

Grandparents' estate prepared for auction without heir's knowledge

By Ilyce Glink
and Samuel J. Tamkin
Tribune Content Agency

Q: My son was left everything by his grandparents in their will. A lawyer had an auction company out to the grandparents' home without my son's knowledge. He had the company cut the wires going to a central unit, cut flowering trees to the ground and took almost everything out of the house, including appliances and antique furniture. They set an auction date without my son signing off on anything. The lawyer told my son he needed to appoint someone to run things only if something happened to my son that rendered him incapable.

When my son said his half-sister would be able to assist, he made them both co-executors of the will. He doesn't care for his sister getting anything. When we talked to the auction people they told us the lawyer hired them and told them to take what they wanted out of the house. What should my son do?

A: Your son needs to find a good probate attorney as soon as possible. While it's possible that there is something wrong with what the attorney is doing, there may be something else going on.

While your son may have been named the sole heir to his grandparents' estate, the estate may have to pay all debts of the estate before he gets anything. So it's possible that his grandparents owed a significant amount of money and the only way to pay off those debts is to sell off assets of the estate. We don't know that for sure, but are making a reasonable guess based on the situation you describe. If we assume that the attorney is trying to do things right, the attorney may be following what the will stipulates.

On the issue of who is going to be the executor of the will, the will should have named someone, and there should have been witnesses to the signing of the will you can ask. Just because your son was named in the will doesn't mean that he would naturally be the executor of the will. If no one was named executor (perhaps because your son was too young at the time, or his grandparents didn't want to burden him with the responsibilities), the will may have appointed the attorney to designate the person to become the executor of the will. If the will designates your son as the person that is to receive something under the will, the executor or executors under the will must follow the instructions set forth in the will.

You and your son may not like what the attorney is doing, but the attorney may

have that right under the will. You won't know that unless you have a copy of the will and understand what the will says. If the current attorney gives you a copy of the will to review, you can read for yourself what your son's grandparents' wishes were. After reading the will, you may still have questions and since you don't trust this attorney, you'd be best off seeking advice from a different person you can trust.

If nothing else, the probate attorney can confirm that the current attorney is acting in the estate's best interest. At worst, the probate attorney can tell you that the attorney is not doing right by you and your son; at that point, you should consider taking action against that attorney.

Ilyce Glink is the creator of an 18-part webinar+ebook series called "The Intentional Investor: How to be wildly successful in real estate," as well as the author of many books on real estate. She also hosts the "Real Estate Minute," on her YouTube channel. Samuel J. Tamkin is a Chicago-based real estate attorney. Contact Ilyce and Sam through her website, ThinkGlink.com.

Discover why over 17 million homeowners trust State Farm®.

With your new home comes new responsibilities – like protecting your new investment with the right amount of homeowners insurance. That's where we can help. Like a good neighbor, State Farm is there.® CONTACT AN AGENT TODAY.



Dan Ceniga, Agent
1704 SW Frazer Ave
Pendleton, OR 97801
Bus: 541-276-3182
dan.ceniga.b739@statefarm.com



Stan Henderer, Agent
33 SE Donion Avenue
Pendleton, OR 97801
Bus: 541-278-0880
stan.henderer.lo18@statefarm.com

statefarm.com®



0907508.1 State Farm Fire and Casualty Company, State Farm General Insurance Company, Bloomington, IL



Make your home loan dreams come true.
We're here to help.

At Banner Bank we know how important it is to have someone on your side. We are dedicated to finding the right type of loan that fits your needs.

Call us to learn more. Let us know how we can help you and apply for your home loan today.

June Anderson
Residential Loan Officer
NMLS# 383981
janderson@bannerbank.com
Office: 541-564-4218

Jennifer Cecil
Residential Loan Officer
NMLS# 507128
jcecil@bannerbank.com
Office: 541-564-4264



bannerbank.com

Member FDIC



NICE 3 BEDROOM,
2 bath with a large shop & on 2.4 acres! MLS #17006801 **\$199,900**



.34 ACRE LOT on Eastside Road.
RMLS #16601723 **\$6,000**



TERRIFIC 3 BEDROOM,
2 bath on a large corner lot.
RMLS #17649584 **\$184,900**



TERRIFIC 3 BEDROOM,
2 bathroom triple wide with 1916 Sq. Ft.
HUD OWNED
RMLS #17649584 **\$144,000**



LOTS OF POTENTIAL WITH THIS 3 BEDROOM, 1.5 bath Bungalow in Athena, Oregon! RMLS #16079642 **\$34,900**



WONDERFUL 3 BEDROOM,
2 bathroom with a view of the mountains.
HUD OWNED
RMLS #17178633 **\$119,000**

e-mail: paul@seaquist-realestate.com
e-mail: valerie@seaquist-realestate.com

www.eohomes.com
www.tourmf.com



Paul R. Seaquist
Principal Broker
509-520-3331



Valerie Alderson
Principal Broker/ Owner
541-969-9964

725 S. Main Street,
Milton-Freewater,
OR 97862



(541) 938-3331