

Charities in the Courtroom 11: Old Ladies, Charity Bequests, and “Never Mind”

07.12.17 | Linda J. Rosenthal, JD



It's a familiar tale in this installment of our *Charities in the Courtroom* series: Elderly person makes charitable bequest; charity gets excited and makes plans; elderly person – or a representative – reneges.

Just Say No: Backing Out of a Promised Donation

Back in the day, Dena and Ellis Meyers had a developmentally disabled son, Stephen, who became “one of the first residents” in 1981 of the supervised housing unit in Roosevelt built and run by the United Cerebral Palsy Association of Nassau (Long Island, NY). In a 1992 thank you note to the Association, Mr. and Mrs. Meyers wrote: “We will forever be thankful to everyone who has made our son’s life as rewarding as possible, despite his handicap.”

Stephen Meyers lived at the Roosevelt facility until he died in 2004. He considered fellow residents his “brothers and sisters,” according to court documents.” Stephen’s parents were so thrilled with his care over the decades, and so grateful, that – in 2007 – they made a big, splashy pledge of \$1 million. The gift would be paid out on the death of the first of the two. “The generosity prompted the Association to rename the adult program wing of their Roosevelt building after the couple. At the 2007 renaming ceremony, Ellis Meyers said: “Dena and I are indebted to UCPN for the wonderful care that Stephen received.”

In 2013, the couple revoked the pledge agreement. No one knows why. They never told anyone at the Association. When Ellis Meyers died in December 2014 at age 83, the fulfillment of the pledge should have been triggered – but it wasn’t.

The Long Island nonprofit is suing the widow, now a Florida resident, for wrongfully reneging on the \$1 million pledge agreement. The nonprofit asserts in a court filing that it had no idea of any

purported revocation until sometime this spring, and that Mrs. Meyers has “made it unequivocal, definite and final” that she has no intention of fulfilling the 2007 promise.

There are some interesting questions here, not the least of which is whether New York or Florida law will govern. In “[So What, Exactly, is a Pledge?](#)” we discussed some of the legal issues that arise in connection with the all-too-common situation of a donor renegeing on a donation promise.

Which Last Will is Effective?

Over the course of a lifetime, it’s common for a person to change his or her testamentary intentions once or twice – or maybe a few times.

Here is another familiar conundrum involving an heiress of quite advanced years; more than one will, and no one – including several eager charities – is sure which one is the latest, true will.

Hilton Head Island, South Carolina heiress Eleanor Breedlove died at age 103 in May 2014. She had one long and fulfilling life; unfortunately, she had/has two separate wills – one from 2004 and one from 2005.

The first will left most of her estate to three local charities. The second will ... uh ... did not. Here’s the problem that touched off a fierce legal battle:

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[The] 2005 will, which was executed after the court appointed a conservator and guardian to Breedlove’s estate in an order which found that she suffered from dementia and ‘appears to be easily subjected to the will of others,’ disinherited the charities and poured her entire estate into the Breedlove Foundation. The estate’s guardian, An Grosshuesch, appointed herself to serve on the foundation’s board.

Happily, we don’t have to wait to learn how it all turns out. This litigation that took place in both North and South Carolina has “finally reached an end with a series of large settlements.”

“For many years, people took advantage of Eleanor Breedlove. They used Ms. Breedlove to achieve their own ends and enrich themselves,” according to one of the attorneys in this litigation.

By the conclusion of the financial push-and-pull, though, the charities received a total of over \$1 million.

Conclusion

For the most part, charitable bequests go off without a hitch; unfortunately, some long-suffering charities must wait longer than expected – and perhaps even fight – to earn their payout.