ARTU

Description

The Anal-Retentive Title Underwriter

Question:



Tom wrote a holographic Will, which stated as follows: â??To my wife, Anne R. South, I will and bequeath all of my property both personal and real to do with and dispose of at her pleasure so long as she shall live to be equally divided among my 4 children.â?•

VLTA Examiner

Anne has gifted the house to her granddaughter, who now wants to sell. You are underwriting counsel, and although you find the language in the will to be â??iffyâ?•, counsel for the seller advises it is a â??no-brainer, and just close it and insure itâ?•. You advise that this is a perfect case for the â??shotgunâ?• approach â?? get everyone to sign who might have a potential interest or who might subsequently complain, which in this case would be the 4 children. The terse reply is that â??The children will not sign because they are mad that the granddaughter is selling the house.â?• What do you advise?

Answer:

We always want to know why those who might claim a potential interest will not sign, because a difficult problem with unhappy people is always a perfect ingredient for a lawsuit, which the insurer does not want â??to buyâ?•. In this case, a Court Order was required.

Category

1. Columns
2. Underwriting

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