

PROBATE LAW 134

EXTRA CREDIT

Eugene was married to Bonnie when he was 21. The union only lasted a couple of years and produced no children. At the time of their divorce, Eugene and Bonnie owned a house in Joint Tenancy. Although Eugene was awarded the house in the divorce proceedings, title was never changed to his name. In addition, Bonnie holds a lien against the house for \$50,000, to be paid to her when the house sold.

Eugene died in 2006 and you have been asked to probate his estate (supposedly consisting entirely of his separate property - the house) by his mother, his sole(?) heir. However, you discover that title is still in Eugene and Bonnie's names, and Bonnie is trying to sell the house.

Several weeks after you begin probate proceedings, another heir surfaces - a half-brother, Bernard. Although Eugene was an only child, his father had remarried when Eugene's mother divorced him some years ago. That marriage produced Bernard, many years younger than Eugene. (The second marriage ended in divorce. Bernard, now 17 years old, lives with his mother in Oregon.)

What do you tell your client, Eugene's mother? How are you going to proceed? What types of actions do you foresee filing?

The paper is due on the day of the final exam. It's worth a maximum of 30 points. Please - no covers or binders; just staple the paper together.