

5)

1. valid will

In order to have valid will, there should be formality in writing signed by a testator with at least two disinterested witnesses generally; the testator should conform the state's requirement for a valid will.

Here, Hank(H) downloaded a form will and filled it out with expressing "I leave all my property to Sis (S)." His will was made in writing with formality and Sis is a definite ascertain class. Further, Hank signed his will in the presence of two disinterested witnesses.

However, valid will requires three witnesses in State X. Because H had only two disinterested witnesses, 2016 will is invalid.

Sis may argue that H moved to California after marriage and it is valid under the California law. However, the will's requirement honors the rule of state where a testator made without any revocation. Here, since H suffered a fatal injury on the first day of his new job in California, he never wrote any will after the State X will. There is no evidence that he wrote another will after the State X will.

Therefore, H's will is invalid.

2. California is a community property (CP) state. CP is a property during the marriage and Separate property (SP) is a property obtained before marriage, after the separation, or by gift, bequests, or inheritance. Quasi Community property is the property obtained outside the CP states during the marriage and is deemed as CP.

Here, H married Wendy(W) in State X. He started working there and kept all of the wages in a bank account. Because H earned the wages during the marriage, his wages in the bank account is deemed CP. H may argue that his wages are in the bank account as his own name so it is SP, not CP; however, the title is not relevant, here.

Further, his wages were earned while H still lived in State X and State X is not a community property state. Although he earned the wages in State X, his wages are still deemed as CP because it is considered quasi-community property and is treated as CP. H's wages for \$100K in his bank account are deemed CP.

Also, for the land inherited from his mother, it is deemed SP because H kept land he had inherited from his mother titled in his name alone after the marriage. Although he obtained the land during the marriage, it was inherited from his mother. Therefore, the land is SP.

Sis(S)'s rights

Because the will is invalid, there's no rights for S.

Wendy(W)'s rights

W would have en

Daughter's rights

Son's rights

Question #5 Final Word Count = 434

END OF EXAM