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World may know today how Anna Nicole died

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Nothing about Anna Nicole Smith's life was simple — from her trying childhood to her struggling years as a young single mother to her sad last days as a fringe celebrity on the verge of 40 — so it seems fitting that her death has followed suit.

The only bit of finality that took place following Smith's surprising exit was her burial in the Bahamas, and even that required a tawdry, three-week legal squabble over the body. The rest of her business has remained uncertain, from the paternity of her infant daughter to her lawsuit that has dragged on for more than a decade. Even the cause of her sudden death at a Florida hotel was unclear.

At least that should be settled today. Broward County medical examiner Joshua Perper has scheduled a news conference for today to reveal the results of post-mortem testing.

And it would appear the biological father of Dannielyn will be determined soon. Three men have claimed the distinction. A court in the Bahamas, where Smith was living when she died, last week ordered a DNA test on the child.

The bigger, messier issue, which could stretch out for the foreseeable future, concerns her estate, which may consist of little more than a jezebel wardrobe and some dubious underwear or a fortune of almost \$500 million.

Major inadequacies

The questions started flying before Smith's body was cold. And, predictably, her will did little to answer them. It was so inadequate that probate and estate law professors around the country are using her case as example No. 1 of what not to do.

"The will is fascinating and horrid in numerous ways," said Terry Turnipseed, who teaches probate and estate planning at Syracuse University law school. "I gave it to my class and had them try to pick it apart. It wasn't hard."

Turnipseed, who has followed Smith's legal matters closely over the years, said the failure to name any heir other than her son, Daniel, was the most glaring mistake. Daniel died in September, three days after the birth of Smith's daughter, Dannielyn. Smith was not married — the recent "commitment" ceremony to Howard K. Stern counts for nothing.

"Because of that, it's probable that (courts) are going to rule that this will is not relevant to pass her assets because the beneficiary is no longer living," Turnipseed said. "It will be ruled as if she does not have a will. Dannielynn will get whatever her assets are. And whoever wins that paternity suit will be in control of the child's money."

Value of her estate

Whether there is any money is another matter. The value of her estate likely lies in the \$475 million awarded her by a federal bankruptcy judge in California in 2000, or the \$88 million that a federal district judge there reduced it to when he reviewed the case eight months later.

Smith's well-publicized victory at the U.S. Supreme Court last year did not assure her of anything except the right to keep her fight alive in the courts. The unanimous decision rejected a lower court ruling that said the bankruptcy court did not have jurisdiction to consider her claim that Pierce Marshall interfered with a gift that his father and Smith's husband, billionaire oilman J. Howard Marshall II, intended to give her upon his death.

Now the case is back before the 9th U.S. Circuit Court of Appeals, which must wrestle with several technical issues. For the moment, the case is in limbo. Nothing can go forward until an executor for Smith's estate is appointed.

Attorneys for the estate of Pierce Marshall — he died last June — argue there really is nothing for the California courts to consider. A jury in a Houston probate court decided in 2001 that Smith was entitled to only what she had received, about \$8 million worth of cash, gifts and property.

A 'second bite of the apple'

"One of the big issues is does she get a second bite of the apple in federal court," said Eric Brunstad, one of the lawyers representing Pierce Marshall. "We say no. Everything was fully and fairly decided in Texas."

For that argument to succeed, however, the appeals court would have to decide that the federal bankruptcy judge was wrong in ruling that Smith's claim against Marshall was a "core" part of her bankruptcy case. If the judge was right, his ruling could be considered final and the Texas verdict made moot because his \$475 million award came six months earlier.

It's all about timing. If Smith's claim was not core to the bankruptcy, then the district judge's decision in 2001 was the final ruling, not that of the bankruptcy court. The district judge's ruling came 2 1/2 months after the Texas verdict.

Smith's former lawyers are not giving up hope.

"Our argument is that the bankruptcy court got it right the first time, and if the bankruptcy court got it right, the Texas decision should not matter," said Kent Richland, Smith's appellate lawyer. So who will win? Turnipseed said he would bet against Smith.

"My guess is that it is not going to be ruled a core bankruptcy proceeding," he said. Some observers think the 9th Circuit will drag its heels when an executor is appointed for Smith's estate to allow time for negotiations. A decade of acrimony probably could be ended if Dannielynn's father (or guardian) were to decide that they might be able to do something Smith could not — settle the case and live comfortably on a few million dollars.