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# The Quill – July 2022



## THE QUILL ARTICLE

### The Intersectionality of Real Property Law and Estate Law (Cont.)

If you did not receive or have not read The Quill articles in the prior two months' newsletters, please take a few minutes to read those articles, linked here ([May](#) and [June](#)), before proceeding.

Now that you are all caught up, I wanted to share some closing thoughts related to this fact pattern. When this transaction closed in 2020, I had been an Underwriting Counsel for 13 years. This was my first time encountering a closing transaction where a portion of the land came out of an estate which had 50 living heirs, the decedent and all deceased heirs (26 total) died intestate and one heir had an estranged spouse whom she had not communicated with in several years and no one in the family knew of his whereabouts or how to locate him.

I wish I could say this closing went off without a hitch! That was not the case...at all! There were so many twists and turns from the time the contract was signed until the date of closing...approximately 6 months between the two dates. Needless to say, this closing presented an opportunity for growth for me and the other attorneys involved. Based on the things I learned working through this transaction, below is a tip I hope you will find useful on the next transaction with an estate in the chain of title.

TIP: Start early gathering information needed to have a successful closing. While not an exhaustive list, below are some questions that should be answered if there is a decedent in the chain of title:

- Is there a will? Has it been probated?
- What powers and directives are given the personal representative regarding the property to be insured?
- What is the date of death of the decedent?
- Obtain a copy of the death certificate. An obituary may also be helpful.
- Has an estate file been opened?
- Has the Notice to Creditors been published?
- Have any claims of creditors been filed against the estate?
- Does Medicaid have a claim against the estate?
- Has the estate file been closed?
- Who are the heirs or devisees?
- Have any heirs or devisees passed away prior to the sale of the land? If so, these questions should be answered for those parties.
- Are any of the heirs or devisees married?
- If any heirs or devisees are divorced, obtain proof of divorce.
- Are any trusts the devisee of property to be insured?
- If so, who is(are) the trustee(s)?
- Is there a recorded Certificate of Trust? If so, when was it recorded?

Let us know if you believe any additional questions should be added to this list.

Finally, if you are handling a transaction with an estate in the chain of title and there are peculiar circumstances (i.e., one of the heirs died out of state days before the contract was signed, estranged spouses, etc.), please do not hesitate to reach out to Barristers Title to discuss the Company's willingness to insure the pending transaction or advise of any additional requirements to insure the transaction. We are here to serve you and partner with you on all your closing transactions!

If you have any specific questions related to this article, please feel free to reach out to Natasha Branch directly at [Natasha.Branch@fnf.com](mailto:Natasha.Branch@fnf.com).

## THE QUILL TIP

If a decedent died out of state, less than 2 years prior to the date of closing and no estate is being administered out of state, an estate file can be opened in NC and the estate can undergo full administration in NC, without the need for an out of state administration. (See NCGS 28A-3-1)

## SUMMER FAMILY TRADITIONS

Summertime is all about sun, fun and family! So we thought we would share some of our favorite family traditions with you. Our summers would not be the same without them!

“Going to Holden Beach! It’s our family’s favorite summer vacation spot!” ~ Maria Houghton

“Going to the beach with family and great friends is what summer is all about! I also love swim team season and staying late at the pool.” ~ Jennifer Conrad

“Hanging out with family as much as possible at my parents’ beach house is always on the list. I love seeing the cousins (big and small) playing together on the beach... the cutest!” ~ Landis Sinnett

“Getting down to the Bahamas with my family. Laying on the beach and boat rides!” ~ Christine Lockwood

What are your favorite summertime family traditions?

## THE QUILL MEME

It’s HOT, HOT, HOT in NC! We hope you’re surviving the heat



## THE QUILL RIDDLE

If you were a firecracker what would your Firecracker Name be?

We thought we'd have a little childlike fun today!



The answer to the June riddle:

Q: What gets wetter the more it dries?

A: A towel!

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