

Prop1 CLass 9 - Acquisition by Gift

Who has it?

When do they have it?

Donor - giver

Doneee - receipient

3 Requirements for Gift

1. Intent
2. Delivery
3. Acceptance

Constructive (Key)

Symbolic (Writing)

Livery of Seisin

Inter Vivos - Gift During Life

Testamentary - Gift after my death

Statute of Wills - governs
testamentary gifts

1. In writing
2. Signed two 2 witnesses

Intestate - die without a will
Executor/Executrix - person
appointed to manage estate
Litigator/Litigatrix

VP = intestate

Houston = Nurse

Bost = Executor (Defendant)

Newman = Housekeep (Plaintiff)

Newman v. Bost

1. Gives Key to bureau
2. Pointed to furniture in room
3. Pointed to furniture outside room

Items:

1. \$3k policy
2. Household property \$200
3. Piano \$300

Donatio Cuasa Mortis

Gift Causa Mortis - Gift in
anticipation of death --> statute of
wills is relaxed

Who?

When?

Present Interest - Father (Life estate)

Future Interest - Son (Remainder)

Gift

1. Intent? Future interest in painting
2. Delivery? after death
3. Acceptance? after death

Inter vivos bc gave a future interest, today