

**QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN SOFTEST ANSWER SCREEN 10**

Paul Perry died suddenly at the age of 55. He was not married and had one adult daughter named Laine. Discovered among his possessions was the following document, written in Paul's handwriting in a spiral notebook:

I, Paul Perry, being of sound mind, wish to distribute my assets in the following manner upon my death. I direct that all of my debts be paid. I give my house, 1414 Mockingbird Lane, to my friend Wesley Wuma. I give my shares of Acme Corporation stock to my friend Carey Smith. Everything else goes to my daughter Laine.

/s/ Paul Perry
June 16, 2010

At the time of Paul's death, 1414 Mockingbird Lane had an outstanding mortgage balance of \$75,000. Also, at the time Paul drafted the document, he owned 100 shares of Acme stock. However, at the time of his death, Paul's original purchase of 100 shares had grown by 150 shares (250 shares total) because Paul had all of his dividends reinvested into additional shares of Acme stock.

Carey claimed that he should receive all of the Acme stock and should not be limited to 100 shares that Paul owned at the time the will was drafted. Wesley asked that the estate pay the remainder of the mortgage, as Wesley would be unable to afford the house otherwise. Laine challenged the validity of the will, claiming that all of the assets should be given to her. Even if a valid will were established, Laine argues that Carey should only get 100 shares of Acme stock, and that the estate should not discharge the mortgage on the house.

Applying Michigan law, discuss the following:

1. Whether the will is valid;
2. Whether Carey receives 100 or 250 shares of Acme stock under a valid will, and
3. Whether Paul's estate can pay the \$75,000 mortgage pursuant to Wesley's request under a valid will.

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