

QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

Dennis Dwayne, age 51, was a successful race car driver living in Michigan. He was married to Barbie, and had twin 5-year-old boys, Ronnie and Paulie, and a 12-year-old stepdaughter named Kathleen.

In May 2009, Dennis was diagnosed with an inoperable brain tumor and given a year to live. Wanting to get his affairs in order, Dennis drafted his will on his personal computer. After printing the will, he signed and dated the document in the presence of his mother, Jean, who signed the document as a witness.

In October 2009, Barbie went to the fertility clinic, where she and Dennis had sought treatment previously, and had an embryo implanted without Dennis' knowledge. The frozen embryos had been stored since the twins' birth. Before Dennis received his diagnosis, the couple planned to have more children. Barbie believed that an infant would give Dennis a reason to continue fighting the disease, and planned to surprise Dennis with the news of her pregnancy as a Christmas gift.

Unfortunately, Dennis lost his battle with cancer and died in early December 2009, before Barbie told him about her pregnancy. Locating the will, Barbie was shocked to learn that the terms of the will split Dennis' wealth evenly between Marcel, Dennis' auto mechanic, and Dennis' mother, Jean.

Barbie contested Dennis' will, claiming that the will was invalid. Barbie seeks to recover Dennis' estate for the benefit of herself, Ronnie, Paulie, Kathleen, and the unborn baby boy, whom she plans to name Dale. Jean, on the other hand, sought to uphold the validity of the will.

Applying Michigan law, discuss the arguments most likely to be advanced by Barbie and Jean, and the likelihood of Barbie, Ronnie, Paulie, Kathleen, the unborn baby, and Jean being able to take a share of Dennis Dwayne's estate. Explain your answer.

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