

# THE RISLEY NEWSLETTER

## *RECENT DEVELOPMENTS AND HOW THE LAW MAY AFFECT YOU*

***EVEN IF A WILL IS NOT SIGNED AND WITNESSED PROPERLY, IT MAY STILL BE VALID, BUT NEVER IF FORGED. FORGERY IS A CRIME.***

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Adam Williamson<sup>1</sup>, Associate Dean of Student Activities and Student Affairs Officer for nearly thirty years, built the Experiential Learning Program, called the EXPO Center at UCLA, in the 1980's. In his position as Associate Dean, he became a mentor and friend of Tom Abernathy, George Charles. These were deep, if not profound, friendships that lasted a lifetime. Deep and lasting friendships also included contemporary faculty members Richard Johnson, William Laurence and others. Dean Williamson never married and had no children. Rather, these students and fellow faculty members who remained close to him over the years became his family. He was a collector of artifacts, rare coins, rare manuscripts, scale-model ships, and Nineteenth Century weapons and uniforms. This collection gave Adam great pleasure, as well as adding value to his Estate. He planned his legacy for his collection and Estate, valued at approximately \$3 million, to foster the development of young minds and ambition in young people.

Henry Habib, a second cousin and son of an Egyptian rug dealer, had a passing acquaintance with Adam as a child and young adult. Habib renewed his acquaintance and befriended Dean

Williamson after Adam retired from UCLA due to disability in the mid-2000's. Henry Habib is a highly-educated, well-spoken, sophisticated man. During Adam's last illness in 2013, Habib developed a scheme to obtain Dean Williamson's Estate and deprive him of his legacy. Habib, an able manipulator, enticed Adam's former caregiver, Henrietta Long, to help with his scheme. He also had help and input from Richard Johnson, Adam's closest friend. But Habib did not count on Tom Abernathy and George Charles stepping up to defend Adam Williamson's legacy. Neither did Habib count on Richard Johnson failing to come to court to support his nefarious plans. These were grave mistakes.

Our firm's involvement in Adam Williamson's Estate grew out of a luncheon discussion with fellow attorney, Harry Smith. Harry told me that he represented Roger Adamson and five other first cousins and first cousins-once-removed. He reported that Habib had filed a Petition for Letters of Administration (the procedure for probating an Estate when there is no Will) in the Superior Court on July 26, 2013. In that Petition, Habib falsely claimed that he was the only living heir. Smith also said that Roger Adamson had filed a competing Petition, which the court had just granted. He also said that the Order appointing Mr. Adamson as temporary administrator included several unusual orders, namely that Henry Habib 1) stop using the Decedent's bank accounts, and 2) return Dean Williamson's valuable collection of ancient coins which Habib had removed to his own home in the Bay area.

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<sup>1</sup> The characters in this story are real, but the names have been changed to protect their privacy.

Finally, Harry said that he now needed a litigator to fight a *Will* which Habib had just filed with the court. I said, "I would be pleased to help even though I don't know anything about this *Will*." Roger Adamson and his five cousins retained our services.

The purported *Will* which Henry Habib filed in Court, was unusual, to say the least. At the top it stated:

California Statutory Will  
California Probate Code §6240  
CALIFORNIA STATUTORY WILL of  
**Adam Williamson III**

Even though the document said, "California Statutory Will," it was not. However, it might have still qualified as a valid *Witnessed Will* under California *Probate Code* §6110. The document which Mr. Habib had filed appeared to be a good *Witnessed Will* as it was signed "Adam Williamson," and it was signed by two witnesses. The document disposed of assets and named an executor. On its face, it qualified as a good *Witnessed Will*. Moreover, under California law, there is a strong policy to uphold the decedent's wishes over technical objections to their *Will/Document*. So, the words

"California Statutory Will  
California Probate Code §6240"

were irrelevant and did not disqualify the document as the Decedent's *Will*.

However, the *Will* was found under mysterious circumstances, and only after Henry Habib had stated to several people immediately after Adam Williamson died that Adam did not have a *Will*. The *Will* turned up in a dresser drawer, eight weeks after Adam passed away, in a bedroom in a house in South Central Los Angeles, thirty-five miles from Dean Williamson's home in Brentwood, the home of Henrietta Long.

In two papers filed with the Court, a *Proof of Subscribing Witness* and a *Declaration*, both signed under penalty of perjury, Henrietta Long stated that the second witness was the gardener, Elias Cho. On

the basis of these documents alone, the *Will* was likely to be admitted to Probate and Henry Habib's scheme would succeed, regardless of the mysterious circumstances.

Roger Adamson gave me the telephone number for Elias Cho. I called and spoke to Cho. I asked Cho to come to our office on a Saturday at 10 o'clock. He agreed, but at the appointed hour did not show. When I called him at about 10:30 a.m., he picked up the phone and asked me what I wanted. I said that I wanted to talk to him about a document that he signed for Mr. Adam Williamson. He told me that he never signed any papers for Mr. Williamson. Although I failed to get a signed document from Mr. Cho, his statement strongly implied the *Will* was a fraud. When I spoke to Cho several months later, in June 2014, Cho again told me, "I did not sign any papers for Mr. Williamson." Although Henrietta Long testified to the contrary, Cho's statement to me proved to be true.

Under the *Law of Wills*, as it existed prior to 2008, this would have been the end of the case, because two witnesses were not present together at the same time when the *Will* was signed or acknowledged. After 2008, even a *Will* witnessed by only one person is valid if the proponent can show by *clear and convincing* evidence that it was the Decedent's intention for the document to be his or her *Will*.

Mr. Adamson, Mr. Smith, and I believed that the signature on the purported *Will* was actually Dean Williamson's. It wasn't until I met with Adam Williamson's former student and friend, George Charles, that I had reason to question the signature itself. After some conversation, I showed Mr. Charles the "California Statutory Will." On glancing at and then carefully studying the document, Mr. Charles said, "That is not Adam's signature." This took me by surprise, so I immediately called Roger Adamson in Florida, told him of Charles' statement, and urged that we hire a professional Questioned Document Examiner. He said, "Yes." We hired an highly qualified, seasoned expert, James Blanco of San Francisco, who, after

examining numerous exemplars, opined, “to a near certainty,” that the document was not signed by Adam Williamson. It was forged. Mr. Blanco could not state who forged Adam Williamson’s name. Subsequently, Mr. Habib was able to locate his own Questioned Document Examiner who opined that “Adam Williamson” appearing on the purported *Will* “may” have been written by Dean Williamson. This reduced the impact of our expert.

Good witnesses are essential in these situations. Tom Abernathy was such a witness and played a major role in defeating Habib’s fraudulent scheme. Tom’s relationship with Adam Williamson spanned thirty years. Adam told him and others, including Richard Johnson, that he considered Tom a son. To Tom, Adam was a father figure and mentor. Abernathy met Adam as a Junior at UCLA. Adam was instrumental in developing Tom’s academic and professional career and became a close family friend. As a younger person, Adam helped Tom buy his first car, funded a trip East to visit graduate schools, and helped Tom gain admission to Harvard University and The Coro Fellows Program. Moreover he gave Tom his first job upon graduation from UCLA.

Adam retired after fighting a protracted battle to win an 80% disability from UCLA for a stress-related condition. He would often call Tom, even though Tom lived six hours away in Oakland, to intervene when stressful situations arose between him and service providers, city government, lawyers, or even doctors. In the early 2000’s, Tom became more active in Adam’s life and care, traveling to Los Angeles monthly to look in on him. Tom met Henry Habib on one of his trips to see Adam in Los Angeles. Tom discovered that Henry Habib had requested large sums of money from Adam, occasionally in excess of six figures. To address Adam’s cash flow issues, Henry Habib volunteered to investigate options for lines of credit with Adam’s broker at Merrill Lynch. The broker produced a proposal and Adam asked Tom to review it, and recommended that Adam proceed. However, a day after, Tom received a call from a “troubled Adam” who told him there was an

additional wrinkle, specifically, that Henry Habib had asked him for a \$100,000 loan and asked Adam to borrow the additional sum from Merrill Lynch. Tom was also troubled by the timing of Henry’s request, mainly because of Adam’s near inability to deal with administrative matters and conflicts due to his disability. Tom recommended against taking on any additional debt or making loans to Henry Habib. On two other occasions, Henry asked for large sums of money which Adam refused to give him.

Adam first began discussing his legacy and philanthropic wishes for the University of Evansville and Shaker Village at Pleasant Hill Kentucky with Henry and Tom in 2008. The University of Evansville and Shaker Village at Pleasant Hill became Adam’s primary focus for his philanthropy. In September 2010, Tom accompanied Adam on a ten-day “Legacy Trip” to Indiana, Kentucky, and Ohio. These were place he was born, and places where he lived, and place he intended to be buried. They were also places to which he would bequeath his Estate. They visited the Presidents of both the University of Evansville and Shaker Village and discussed in detail what they would each do with the seven-figure bequests from Adam. Adam hoped they would create an “experiential education program” at Evansville.

Two weeks after returning from the Legacy Trip in September 2010, Adam developed pneumonia and was hospitalized. Soon after returning home, he fell, which resulted in a compound femoral fracture, requiring surgery and another lengthy hospital stay. Tom and Adam’s other friends realized that Adam needed care at home. Tom hired Henrietta Long as Adam’s housekeeper and caregiver.

Tom Abernathy testified in Court that the *Will* which surfaced two months after Adam died was a fraud. His reasons were clearly stated in court:

- Adam repeatedly resisted entering into any financial relationship with Henry Habib. Adam denied Henry’s multiple requests for six-figure loans and refused to participate in Henry’s investment schemes.

- There was no one with whom Adam discussed his end of life and legacy plans more than with Tom Abernathy. But Adam never once discussed giving anything to any individual or any other institution besides the University of Evansville and Shaker Village at Pleasant Hill. As an historian, Adam had a keen sense of history and his place in it. The legacy he created for himself is consistent with that sensibility.
- Adam never discussed having completed a Will, even as late as March 2013. More importantly, Henry Habib informed Tom that he and Richard Johnson had made an unsuccessful effort to secure a Will during Adam's final days in the hospital. That a will should surface two months after Adam's death was not credible.
- On the day of Adam's death, July 17, 2013, Henry Habib and Richard Johnson told Tom that there was no Will and that Henry should be supported as Administrator and Sole Beneficiary of Adam's Estate with Richard as an advisor as to the disposition of Adam's assets.
- Throughout the summer, Habib and Johnson repeated to Tom that no Will existed.
- On July 17, 2013, the day that Adam died at St. John's Hospital in Santa Monica, Henrietta Long told Tom that "there was no will." It was not credible that, in the midst of all the debate about Adam's wishes, Henrietta had forgotten about a *Will* that she herself had ostensibly signed and for which she had been given responsibility only nine months earlier.
- Tom testified that it was impossible for him to believe that Adam would have entrusted a *Will* or any other document of value to anyone to store off his premises. Adam kept his most valuable documents in his home, in the safe built into his office closet.

Tom Abernathy's testimony had an impact on the judge. Judge Murphy's Statement of Decision

reflects the same observations and in about the same order.

Seven depositions were taken. The Court's trial lasted five days. The trial was held in Department 29 of the Los Angeles Superior Court before the Honorable Daniel Murphy, commencing on July 28, 2013. Twenty witnesses were called and numerous documents were admitted into evidence. On August 28, 2014, the Court's Decision became final. The court found that the *Will* was forged. The *Petition for Probate of Will* was denied. Roger Adamson was appointed Administrator of the Estate of Adam Williamson. The court also found that Henry Habib had borrowed \$39,000 from Dean Williamson, and that he had taken an estimated \$8,000 out of Dean Williamson's accounts through use of his credit and ATM cards.

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Contact Our Office to Discuss Preparation of  
Wills, Trusts, and Estate Planning.  
Avoid Unnecessary Probate Litigation.

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**Robert L. Risley, Esq.**

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