

**FINAL EXAM
COMMUNITY PROPERTY
PROFESSOR JANICE KOSEL
SUMMER 2009**

1. You have **two (2) hours** to complete this exam.
2. This is a closed book exam.
3. This exam consists of one part, an essay question. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.
4. Write your exam number on your exam envelope. Put your correct class section and student exam number at the top of this page, each page of questions, and each blue book. **Do not** use your name, student ID number or Social Security number on any exam materials.
5. If you believe you need any additional factual information, reveal exactly what it is and how it will affect your answer.
6. At the conclusion of the exam, return all test materials, including blue books, scratch paper, and this exam packet envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

GOOD LUCK!

Jesus and Maria were married in San Francisco in 1985. They were high school sweethearts and wed right after graduation. Jesus worked as a busboy in a restaurant, Maria as a receptionist in a dental office. They worked long – and often different – hours so they rarely had free time together. When they did, Jesus and Maria talked of the restaurant they would start one day and dreamed of Jesus becoming a famous chef. After three years of scrimping and saving, they bought a food van and Jesus started preparing and selling meals for people toiling in the financial district late into the night.

In 1991 Maria ran off with her employer who was embarking on a midlife career change to deliver quality dental care to underserved, impoverished people in Latin America. Maria left a note for Jesus on the kitchen table; he never heard from her again.

Jesus continued to operate his catering van. Money was tight so he never bothered to file for divorce. (Indeed, when Maria left they probably had more liabilities than assets -- \$4,500 in an individual retirement account, a term life insurance policy, the van and catering business and \$40,000 in debt.) He felt a little guilty about that when he married Linda in 1995. But she was already pregnant with their only child and there wouldn't have been time for a divorce before the baby's birth. Linda knew about Jesus' earlier relationship with Maria but assumed it had ended in divorce.

Jesus hit the jackpot in 2007 when he won a twelve week cooking competition in New York and became the new Food network star. The prize was \$100,000 and a one year contract for a weekly half hour tv show featuring menus based on Jesus' family and cultural heritage.

The tv show was an instant hit. Jesus was able to expand his catering service from one to ten vans serving the entire bay area. And Jesus put together a cookbook based on the simple, hearty meals he had served from his van for more than twenty years.

Unfortunately, Jesus died last month from salmonella in peanuts from a processing plant in Georgia. Jesus was taken ill before any of the contaminated food was served to customers.

Linda plans to continue the operation of Jesus' catering van business. And she intends to publish his already copyrighted cookbook posthumously – “Jesus' Last Suppers”.

Yesterday Linda received a shocking letter from Jesus' first wife. Maria had just emerged from the jungles of Costa Rica when she learned of Jesus' phenomenal success and tragic death. She has decided that, as his legal wife, she is entitled to share in his estate.

In addition to the catering business and cookbook, Jesus had:

1. A home purchased in 2008. Title is in the names of Jesus and Linda as joint tenants.

2. An individual retirement account in Jesus' name at the bank in the amount of \$120,000. Jesus has been contributing \$2,000 a year since 1989. Linda is the designated beneficiary.
3. A \$500,000 term life insurance policy. Linda and their child Carlos are the designated beneficiaries.

Jesus left no will.

Advise Linda.

If Jesus had divorced Maria in 1991, how would your advice change?

END OF EXAM