

The Scandalously Boring Truth About Michael Jackson's Will

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Will Power: Despite recent controversy, The King of Pop's will is in no real danger of being overturned.

More than three years after his untimely death, Michael Jackson continues to make headlines—most recently as a result of a controversy over his will this summer. A few of his siblings labeled the document “false” and “fraudulent”; representatives for his estate countered by saying, “We are saddened that false and defamatory accusations

grounded in stale Internet conspiracy theories are now being made by certain members of Michael's family whom he chose to leave out of his will."

Unfortunately for news hounds, the scandalous truth about Michael Jackson's will is that there isn't really much of a scandal, from a legal perspective. Last week FORBES obtained a copy of the latest will from the Los Angeles Superior Court (as others have before) and separately viewed three previous versions of the will, all of which are remarkably consistent and serve to confirm the boring reality: The will is in no real danger of being overturned, and even if it were, it would be replaced by a virtually identical previous version.

"If a later will is found to be invalid ... the last will prior would be given full force and effect," confirms Andrew Katzenstein, a partner at law firm Proskauer, who teaches the Estate and Gift Tax class at the University of Southern California.

Michael Jackson's postmortem plans haven't changed much over the years. His 1995 will names John Branca, Bert Mitchell and Marshall Gelfand as co-executors. Like all subsequent versions of the will, it specifies that the King of Pop's interests be placed in an entity known as the Michael Jackson Family Trust, which stipulates the following distribution: 20% to charity, and the remainder split between a lifetime trust for Michael's mother, Katherine Jackson, and a trust for any children Michael might have. Upon Katherine's death, any remaining funds would revert to the children.

The second will, dated December 10th, 1997, also names Branca and Mitchell as co-executors of Michael Jackson's estate, but replaces Marshall Gelfand with banker Jane Heller. The distribution under the trust remains the same. Michael's first child—Prince Michael Joseph Jackson, Jr., born on in February—is mentioned by name, but the will still stipulates that half of what's left after distributions to charities and for Katherine Jackson be split between all children he might have.

The third, signed in March 2002, after the birth of Michael's second and third children—Paris Michael Katherine Jackson and Prince Michael Joseph Jackson, II (better known by his nickname, "Blanket")—identifies only the first two children by name, but still indicates that the trust would benefit all his children evenly. Perhaps just to be safe, a fourth will that names all three children was filed the following July.

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Jackson's siblings have said that the singer was in New York on July 7th, the day the fourth will was dated and marked as signed in Los Angeles. Others have confirmed that the King of Pop was in the Big [Apple](#) that day. But under California law, this isn't something that would render the will invalid, as it's possible the document was simply misdated.

"If you accidentally write the wrong date on a document, does it matter? No," says Katzenstein. "There's no dating requirement."

The will was admitted to probate in 2009, and Katzenstein points out that California Probate Code Section 8270 stipulates a period of 120 days to file a petition with the court to revoke the probate of the will. That period has long since passed. The will's witnesses have all confirmed the document's validity—according to estate attorney Paul Gordon Hoffman, the individuals were contacted in the days after Michael Jackson's death, and none indicated that their signatures were false.

Even if the most recent will—or the three most recent wills—was somehow overturned, the outcome would be the same: John Branca, who is named as an executor on all four, would still be one of the executors; 20% of all proceeds from the estate would go to charity, with the remainder split between a trust for Katherine Jackson and a trust for Michael's children. If all four wills were invalidated, the children would inherit the estate at age 18, with Katherine Jackson and the charities left out. In theory, a more recent will could supersede the current will if discovered, but it seems highly unlikely that someone would have waited so long to come forward.

“It isn't like someone who knew Michael, and thus would be in possession of his will, didn't know about Michael's death and thus is still holding it,” says Hoffman, who points out that none of Jackson's many former lawyers or business managers knows of a more recent will. “No one has ever indicated that a later will was signed.”

But this is all essentially old news. Michael's father Joseph, who was left out of the most recent will (and the three preceding wills), unsuccessfully challenged the will in the months following his son's death. “Joe Jackson takes none of this estate,” [declared](#) Judge Mitchell Beckloff in 2009. “This is a decision his son made.” Beckloff formally appointed Branca and McClain as co-executors of the estate shortly thereafter, when Katherine Jackson dropped her initial objections and announced her support for their appointment.

In hindsight, that seems to have been a wise decision. The estate has generated [roughly half a billion dollars in the three years since the King of Pop's death](#), thanks to a slew of deals including a \$60 million advance for the film *This Is It*, a new recording contract worth up to \$250 million and the [Michael Jackson Immortal World Tour](#), a joint venture with Cirque du Soleil that has already grossed [over \\$75 million](#) in the first half of 2012 according to Pollstar, more than any other North American concert tour.

In total, Michael Jackson has earned more in the past three years than any single living artist—yet another reason it would be hard to imagine the structure of his estate changing anytime soon.