

Ann Machado - Re: 1637 Washington Ave

From: Jennifer Thompson
To: Ann Machado; James Barns
Date: 3/13/2015 8:41 AM
Subject: Re: 1637 Washington Ave

Hi Jim - It seems to me that if the court orders a division of the land in connection with distribution of the estate then, yes. That would fall under the exception contained in 4401(D)(3) of the subdivision statute.

Best,
Jen

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>>> James Barns <jbarns@BGT-Law.com> 3/11/2015 3:29 PM >>>

Jen – Thank you for speaking to me today about this property. I agree with your argument regarding the inability of the personal representative to use the homestead exemption to the subdivision laws. Our situation is that we have a mother, owner of this property, who passed away leaving 3 adult sons as heirs. One of the sons currently resides in the house and due to his physical condition the brothers want to accommodate him while sharing equally in the estate. This will require a division of this property, assuming the resulting lots are conforming lots. We intend to seek a court order from the probate court ordering the property to be divided in an equitable manner between the sons.

I believe this court order would fall within the subdivision exception language of 30 A Section 4401 (D)(3) allowing the estate to divide the property into 3 lots without seeking subdivision approval. I plan to proceed along these lines but would like your input before doing so. Can you let me know if you agree with this approach?

Thanks, Jim

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