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CALIFORNIA - COMMUNITY PROPERTY STATE

California is a community property state where any property acquired by a couple during the marriage is treated as community property and divided equally between the spouses at divorce and death. Any property acquired during the marriage by bequeath, devise or intestacy or brought into the marriage by a spouse will be that spouse's separate property. Quasi community property is property acquired during a marriage that would have been community property if the couple had been residing in a community property state.

HARI'S WILLS

In order to have a valid will, a testator must have testamentary intent, capacity, awareness of one's natural bounty and knowledge that what he or she is doing is creating a will. The will Hari executed on June 2018 appears to be a valid will under California law. Given that Hari moved to California in 2015, five years before his death, the will appears to have been properly executed. The fact that one witness signed 2 days later is not problematic so long as she witnessed T's signing of his will.

Harry signed an undated will which was a pre-printed form that had Harry's signature and material terms on it. This holographic and pre-printed form s acceptable and valid will in California as well. The problem is that it is undated. Because it is undated,Wanda will assert that it was executed prior to the June 2018 will and Samir will argue that it was executed after wards. The court will agree with Wanda's view and there will be rebuttable presumption that it was executed prior to the June 2018 will.

WANDA'S RIGHTS

Wanda will receiver her 1/2 share of CP (\$50,000) + Hari's 1/2 share of CP (\$50,000) per the terms of the Hari's June 2018 will. She will also be able to pursue a claim for Harry's 1/2 interest in the land assuming she was unaware of the purchase and the fact that Deepa was not a BFP. She could force a sale and collect from the proceeds.

SAMIR'S RIGHTS

Samir will get Hari's SP of \$100,000 per the terms of the holographic will which, regardless of when it was signed and dated, does not conflict with the terms of the first will with respect to the disposition of Hari's separate property.

DEEPA'S RIGHTS

Deepa will get the entire right to the land that she holds in joint tenancy with Hari as the joint tenancy has a right of survivorship. However, since this property was acquired prior to moving to California with Hari's earnings during his marriage and without Wanda's knowledge, Wanda may have a claim to 1/2 of the value. Deepa will be able to keep the other 1/2 as a gift.

Question #2 Final Word Count = 460

END OF EXAM