

ESTATE OF CONFUSION: BABY'S PATERNITY ISSUES A \$474M MESS

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Who's her daddy?

The paternity of Anna Nicole Smith's 5-month-old daughter suddenly became a \$474 million question as experts predicted the father would likely have dibs on controlling the Playmate's estate - and the fight for her dead husband's fortune.

Smith's boyfriend, Howard K. Stern, and her ex-lover Larry Birkhead will rush to a Los Angeles court today to discuss the matter of DNA testing baby girl Dannielynn Hope Marshall Smith for paternity.

Legal experts told The Post yesterday that Smith's 11-year-battle for part of oil tycoon J. Howard Marshall II's \$1.6 billion fortune would most likely live on with Dannielynn and the child's legal guardian - as yet undecided.

"That's going to become the real issue," said John Serpico, a Manhattan lawyer who specializes in estate planning. "The paternity issue is extremely interesting, because if she finally wins the court case for Marshall's fortune, the father is obviously going to be the one in charge, making the decisions for the baby girl."

Even if she did appoint boyfriend Stern as the trustee of Dannielynn's money in a will, that won't stop Birkhead from getting custody of the girl if he can prove she is his.

In such a case, the rivals would effectively both be in charge of how the girl spends her money - Stern as Smith's trustee and Birkhead as Dannielynn's legal guardian, Serpico said.

Smith's former lawyer Len Leeds said the child's father stood to hold the purse strings of at least \$88 million.

"The issue is going to be now who is the father, because the father is going to control for the infant either \$88 million or \$400 million," said Leeds, referring to the amounts a federal court ruled Smith was entitled to.