

**Planning Ahead**



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## **Are You Living in Grandma's House?**

Are you living in Grandma's home, still in her name even though she's been deceased for years? This is a common situation. Often it is a case of confusion about what happens to ownership of a home when someone dies. Other times there's awareness that something needs to be done, but it's not a priority and nobody wants to incur the expense. This can go on for years so long as property taxes are paid. Eventually, though, getting Grandma's name off the deed will become an issue.

Usually this happens when it's finally time to sell. The parties may even be in escrow when it's discovered the seller doesn't own the home and it can't be sold without opening a probate of Grandma's estate. It had to happen someday, but now the sale may fall out of escrow because of the delays and opening the probate may be harder than it would have been back when Grandma died.

If Grandma had a Will, it may have been lost. The house may have been left to the grandchild living in the home, but if no copy of the Will can be found, the house may be divided among multiple heirs, not just the grandchild. The grandchild may have been counting on the proceeds from the sale of the home which now may be reduced.

Even locating heirs may be harder now than when Grandma died. This becomes more complicated when heirs of Grandma died after her and now probates may have to be opened for their estates as well. Another set of heirs must be identified and located. The group of people who will now share in Grandma's estate may expand to include distant cousins that nobody even knew existed and who live in another state or even another country. All of them must be tracked down and notified before the probates can be opened.

The delays may be frustrating. Expenses will be incurred for probates that might have been avoided. But the worst may be property tax reassessments that date back years and will incur interest and penalties that must be paid. If you're in that situation now, be proactive and get good legal advice.