

### **CASE 3 -- BOB AND MYRTLE BRIMBAUGH -- SECOND MARRIAGE**

Bob and Myrtle married last year. Bob was widowed four years ago, and has three grown children, all married with their own children. Myrtle, divorced last year, has two married daughters.

Bob and Myrtle understood the need to plan for the distribution of their assets, so Bob purchased a "will kit" from the local stationery store. They selected the "husband and wife" wills and completed them, signing them before witnesses as the directions stated. Their intent is that their property be retained by the surviving spouse during life, and divided evenly among their children at the survivor's death. Their wills state that they each leave all assets "to my spouse [who was named], should he/she survive me, and then to my children."

The marital home is owned by solely by Bob, and all substantial assets are in his name. Myrtle is receiving large regular payments in lieu of property settlement, but did not take much of value from her prior marriage except her personal property. Bob is a diabetic in failing health, but Myrtle is an avid exerciser and, as reported by her doctor in her last physical, is "as healthy as a horse -- I don't see why you shouldn't live to be a hundred years old!"

Bob and Myrtle attended a seminar like this one some time ago. As a result of that seminar and subsequent consultations with the attorney, they learned that their estate plan would effectively disinherit the children of the first to die. They realized that "their" children are not the children of both of them, and that therefore a bequest to "my children" would distribute the entire estate to the children of the second spouse to die at the death of that spouse.

Under the laws of Maryland, if Bob predeceased Myrtle as was highly likely, the entire estate, consisting almost exclusively of Bob's assets, would be distributed to Myrtle's children on her death. Bob's children would be disinherited. Naturally, Bob and Myrtle promptly made significant changes to their estate plan, and slept soundly thereafter, as did Bob's children.