

Use blue or black ink. Write only on the lined side of each page.

What Rights, if any do Wanda, Samir and Deepa have on Hari's estate? Discuss.

Under CA proparte Code, A Valid Will requires
(1) Capacity (2) Intent (3) Willness (4) Script.

Capacity:

A testator must be of age at least 18 yrs of age.
Hari had full mental Capacity in addition to being of age.
Hence, He is the was married to W for 20 yrs.
Therefore, he is presumed to be of age. This element is met.

Intent

A testator's intent must be evidenced in writing b/c CA does not recognize Oral will.

Hence, because document 1 and 2 submitted at his death his His wills were in writing.
Therefore, the intent requirement is met.

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Writing

Here both the 2018 document and the undated ~~pre-printed~~ pre-printed form will were in writing,

Therefore, the writing requirement are met.

Signature

Under CA Property Law 2 witness must sign the will and with an understanding the document signed was correct

Conclusion, there appears to be a valid will as this last testamentary will.

Effect of Document. Document 2 The undated Document

Codicil is a Supplement to a will, it has to meet the formalities of a will.

Here, it was not witnessed and it had no date on it. It may qualify as a holography discussed below.

Holographic Will:

is a hand written will which does not need to be signed, material portions of it must be handwritten.

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Here, because it was hand written and not signed by Hari, it is most likely to be construed as a holograph, and the court would probate both documents together.

In A is a Community property state, all property acquired before marriage and after permanent separation is separate property (SP), all property acquired during marriage is presumed to be Community property (CP) subject to rebuttal. Other property acquired from another state in a non-Community property state is treated as Quasi-Community property, and be treated CP upon death or dissolution.

Wanda, Sami and Deepak interest in Hari's estate
A) Separate will depend on how the property was acquired.

A. Separate Property with \$100,000

The facts stipulate that \$100,000 in Hari's estate is separate property. It is presumed to be Hari's and upon his death in 2020 will remain his SP.

Therefore, Hari's ~~estate~~ \$100,000 would be SP.

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B. Community Property - Harris half being worth \$50,000

Under Ca Probate Code, upon death, Wanda would be awarded her \$50,000 share of the CP plus 1/2 of the \$50,000 Harris CP.

C. California land worth \$100,000 purchased with marital funds to Wanda and Living in State X.

Q CP = CP.

As discussed above Q CP upon death would be treated as CP.

Here, H in 2017 with Wanda's written consent gave the land to himself and Deeper his daughter as JTs on her birthday.

The Ct would likely ~~void~~ ^{void} the transfer ^{Harris made} from JIP property to himself and Deeper and distribute as CP for the CP.

Because Harris' intent on item C would not be honored, Deeper would be a putative child.

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not provided for. Therefore the Court would allow Deepak to inherit under intestate share, as it sees fit or reasonable.

Conclusion

Wanda would have her CP share of the estate plus 50% of the \$50,000.

Samir and Deepak would be awarded intestate share due them as non-omitted children who were not duly provided for.

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