

QUESTION 3 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I

Amanda Alistair, millionaire heiress and social recluse, recently died at the age of 51 after a sudden illness. Her will, handwritten by Alistair in May 2010, provided in relevant part:

"I, Amanda Alistair, being of sound mind, wish to dispose of my fortune in the following manner upon by death:

"My cats, Mr. Greggy, Mr. Wiggles and Mr. Magee, have provided me with great enjoyment and unconditional love. For that reason, I wish to establish a trust, in the amount of \$20,000,000, to provide for my cats after my death. I appoint my maid, Candy Coffman, to hold and administer the trust and serve as caretaker for the cats, providing them with a loving and nurturing home.

"Mrs. Coffman shall attend to the cat's needs, including, but not limited to, food, grooming, veterinary care, medications, etc., in the manner to which they are accustomed. Mrs. Coffman is to be paid \$10,000 per month as recompense.

"After a cat has died, Mrs. Coffman shall arrange for burial where my body has been buried. After the death of the last cat, all remaining assets shall be distributed to my great-niece, Jessica JeJune.

"/s/ Amanda Alistair
"May 2, 2010"

Jessica JeJune claims that no valid testamentary trust was established, and that all of the money should go to Jessica as Amanda's only remaining heir. Even if a valid testamentary trust was established, Jessica claims that \$20 million dollars is a ridiculous amount of money to spend on cats. She asks that the trust assets be reduced to a reasonable amount, and that she receive the rest immediately.

Applying Michigan law, assess: (1) the validity of the testamentary trust; and (2) assuming that the trust is valid, whether there is legal authority to reduce the trust assets as requested by Jessica JeJune. Explain your answer.

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