IN THE SUPERIOR COURT OF FULTON COU STATE OF GEORGIA

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	DEPUTY CLERK SUPERIOR COURT FULTON COUNTY, GA	

MARION P. HOUSTON and EMILY CISSY HOUSTON, TRUSTEES	DEPUTY CLERK SUPERIOR COURT FULTON COUNTY, GA
Petitioners,	
v.	Civil Action File No. 2012 (VIII)
BOBBI KRISTINA BROWN,	
Respondent.	

PETITION TO REFORM TESTAMENTARY TRUST

Petitioners Marion P. Houston and Emily Cissy Houston ("Trustees"), as the Trustees of the residuary trust (the "Trust") created under the Last Will and Testament of Whitney E. Houston (the "Testatrix"), as modified by the Decedent's Codicil dated April 14, 2000 (the "Codicil") (collectively the Will and Codicil are hereafter referred to as the "Will"), hereby petition the Court to reform the Trust pursuant to O.C.G.A. § 53-12-62, as follows:

PARTIES, JURISDICTION, AND VENUE

- 1. Respondent Bobbi Kristina Brown, who is nineteen years old, is the sole beneficiary of the Trust. Respondent does not have any children and there are no other living issue of the Testatrix.
- 2. Respondent is a resident of Fulton County, Georgia and is subject to the jurisdiction of this Court.
- 3. Trustee Marion P. Houston is a resident of Fulton County, Georgia. Trustee Emily Cissy Houston is a resident of New Jersey.
 - 4. Jurisdiction is proper before this Court pursuant to O.C.G.A. § 53-12-6.
 - 5. Venue is proper in this Court as Respondent is a resident of Fulton County.

FACTUAL BACKGROUND

- 6. The Testatrix created the Trust under her Will on February 3, 1993 to hold her residuary estate in a testamentary trust for the benefit of her children and more remote descendants.
- 7. The Codicil appointed Michael Houston and Donna Houston, the Testatrix's brother and sister-in-law, respectively, as Trustees under the Will.
 - 8. The Testatrix died on February 11, 2012.
- 9. Michael Houston renounced his right to serve as a Co-Trustee of the Trust on February 29, 2012.
- 10. Also on February 29, 2012, pursuant to the power set forth in the fifth unnumbered paragraph of Section Eleventh of the Will, Donna Houston prospectively appointed Emily Cissy Houston (the Testatrix's mother) and Marion P. Houston (the Testatrix's sister-in-law and business manager) as Co-Trustees of the Trust.
- 11. On March 1, 2012, Donna Houston renounced her right to serve as a Co-Trustee of the Trust. Accordingly, Petitioners are the current Co-Trustees of the Trust.
- 12. At the time of the Testatrix's death, Respondent was 18 years old. At the time of the Testatrix's death, and as of the date of this Petition, the Testatrix had no offspring or issue other than the Respondent.
- 13. The assets of the Trust will be comprised of the entirety of the Testatrix's residuary estate, that is, the Testatrix's net probate estate, less her tangible personal property (as defined in the Will) that is not sold by the Executors and added to Testatrix's residuary estate. It is believed that the Trust corpus will have valuable assets.
 - 14. Pursuant to the Trust, the Trustees may, at any time or from time to time, pay to

the Respondent, or apply for her benefit, upon such occasions as the Trustees in their sole discretion shall deem advisable, so much or all of the net income and principal of the Trust.

- 15. The Testatrix provided in her Will that the purpose for which distributions of income and principal might be made to the Respondent was to provide for the Respondent's welfare and support.
- 16. In addition to the above described discretionary distributions, the Trust provides that the Trustees shall distribute the principal of the Trust according to a Distribution Schedule that provides for partial distributions to the Beneficiary upon attaining certain ages until the entirety of the Trust principal is distributed.
 - 17. The Trust is a spendthrift trust.

NEED FOR JUDICIAL MODIFICATION

- 18. At the time the Will was executed on February 3, 1993, Respondent had not yet been born.
- 19. Respondent is the only child of Testatrix, a world-renowned singer, entertainer, actress, model and celebrity. Respondent has been the subject of significant media attention before, and especially after, the Testatrix's death.
- 20. Respondent is a highly visible target for those who would exert undue influence over her inheritance and/or seek to benefit from Respondent's resources and celebrity.
- 21. Compliance with the Distribution Schedule would likely directly conflict with and cause the opposite of the Testatrix's intent to provide long-term financial security and protection for her child, the Respondent.
- 22. Given these circumstances, which were not known to or anticipated by the Testatrix at the time she executed her Will, the Petitioners believe that the Trust should be judicially modified.

- 23. Compliance with the provisions of the Trust would defeat or substantially impair the accomplishment of the purposes of the Trust, which were to provide for the proper maintenance and comfort of the Respondent, and to prevent the wasting of Trust assets, as evidence by the Trust's spendthrift provision.
- 24. The requested modification will not cause the Respondent or her future children to have insufficient income or principal for their comfort and maintenance.

COUNT I

Reformation of the Trust

- 25. Petitioners hereby repeat and incorporate by reference herein the allegations set forth in Paragraphs 1 through 24.
- 26. At the time the Trust was created, Respondent had not yet been born and Testatrix's career had not yet reached its pinnacle.
- 27. In the time since, Testatrix became a renowned recording artist and generated potentially valuable intangible property rights (including her name and likeness) that are now part of her estate.
- 28. The circumstances currently surrounding Respondent were not and could not have been known to or anticipated by Testatrix on February 3, 1993 when she executed her Will.
- 29. It would defeat or substantially impair the accomplishment of the purposes of the Trust if the Distribution Schedule were followed.
- 30. It is more in keeping with the intent of the Testatrix to amend the Distribution Schedule to ensure the long-term maintenance and care of Respondent and her future children.
- 31. Accordingly, Petitioners respectfully request, pursuant to O.C.G.A. § 53-12-62(a)(1) that section Fourth, subparagraph (B) of the Will containing the provisions for the

distributions of principal to Respondent be judicially modified so as to make the Distribution Schedule consistent with the intent of the Testatrix.

WHEREFORE, Petitioners hereby respectfully request that this Court:

- (a) Modify the Trust as requested in Count I of this Petition, and
- (b) Grant the Petitioners such other and further relief as this Court deems just and proper.

This 22 nday of August, 2012.

Mark G. T.

Georgia Bar No. 716295

Peter N. Hall

Georgia Bar No. 141376

Attorneys for Petitioners

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MARION P. HOUSTON and EMILY CISSY HOUSTON, TRUSTEES	
Petitioners,	
v.)	Civil Action File No. Alto 1200 13/409
BOBBI KRISTINA BROWN,	
Respondent.)))
SUM	IMONS
TO THE ABOVE NAMED RESPONDENT:	
Bobbi Kristina Brown c/o M. Gino Brogdon Sr. Law Office of M. Gino Brogdon, Sr. 174 Walthall Street Atlanta, GA 30316	
You are hereby summoned and require upon the Petitioners' attorney, whose name are	ed to file with the Clerk of said Court and serve ad address is:
Mark G. Trigg Peter N. Hall Greenberg Traurig, LLI Terminus 200, Suite 25 3333 Piedmont Road, N Atlanta, GA 30305	500
	a served upon you, within 30 days after service lay of service. If you fail to do so, judgment by demanded in the complaint
_	Clerk of Superior Court By: Deputy Clerk