

### **Movin' On Up**

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Stephen M. Spitzer

Probate Litigation Shareholder



Sherman Hemsley was the actor best known for his television role as George Jefferson on "All in the Family" and "The Jeffersons." His estate involved an interesting battle over the validity of his will.

#### **1. Will**

Hemsley never married nor had children. He was very distant from what little family he had. After being diagnosed with terminal cancer, Hemsley executed a will naming his business manager of over 20 years as the executrix and sole beneficiary of his estate. He died approximately six weeks later in July of 2012 at age 74.

#### **2. Challenge to Will**

Hemsley usually denied having any living family at all, but a man who DNA tests confirmed was Hemsley's half brother came forward to contest the will on grounds of testamentary capacity.

During the bench trial on the will contest, the attorney who drafted the will, the two witnesses to the will, and the charge nurse for Hemsley during the hospital stay during which the will was signed all testified without reservation that Hemsley had testamentary capacity. The judge found that Hemsley had capacity to execute the will, and ruled in favor of the business manager and against the half brother.

#### **3. Appeals Court Ruling**

The El Paso Court of Appeals affirmed the trial court's ruling, following a long line of cases that have declined to reverse trial court rulings on testamentary capacity when sufficiency of the evidence challenges are made.



**Stephen M. Spitzer, Shareholder**  
[sspitzer@rameyflock.com](mailto:sspitzer@rameyflock.com)