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# The Quill – October 2022



## THE QUILL ARTICLE

### Estate Question. You really should record that...

As we all know title issues are possible at any time of year, so let me tell you about this fun one we had a few months ago. I hope after reading this you'll be better equipped to navigate these title messes.

Here are the facts of our story: married couple Hank and Diane took title to the property in Guilford County as Tenants by the Entirety (TBE) in May of 1978. They divorced in 2003, but no final Support Agreement and Property Settlement Agreement was filed. There was one purposed but never submitted to the judge for signature and approval or put on record. If it had been, it would have required Hank to transfer his ownership of the property to Diane. Thus, both parties maintained title to the property, but they dropped down from TBE to TIC (Tenants in Common). There was no Quit Claim Deed (or requirement for one) recorded transferring ownership to one spouse or a third party. Everyone still with me? Great.

Now we jump ahead in time to June of 2020 when Hank passed away. But Hank's estate was not filed in Guilford County where our property was located. Oh no, it was only filed in Alamance County, where he lived at the time of his death. Usually, we would require an ancillary estate to be filed in Guilford County before we could insure the current transaction, but the date of death was more than two years before our closing date. Barristers Title was able to insure without requiring the ancillary estate to be filed in Guilford. We proceeded as if the decedent died intestate. We used obituaries and Heir Affidavits from Disinterested Third Parties to ascertain the heirs-at-law. The final deed signed by the heirs in this mess referenced the Alamance County Estate file to help clarify the situation.

Who were those heirs you ask? Well, that would be Hank's new wife, Anna, and his daughter from his first marriage Carol. Remember as his ex-wife, Diane's status as his heir terminated at the time of divorce. But what about Anna's son from a prior relationship, Mark? Mark was not legally adopted by Hank and therefore would not be considered his intestate heir. So, Mark does not need to be considered in our transaction. Who signs the deed? Diane, and her spouse if any; Anna, and her spouse if any; and Carol, and her spouse if any all need to sign the deed out. Have I lost anyone yet (other than Mark)? No, excellent, now we're getting to the good part!

Time to talk about the judgments! Hank had four judgments against him. Three were from parties unconnected with the transaction and attached to the property with no question. But what about the fourth? The fourth judgment was by far the largest (\$50,000) and was filed by Diane after their divorce. The question is, now "Can Diane put a lien against her own property?" and the answer is YES!

She put a lien against Hank's ownership in the property they held as TIC. This would not have been possible if they still held title as TBE. Upon Hank's death, that lien was still within the statute of limitations and was properly filed with Guilford County. She had every right to put a judgment against him and a lien against his interest in the property. The estate is now responsible for paying off that lien. They can use the proceeds of the sale to pay the debt.

To sum it all up: Failure to get the Support Agreement and Property Settlement Agreement on record and Hank's failure to convey his interest to Diane in accordance with the unfiled agreement, lead to a lot of complications that could have been avoided. Diane's lien against her ex-husband on their jointly-owned property is valid, we found a way to insure over the lack of ancillary estate filing, and we figured out who all the heirs were. All in a day's work!

~ Sarah Fuentes, Underwriting  
Counsel, [sarah@barristerstitle.com](mailto:sarah@barristerstitle.com)





As many of you are aware, every October Barristers Title makes a donation to [Earlier.org](https://www.earlier.org) and 2022 is no different!

For the entire month, we will donate a portion of each title order that we receive to [Earlier.org](https://www.earlier.org). The more orders we receive, the more money we

donate, thereby allowing you to make an impact in the process.

With your assistance, Barristers has donated over \$50,000 over the years to this amazing charity and we thank you in advance for giving us a Helping Hand this October.

Take a minute and click [HERE](#) to read about their mission and to see how they play a role in early detection of this disease.

## GET TO KNOW NATASHA BRANCH

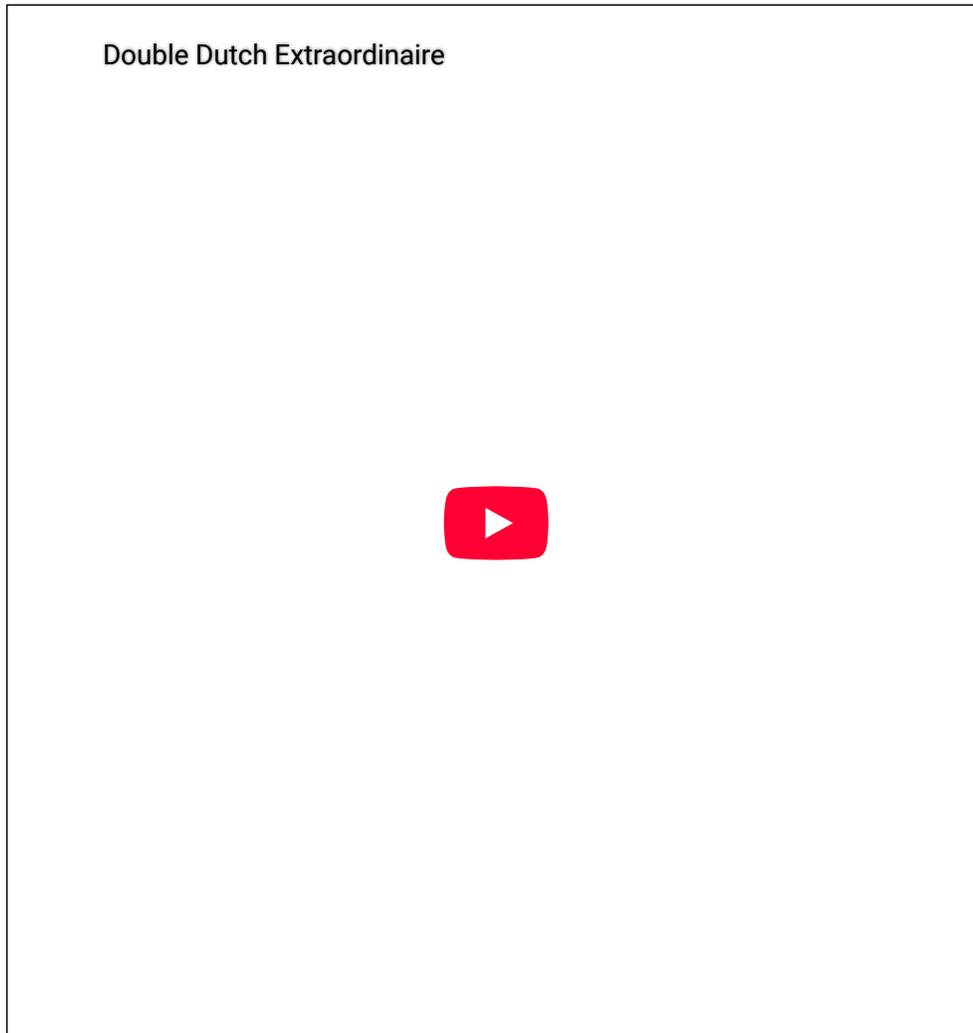
### {A Day in the Life Edition}

1. Favorite Breakfast? Pancakes, Eggs with cheese and Bacon...any time of the day! 😊
2. Coffee vs Tea? Tea...but, usually neither.
3. Do you prefer working from home or in an office? Depends on the day! Being an extrovert, I enjoy working in the office, around people. However, there are days I prefer to work from home.
4. Dinner at the table or on the couch? Table.
5. What is your favorite dessert? Banana Pudding.
6. What are you currently watching? Reasonable Doubt on Hulu.
7. If you had one free hour in your day, what would you do? Go for a jog or workout.
8. Are you a morning person or night owl? Morning person, who usually stays up way past her bedtime.



9. What is your bedtime? Between 10:00-10:30.

10. Tell us an interesting fact about yourself that we may not know. As a child one of my favorite pastimes was jumping Double Dutch. I recently connected with a 40+ Double Dutch club that meets locally...in Concord. I have enjoyed our meet ups over the past few weeks. I'm excited to share that after 30+ years later, I still got it! 😊  
Check the video for proof!



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## THE QUILL MEME

Team Halloween or Team Put Christmas Decorations Up

As Soon As There Is A Chill In The Air? 🎃





## THE QUILL RIDDLE

### Last Month's Riddle Answer

Q: I can travel at nearly 100 miles per hour, but never leave the room. You can cover me up, but that doesn't slow me down. You will not know if I come only once or again and again and again. What am I?

A. A sneeze.

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