

ESSAY Q9

SEAT

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ISSUE

POINTS
AWARDED

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| 1. | To be valid, a will must be (1) in writing; (2) signed by the testator; and (3) signed by at least two others, each of whom signed within a reasonable time after having witnessed either the signing of the will or the testator's acknowledgment of that signature or acknowledgment of the will. | 1. | ○ |
| 2. | Even though Jane's will was in writing and signed by two witnesses, it is not a valid will because it was not signed by her or by another within her conscious presence. | 2. | ○ |
| 3. | Because Jane's will is invalid, her estate will pass to her descendants by intestate succession. | 3. | ○ |
| 4a. | Property Jane gave her daughter Dora during her lifetime may be treated as an advancement. | 4a. | ○ |
| 4b. | Because Jane declared in a contemporaneous writing that the gift was an advancement, such gift will therefore be counted against Dora's share. | 4b. | ○ |
| 4c. | Because Dora failed to survive Jane, the advancement is not taken into account in computing the division and distribution of Jane's intestate estate to Dora's sons, David and Harry. | 4c. | ○ |
| 5. | A person may disclaim any interest in property if it is in writing, describes the interest disclaimed, is signed by the disclaimant, and is delivered to the decedent estate's personal representative. | 5. | ○ |
| 6. | Sal's note to Jane was a disclaimer of interest in Jane's intestate estate which took effect upon Jane's death so that Sal's interest in the estate will pass by representation to his heirs, Thelma and Louise. | 6. | ○ |
| 7. | Son Sam receives \$100,000 (1/3). | 7. | ○ |
| 8a. | Nephews David and Harry receive \$50,000(1/6) each. | 8a. | ○ |
| 8b. | Nieces Thelma and Louise receive \$50,000(1/6) each. | 8b. | ○ |
| 9. | Siblings Susie, Ben, and Jerry receive nothing. | 9. | ○ |