

Scenario Four

Tom is a bachelor that recently passed away without any children. He has two brothers that live nearby and a sister that passed away two years ago, leaving behind four children. Tom's parents are still living, as is his former wife, Flo. Tom owned a feed store, which he ran with his younger brother Rudy, and a small ranch. He had a will when he and Flo were married, but he has never updated it.

By law, what will happen to Tom's estate?

Will Flo receive anything via the Montana Laws of Intestate Succession?

What fraction of the estate will each of Tom's sister's children receive?

How would the situation change if Tom and his brother Rudy held joint ownership of the feed store with a right of survivorship?

What actions should Tom have taken to assure his property passes according to his desires?