estate planning meetings with B and his attorneys, and the revised estate plan left B's estate to a trust that was essentially controlled by Laura, including giving Laura a power of appointment to decide whether B's children and grandchildren would receive any of his estate.

Advice

Because of the detailed discussion provided by the court, the court's opinion in Mr. Johnson's case should be consulted when analyzing any undue influence fact pattern.



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