

## SAMPLE INTESTATE SUCCESSION ESSAY QUESTION

*Wills & Trusts*  
*Prof. Beyer*  
*Spring 2007*

Harold and Wilma were legally married in 1975 and have lived together their entire married life. Prior to the marriage, Harold was diagnosed with a medical condition which made it highly unlikely that he could father children. Accordingly, Harold and Wilma legally adopted Michael in 1977 and Charles in 1979. Both children were about six months old at the time of the adoption.

After graduating from college in 1998, Michael needed money to begin e-Inlet, an Internet auction company. Harold agreed to advance \$100,000 against Michael's inheritance. Harold told Michael, "This \$100,000 gift is an advancement, that is, it is to be deducted from your share of my estate when I die." Michael nodded in agreement.

Harold took massive doses of Viagra in 2005 in one last attempt to become a biological father. Harold became intimately involved with Monica which resulted in Monica becoming pregnant. Harold attempted to keep his infidelity a secret but on February 14, 2006, Wilma found out and confronted Harold. The stress of defending his unconscionable behavior was so intense for Harold that he had a fatal heart attack. Monica gave birth to a healthy child, Christine, several months later.

Charles was so distraught when he learned of Harold's death and infidelity to his mother that he terminated his life on February 18, 2006. Charles died intestate and is survived by Lois, his wife, and their twin sons, Frederick and Jason.

Harold died intestate. After paying all debts, taxes, and family allowances, as well as accounting for all homestead and other similar rights, the following property in Harold's probate estate needs to be distributed to the proper individuals:

- A vacation house at Crystal Lake. This house is the community property of Harold and Wilma.
- A certificate of deposit for \$450,000. The CD was Harold's separate property.
- A cotton farm in Lubbock, Texas which Harold received as a devisee of his grandmother's will.

In an organized manner, fully discuss all issues raised by these facts with respect to the proper distribution of Harold's probate estate under Texas law.