

**QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V**

William Long passed away in early 2009 at the age of 89 leaving a probate estate worth one million dollars. William was never married and his only natural heirs are two adult sons named Carl and Joe. Carl and Joe have different mothers and were never able to get along when they were young. After his death, Carl and Joe searched all of William's personal effects in an attempt to find a formal will, but only found a handwritten letter, signed by William, and that was written when they were young. It states as follows:

*To whom it may concern:*

*I have managed to save a little money and I want my children and the church to have it when I die. I intend for this letter to be treated as my Will and I know my family will honor it as such. I leave the contents of my home to my children to be split as equally as possible. I also leave my sons, Carl and Joe, \$5,000.00 cash apiece. The rest of my estate I leave to Good Church in Flint, Michigan, to be used to help the poor of Flint.*

*For personal reasons known to them, I know that my children do not get along. To avoid family conflict, it is my wish that any person who challenges this Will take nothing from my estate.*

*Signed,  
William Long  
May 26, 1950*

*I, Chad Ireland, hereby witness the signature of William Long on May 26, 1950.*

*Signed,  
Chad Ireland  
May 26, 1950.*

Carl and Joe believe that the entire letter is in their father's handwriting although they do not remember the letter because it was written so long ago. They are both positive that the signature at the end of the letter is their father's signature. Carl and Joe remember Chad Ireland as one of their father's old drinking buddies and believe his signature is genuine. They found evidence, however, along with the letter that their bequest of \$10,000.00 cash would have constituted nearly all of their father's estate in 1950.

**You represent Good Church in Flint, Michigan, in the probate**

of William's estate and intend to have the letter admitted as William's Will. Carl and Joe have notified you that they intend to either challenge the validity of the Will or elect against the Will and take their share as though William died intestate. If they do so, how is the estate likely to be distributed under each scenario? Explain your answer.

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