



Cribs, Million Dollar Listings, and Property Wars:

Navigating the Drama of Administering Estates with Real Property

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25th Annual Estate Planning, Guardianship and Elder Law Conference

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Viewing Guide

GTFOOMH

Cribs

Help! I Wrecked My House

Million Dollar Listing

Brother vs. Brother

Property Wars

2



Vesting vs. Rights of Possession

- Vesting happens immediately upon death
- But is subject to PR's right to collect and of possession
- PR must use ordinary diligence to collect
- Enforceable by court order
- Includes certain community property assets
- **Does not include homestead**



Homestead Rights of Occupancy

- Right of surviving spouse and decedent's minor children
- Vests immediately upon decedent's death
- Continues until abandoned
- Not affected by characterization
- Devise of homestead delayed during occupancy
- Practical issues: What is considered abandonment? What if homesteader does not pay for his/her liabilities?

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