

the demise of the controversial *Seider v. Roth* doctrine, which lower courts had struggled to save after *Shaffer v. Heitner*.⁹³³

Actions in Rem: Estates, Trusts, Corporations.—Generally, probate will occur where the decedent was domiciled, and, as a probate judgment is considered *in rem*, a determination as to assets in that state will be determinative as to all interested persons.⁹³⁴ Insofar as the probate affects real or personal property beyond the state's boundaries, however, the judgment is *in personam* and can bind only parties thereto or their privies.⁹³⁵ Thus, the Full Faith and Credit Clause would not prevent an out-of-state court in the state where the property is located from reconsidering the first court's finding of domicile, which could affect the ultimate disposition of the property.⁹³⁶

The difficulty of characterizing the existence of the *res* in a particular jurisdiction is illustrated by the *in rem* aspects of *Hanson v. Denckla*.⁹³⁷ As discussed earlier,⁹³⁸ the decedent created a trust with a Delaware corporation as trustee,⁹³⁹ and the Florida courts had attempted to assert both *in personam* and *in rem* jurisdiction over the Delaware corporation. Asserting the old theory that a court's *in rem* jurisdiction "is limited by the extent of its power and by the coordinate authority of sister States,"⁹⁴⁰ *i.e.*, whether the court has jurisdiction over the thing, the Court thought it clear that the trust assets that were the subject of the suit were located in Delaware and thus the Florida courts had no *in rem* jurisdiction. The Court did not expressly consider whether the *International Shoe* test should apply to such *in rem* jurisdiction, as it has now held it generally must, but it did briefly consider whether Florida's interests arising

the case as a garnishee." *Id.* at 330–31. Presumably, the comment is not meant to undermine the validity of such direct-action statutes, which was upheld in *Watson v. Employers Liability Assurance Corp.*, 348 U.S. 66 (1954), a choice-of-law case rather than a jurisdiction case.

⁹³³ See *O'Connor v. Lee-Hy Paving Corp.*, 579 F.2d 194 (2d Cir. 1978), *cert. denied*, 439 U.S. 1034 (1978).

⁹³⁴ *Goodrich v. Ferris*, 214 U.S. 71, 80 (1909); *McCaughey v. Lyall*, 224 U.S. 558 (1912).

⁹³⁵ *Baker v. Baker, Eccles & Co.*, 242 U.S. 394 (1917); *Riley v. New York Trust Co.*, 315 U.S. 343 (1942).

⁹³⁶ 315 U.S. at 353.

⁹³⁷ 357 U.S. 235 (1957).

⁹³⁸ The *in personam* aspect of this decision is considered *supra*.

⁹³⁹ She reserved the power to appoint the remainder, after her reserved life estate, either by testamentary disposition or by *inter vivos* instrument. After she moved to Florida, she executed a new will and a new power of appointment under the trust, which did not satisfy the requirements for testamentary disposition under Florida law. Upon her death, dispute arose as to whether the property passed pursuant to the terms of the power of appointment or in accordance with the residuary clause of the will.

⁹⁴⁰ 357 U.S. at 246.