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The State of the Estate

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The Specter of Foreclosure During Probate

During probate proceedings, it is the responsibility of the estate to continue to make mortgage payments on real property. Sometimes that's easier said than done. Many times a home is the only asset of significant value and there are no other funds in the estate to cover mortgage payments. If the estate defaults on the payments, the lender can foreclose on the property—a scary proposition that can place beneficiaries' inheritances at risk.



With California's nonjudicial foreclosure process, things can happen quickly. Lenders can foreclose without the time and expense of a court action in as little as 111 days from start to finish, so time is of the essence. If a possible foreclosure scenario on estate property rears its ugly head, consider the following:

- First and foremost, contact an experienced probate attorney.
- Communicate with the lender and fully inform them of the circumstances. Some are flexible and may be willing to work with you to delay foreclosure proceedings during the probate process.
- Obtain a copy of the mortgage instrument, which will contain vital information relative to the loan terms, default, and foreclosure proceedings.
- Determine the outstanding balance of the loan and the value of the real estate.
- Explore your options for making mortgage payments—e.g., using other estate funds or selling property to raise funds.
- If the lender does not hold off on foreclosure proceedings, consider seeking an injunction.
- Document all communications with the lender.

If you are facing the daunting prospect of foreclosure of estate property, contact the experienced probate and trust attorneys at the **Grossman Law Firm**—(888) 443-6590—for the expert guidance you need.



Our older daughter, Eva, has been a huge Harry Potter fan for years, so she was thrilled when her grandparents gave her an amazing gift of a trip to England over spring break. England has millennia of culture and history, but for this 12 year old, it was all about Hogwarts.

Some of the Harry Potter related sights they visited included a ride out to Watford, in the countryside of Hertfordshire, to tour the Warner Brothers Studios. Describing Warner Brothers UK, Eva said, “My jaw literally dropped.”

They had the full scale Hogwarts Express train used in filming. “I do know what ‘literally’ means, and my jaw dropped and my mouth was hanging open for at least ten seconds.”

No studio tour would be complete without a visit to Privet Lane.

The tour also took them to Platform 9 ¾ at King’s Cross Station, a butter beer tasting, and much more. Even a trip to Oxford included a visit to “the front door of Hogwarts.” [Picture]

Eva has given up hope that an owl will deliver a letter informing her that she will be attending Hogwarts in the fall, but on this trip she had the next best thing.



“Working with Color! It’s as Easy as 1 – 2 – 3!” continued from page 4.

And last, but certainly not least, add one more splash color to your overall color scheme. This color should be fun and exciting, and could be accomplished simply by adding a few well-chosen accent pillows or artwork to your room’s décor. It’s also important that your chosen splash color be bounced around the room several times. Perhaps accent pillows on your sofa, candles on your mantle, and an unusually designed accessory...all featuring this same splash color.

Lighter colors will definitely give your room a feeling of spaciousness because light rays are reflected instead of being absorbed. Bright strong colors have just the opposite effect – they create a warm, cozy feeling – especially in a very large room.

When starting a new decorating plan centered around a brand new color scheme, don’t be afraid to be creative with color. It can be a lot of fun, and the rewards could be a brand new colorful place for you and your family to enjoy.

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When Legitimate Expectations are Dashed

It is naturally upsetting and disconcerting when someone interferes in a loved one's estate plan and you learn your inheritance no longer exists. But you are not without recourse. Even if the will or trust of your loved one is a valid instrument, you might still have grounds for legal action against the person who interfered. Proving your case may be challenging; the most frequently contested aspect of this type of case is whether the plaintiff had a legitimate expectation of inheritance.

Certain types of evidence will bolster your claim:

- A draft of a previous version of a will or trust that provided you with an inheritance.
- A demonstration that the prior will or trust was revoked due to the conduct of the defendant (e.g., fraud or duress).
- Under the laws of intestacy in California, you would have been an heir if not for the defendant's interference.

As a side note, some people lack standing in probate court and are not deemed "interested persons." Examples of this are surviving members of unmarried couples, close friends, caregivers, and so forth. But in a May 2012 court case, *Beckwith v. Dahl*, California recognized the tort of intentional interference with expected inheritance, providing an avenue for those shut out of the probate system.

Legitimate expectation cases are neither hopeless nor guaranteed. The experienced probate and trust attorneys at the **Grossman Law Firm** can help you safely navigate the process and protect your rights. Give us a call today at **(888) 443-6590**.

What's Happening to All of the Bats?

White Nose Syndrome (WNS), which is caused by a cold-loving fungus that migrated to the United States from Europe, has become an epidemic among bat species that hibernate in caves or abandoned mines. (The name for the syndrome came about because infected bats have white areas on their noses and wings).

First identified in New York in the winter of 2006-07, WNS has now spread through the eastern and midwestern states and eastern Canada and is devastating bat populations everywhere it turns up.

More than half of the 47 bat species in the U.S. hibernate during the winter. Of that number, eleven cave hibernating bats, including four endangered species, are known to be infected with WNS.

Bats have evolved to ration their energy supply during hibernation, so they can survive without food until spring. Researchers have found that the fungus interrupts the normal hibernation cycle in bats, causing them to use up their stored energy supply (body fat) at a much greater rate. In addition, WNS causes serious health problems in infected bats, which ultimately leads to their death.

It's estimated that WNS has killed nearly 6 million bats in the Northeast and Canada since it was first discovered. In some areas, 90 to 100 percent of infected bats have died. One species, the little brown bat, was once so numerous that researchers rarely bothered to even count the population. Unfortunately, the little brown bat is now on the brink of extinction and is being considered for inclusion on the endangered species list.



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Trip to England



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This newsletter is intended to educate the general public about probate, trusts, wills, and other issues. It is for information purposes only and should not be construed as legal advice. Prior to acting on any information contained in this publication, you should consult with experienced, competent counsel regarding your specific situation.



Design Tips
from Vanessa Banks

Working with Color! It's as Easy as 1 – 2 – 3!

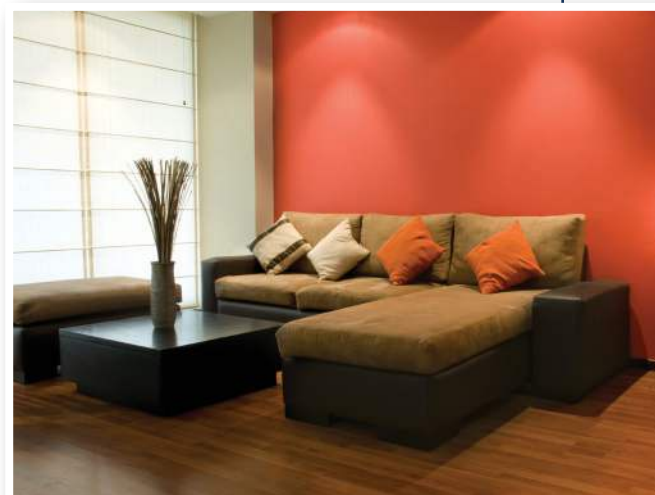
Nothing helps you create a mood or enhances your level of comfort in your home better than color!

Choosing the right color can actually heighten the excitement you feel when entering a room, or conversely, calm your nerves. And, I find that nothing will help you create more design unity than the effective use of color.

Working with color is as easy as 1 – 2 – 3! So, please don't be afraid to add a bit of liveliness and excitement into your rooms this year.

First, select the color you want to use for the largest areas of your room – primarily the walls and floors. This could be a paint color – or even wall covering – which is having a tremendous rebirth in popularity.

Second, look for one more color that you can add to complement and lift your room's main color. This secondary color could be used to call attention to a special architectural feature in the room, or could be found in your rooms other furniture pieces or window treatments.



Continues on page two.