

The Case of the Pawlographic Will

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It is with great sadness that @LawBlarg announces the passing of Fuzz, the official Law Darg of @LawBlarg.



Left unfinished was the ambitiously definitive “Fuzz on Evidence.”

Fuzz was a major contributor to this blarg, offering not only companionship, but insight into a wide array of topics ranging from belly rubs to what that was outside.¹ [1. A cat? Is it a cat? Is it another dog?] Fuzz served as a loyal shop dog to the Legal Mechanics garage and a sure-fire security system if the IRS asks. Fuzz, 13, is survived by his bereaved owner and his sister, Marla, 7. He also left behind a will; a strange act for a dog perhaps, but providing me with a nice distraction as I process his absence.

The will, attached below, reads in its entirety:

All too Marla cept Snowman
Rawr rawr
[Signature]
Date: Today

All too Marla
cept Snowman
Rawr rawr



Date Today

Naturally, as his owner and best friend, I assumed I would inherit all of his possessions: his elephant,² [2. "Newt."] his Chew-bacca, his spider-pus,³ [3. A cross between a spider and an octopus.] his Matisse of questionable provenance;⁴ [4. *Maisons à Kervilahouen, Belle-Ile*] even the Snowman. I had not considered the possibility of a probate dispute. I've never even heard of such a thing before.

Now Marla wants to probate the will. I have tried to tell her that Florida does not recognize pawlographic wills, but she is as stubborn as her brother was.⁵ [5. Cf. "mule," Merriam-Webster.com.] She insists that she is the sole residuary beneficiary and that all of Fuzz's belongings—including the Snowman—should go to her. I told her that if she would simply forgo probate, I would give her everything, but she just cocked her head at me and gave me a condescending look.



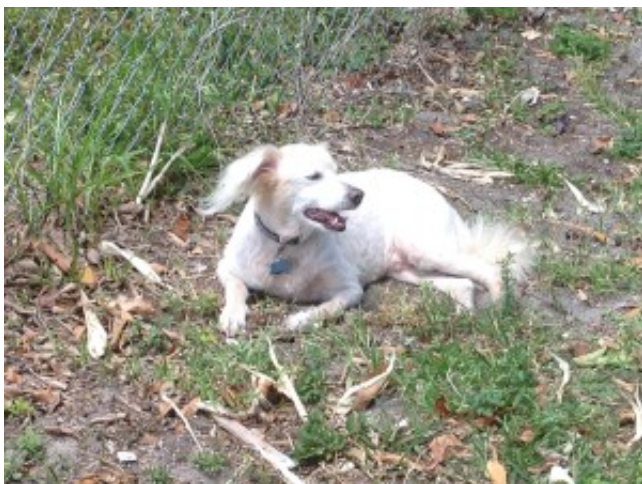
What do you mean "lack of testamentary capacity?"

Issue 1: Can a dog leave a valid will?

Marla insists that all of the property I gifted to Fuzz over the years gave him ownership of such property and that he was free to dispose of it as he saw fit. She says she sees no reason a dog can't be a valid test-eater.⁶ [6. I have tried to tell her that the probate code deals with the actions of **testators**, but, as usual, she refuses to listen. See *supra* note 5.] Florida law clearly states that “*Any person* who is of sound mind and who is either 18 or more years of age . . . may make a will.”⁷ [7. [Fla. Stat. § 732.501](#) (emphasis added).] Marla argues that whether Fuzz is a person is a question of fact, as Fuzz always thought he was a people. She also argues that Fuzz easily met the age limit, as he was 91 in dog years.

Issue 2: Will Florida recognize a pawlographic will?

Marla insists that Fuzz demonstrated the requisite testamentary intent to effectuate a valid disposition of his belongings, even if he didn't follow the execution formalities under Florida law.⁸ [8. [Fla. Stat. § 732.502](#).] Although there are no comparable handwriting samples, it is clear from the language that he wrote it. Also, that is definitely his pawprint, clearly made after pouncing through the mud on his three good paws. Furthermore, the date (“Today”) demonstrates that Fuzz was the author, as he never cared what date it was, only that he could spend that day with the sun on his back and the wind in his ears.



Fuzz practiced mindful thinking daily.

Issue 3: Should Marla get the Snowman, too?

Marla argues that because there was an ineffective disposition of the Snowman, the gift should lapse into the residuary, and she, as residuary beneficiary, should get the Snowman, despite the will's clear designation to the contrary. She said that the no-residue-of-a-residue rule is rough, rough, rough. I argue that the phrase, “Rawr rawr” following the mention of the Snowman clearly indicates that I should get the Snowman, as “Rawr rawr” was what he called

me, having never learned to say “Dada” or “Papa.”⁹ [9. There are reports that he could say “Mama,” but those reports—from his paternal grandmother—are pure hearbark.] There is some ambiguity, as he used that term to describe a lot of things, but even Marla cannot reasonably dispute that I was his Rawr rawr. Furthermore, if the disposition wasn’t to me as identified, the gift should lapse and I should receive the Snowman through intestate succession as his adopted father.

Issue 4: Did the will create an enforceable trust?

Marla argues that even if a valid will was not created, then the document is sufficient to create an honorary trust under [Fla. Stat. § 736.0408](#).¹⁰ [10. In hindsight, I don’t think I should have let her eat JESSE DUKEMINIER ET AL., WILLS, TRUSTS, AND ESTATES (8th ed. 2009).] Under this theory, because she, as a dog, cannot legally inherit property, the language establishes that all of Fuzz’s belongings should be held in trust for her and the phrase “Rawr rawr” identifies me as the trustee. Therefore, I am to use the trust corpus only for her benefit, especially with regard to the squeaky platypus eggs.

I firmly believe that Marla should get most of Fuzz’s property. They were close, as Fuzz raised her since she was a puppy.



However, I also firmly believe that I should get to keep some of his stuff as well. Otherwise, how will I possibly remember him and all the good times we shared?

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