

QUESTION 9

As she was nearing death in the hospital, Jane (a widow) phoned Friend and stated: "I'm going to dictate a will to you and ask you to type it out and sign it for me." Friend agreed and Jane dictated the following to her over the telephone:

I, Jane, make this my last will and testament. I want my sister, Susie, and my two surviving brothers, Ben and Jerry, to have everything, share and share alike. Susie will be executor of my estate.

After Friend read back to Jane what she had typed, Jane instructed: "OK, that's fine. Please print it out, sign it on my behalf, and keep it in a safe place." After hanging up the phone, Friend printed the will and signed Jane's name to it as Jane had directed. Friend's husband and daughter signed as witnesses.

Jane died the following day. The total value of Jane's estate is \$300,000. She is survived by siblings Susie, Ben, and Jerry, and her sons, Sam and Sal. Her only daughter, Dora, predeceased Jane years before. Dora has two sons, David and Harry. Sam had no children, and Sal has two daughters, Thelma and Louise.

A few years before she died, Jane had given Dora \$100,000. Jane enclosed the following letter when she sent the money to Dora:

I know you are in desperate need of this money now, so I'm giving it to you now and will deduct it from your inheritance later.

Several months before Jane died, Sal won the lottery. Shortly thereafter, Sal sent his mother the following note:

Dear Mother,
As you know, I'm now well off financially and don't need whatever I might inherit from you. I would rather that you think of the rest of our family and not consider me in your estate planning. Love, Sal.

Sal's note was found among Jane's effects following her death.

QUESTION:

Discuss how Jane's estate will be distributed. Assume the Uniform Probate Code is in effect in the jurisdiction where the will is to be probated. Also, assume Jane was competent at the time she dictated her will.