

## This Month's Articles

SCAN ME



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## It's National...



### Sea Monkey Day on May 16!

National Sea Monkey Day recalls fond childhood memories of hatching and watching tiny brine shrimp (sea monkeys) in their special aquariums.

#### Sea Monkey Fun Facts:

- Sea Monkeys are a type of Artemia (brine shrimp). They got their name because of their monkey-tail look.
- Following the popularity of ant farms, Harold von Braunhut invented the “Sea Monkeys” and hatching kits in 1957 and advertised in comic books.
- Sea monkeys have appeared on tv shows including Spin City, Roseanne, Night Court, South Park, The Simpsons, It's Garry Shandling's Show, and Desperate Housewives.
- Sea Monkeys also went into space with astronaut John Glenn on October 29, 1998, aboard Space Shuttle Discovery. They returned to Earth after spending nine days in space and the eggs hatched eight weeks later, unaffected by their travels.



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# Estate Planning Buzz

## Making It Real: How Estate Planning Secures What Matters

We have a friend who says that one of his most upsetting childhood memories was when his older sister accidentally knocked over his sea monkey habitat. As he watched his sea monkeys die so too did his dreams of ruling a sea monkey kingdom.

As adults, we may not dream of sea monkey kingdoms, but we do sometimes buy into the idea that estate planning is full of magical solutions. Some estate planning tools have names that sound like they belong in a fantasy novel—Dynasty Trusts, Pour-Over Wills, and Lady Bird Deeds. While there's no actual sorcery involved, these strategies can help protect and pass down your legacy in powerful ways. A Dynasty Trust won't crown you royalty, but it can safeguard wealth for generations. A Pour-Over Will won't create a waterfall of gold, but it ensures assets flow smoothly into your trust. And while a Lady Bird Deed won't grant you noble status, it can help you pass real estate to your heirs outside of probate, keeping things simple and efficient.

The magic isn't in the name—it's in the careful planning behind it. With the right strategy, you can create something that lasts far beyond a childhood dream. Building a well-structured estate plan that works for you and your family is possible with the right guidance. Contact us at (248) 409-0256 or [info@ferrilawpllc.com](mailto:info@ferrilawpllc.com). I look forward to hearing from you!

# Inside and Outside of the Courtroom

## Brine and Punishment

In 1957, Harold von Braunhut invented hybrid brine shrimp. The product was originally called Instant Life, but in 1963 he changed the name to Sea-Monkeys. Sea Monkey kits were mostly advertised in comic books. They were successful as a mail order product because the tiny eggs could withstand long dry periods. The shrimp hatched once the eggs were exposed to saltwater. Von Braunhut developed several other toys (X-Ray Specs, Crazy Crabs, Invisible Goldfish, and Amazing Hair-Raising Monsters), but Sea Monkey's were his most lucrative toy and still are. In 2006, according to lawsuit filings, sales were at \$3.4 million.

The Sea Monkey empire has attracted a few lawsuits. In the 1970s, during the height of the nationwide focus on consumer protection, New York's Attorney General, Lewis Lefkowitz sued von Braunhut arguing that "sea monkeys were fraudulent, because it's a fantasy." Lefkowitz demanded that von Braunhut stop using the name "Sea Monkeys" because they were brine shrimp, not miniature monkeys, and were not a miracle or anything new scientifically. Ultimately, the judge ruled on the side of whimsy and said that sponge cake is not a sponge and butterflies are not made of butter and the case was closed.

After von Braunhut's death in 2003, his widow, Yolanda von Braunhut, entered into an agreement with Big Time Toys. The first agreement in 2007 stated that Yolanda would manufacture and sell the specially engineered critters and the accompanying packets to Big Time, which would then bundle the kits and handle the sales. Also, in the contract was a second deal that gave the toy company the

right to buy Sea-Monkeys and it's "trade secrets" for no more than \$10 million. Big Time would pay \$5 million lump sum, followed by a 5 percent royalty payment per year until the remaining \$5 million was reached. The terms of the agreement were amended in 2009, upping royalty fees to 20 percent of gross sales – an estimated \$3.75 million a year.

In 2012, Big Time defaulted on the contract and stopped paying royalties to Yolanda. Then they went to China, got their own source of brine shrimp, and announced they now owned the rights to Sea Monkeys. Yolanda sued and Big Time argued that they owned the exclusive rights to the Sea Monkeys after making enough payments to cover the purchase price.

Lawsuits went back and forth in federal court for eight years with issues involving contract law, trademark infringement and the issue of "if Sea Monkeys aren't really real, then how real is the company that sells them?" Eventually all the cases settled for an undisclosed amount. At the time of the settlement, Sea Monkeys was sold, Yolanda was living in a mansion she could no longer afford, and Big Time Toys was now successfully selling the product in Walmart.

To avoid the lengthy legal battle, clearer contract terms between Yolanda and Big Time would have been key. Defining "exclusive rights" more specifically could have prevented the sourcing dispute. Regularly reviewing the agreement as circumstances changed and sticking to royalty payments might have kept things on track. In short, better communication and more precise legal agreements could have prevented the costly and drawn-out lawsuits.

# Tips for Your Estate Plan

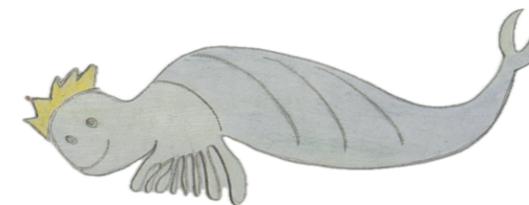
## Some mythical considerations:

1. Just like Sea-Monkeys seem to "come to life" when you least expect it, ensure your plan don't cause surprises by having an up-to-date list of assets and continue to review it regularly.
2. A unicorn is rare—so are people who know your exact wishes. A well-drafted set of instructions or an advance directive ensure your representatives will know what kind of procedures and treatments you do or don't want during medical emergencies.
3. Estate taxes and probate can be like a Kraken pulling your estate into murky waters. Work with an estate planner to create a plan customized to you, that will help minimize tax burdens and ensure smooth transitions.
4. Valkyries select the bravest warriors for important tasks. Similarly, choosing the right representatives to carry out your wishes is critical. They should be responsible, trustworthy, and organized.

## Take A Break

### Match the item to its mythical creature

Giant Squid	Unicorn Horn
Skull Of A Woolly Rhinoceros	Mermaids
Narwhal's Tusk	Cyclops
Protoceratops Fossils	Dragon's Skull
A Fossilized Mastodon Tooth	Bones Of A Griffin
Skull Of A Fossilized Prehistoric Elephant	Tooth From A Biblical Giant
Manatees	Ship-Destroying Kraken



You can find the answers here

