



Stellpflug, Janssen,
Hammer, Kirschling
& Bartels, S.C.
Innovative Legal Solutions That Fit.

LawClips
April, 2004
Vol. 3, No. 4

Topic for the Month:

Estate Planning

- Mark A. Bartels
- Philip J. Danen
- Marc A. Hammer
- Timothy A. Hawley
- Steven D. Hitzeman
- Sandra L. Hupfer
- Robert J. Janssen
- Michael J. Kirschling
- Evan Y. Lin
- Jackson T. Main, Jr.
- Lora A. Matzke
- Peggy L. Miller
- Christina L. Peterson
- Patricia J. Sandoz
- C. David Stellpflug

444 Reid St., Suite 200
De Pere, WI 54115
920-336-5766
920-336-5769 (fax)
866-525-5200 (toll-free)

info@wislawyers.com

www.wislawyers.com

**WISCONSIN
LAWYERS**

EXPERT ADVISERS.
SERVING YOU.

What is Estate Planning? Estate planning is the process of arranging your affairs, in an appropriate manner, ahead of time. A good estate plan reduces the chance for disputes among your heirs. It also creates and implements a program for the disposition of assets at death, with a minimum amount of costs and taxes. Just as each person is unique, so is the estate plan for each person. Estate planning includes one's understanding of his or her limitations and planning for potential guardianships and incapacity problems far in advance. It is also the process of simplifying the procedures of distribution of assets and utilizing methods to save taxes, probate costs and administrative expenses.

Who Needs an Estate Plan? Many people believe they have "too little" to be concerned about estate planning or that their affairs are so "basic and simple" that the state's laws will dispose of their estate appropriately. Unfortunately, in most cases this is a mistaken belief. **Attorney Mark A. Bartels**, a senior bungee jumping maniac of a partner of our firm, recently concluded an estate heirship dispute which lasted over 5 years and was covered by the *Green Bay News Chronicle*. It is a classic example of illustrating the importance of having an estate plan in place.

Green Bay News Chronicle Article: *The following article was published in the Green Bay News Chronicle on April 6, 2004. Due to space limitations, portions of that article are being re-printed here, with the permission of the Green Bay News Chronicle:*

Five Year Heirship determination finally concluded. 4 people will share in \$400,000 after lengthy search. By Sonja G. Ostrow

When the man known to his friends and colleagues at the University of Wisconsin-Green Bay as Dawson C. Deese died in October 1998, rather than a wife, children, or even a final will and testament, he left behind a \$400,000 estate and a nearly unnavigable mess of conflicting information about his background, which even he did not fully understand. As a result of long investigation including DNA testing, 12 people will share in the estate and a lot of family history - including Deese's real identity - was cleared up. The interests of Deese were represented by attorney Bob Geimer, while attorney Daniel A. Duke represented the children of Deese's birth mother, four of whom were present at the hearing.

Mark A. Bartels, appointed by the court in 1999 to represent the heirs, unknown at the time, said Deese's birth mother gave her son to the Deese family when he was born in North Carolina in 1929. The Deeses then raised him until he was 6 years old, when they died in an accident. At that point Deese went to live with a family called the Studements.

After learning these facts, Bartels hired International Genealogical Search Inc. to look more deeply into the matter. The company found that Deese had not been formally adopted by either the Deeses or the Studements. Further, IGS discovered that Dawson Deese was really Charles Sumner Whiting, the son of Catherine Whiting and Milton Quincy Dorsy, who never married. More research revealed that Catherine Whiting had gone on to bear nine other children, all living. By exhuming Deese's body, and using DNA testing to compare the DNA from Deese's body to that of one of Catherine's daughters, it was shown that the two did have the same mother.

According to Bartels, "We then turned our attention to the father's side of the family." The resulting investigation revealed that Milton Quincy Dorsy had gone on to have four other children, three of whom were still living. A sibship test, in which genetic samples are used to develop genetic profiles of individuals, was used to prove a half-sibling relationship. As a result, the \$400,000 estate will be divided equally among Deese's 12 half-siblings.

After nearly six years, all parties, from Bartels to Deese's half-siblings to the investigators at IGS, were eager for some form of closure. The moral of the story is irrespective of how small one's estate is or how simple one believes their estate disposition is, taking appropriate measures for planning an estate ahead of time can save time, money and heartache.



C. David Stellpflug



Evan Y. Lin

Stellpflug, Janssen, Hammer, Kirschling and Bartels, S.C. and Ryan Funeral Home will be presenting a complimentary seminar, **Estate Planning - The Fundamentals** and **Family Benefits of Pre-Planning** on May 26, 2004 at 6:00 p.m. The seminar will be presented at the Kress Family Library, 333 N. Broadway St., De Pere. Refreshments will be provided. **Attorneys C. David Stellpflug and Evan Y. Lin** will be present at this seminar. See attached flyer for more information.