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DEC. 5 1984

LEAGUE OF WOMEN VOTERS OF TEXAS
1212 Guadalupe, #107
Austin, Texas 78701

November 1984
LL Pres.; DPM; St. Ord.
II. A. 2. c.
Women's Issues

LEAGUE OF WOMEN VOTERS OF TEXAS POSITION ON INTESTACY

Adopted November, 1984

THE LEAGUE OF WOMEN VOTERS OF TEXAS SUPPORTS EQUITABLE INTESTACY LAWS
WHICH INCLUDE THESE PROVISIONS:

Community Property

The surviving spouse should inherit all of the community property

- . when the decedent had no children
- . when the surviving spouse is the parent of all the children of the decedent.

The surviving spouse should not inherit all of the community property
when the decedent is survived by minor children not of the surviving
spouse.

Disposal of Property

The surviving parent of a minor child should be required to obtain
court permission to dispose of the child's property when it is valued
at more than \$50,000.



DEC. 5 1984

TO: Women's Issues Chmn./LL Pres.; DPM;
Standing Order

LWV-Texas
November 1984
LL Pres. Mailing; DPM;
Standing Order
II. A. 2. c.
Women's Issues

FROM: Franci Smith, Women's Issues Dir.
3537 Barclay, Amarillo, TX 79109
(806) 359-3412

RE: INTESTACY CONSENSUS REPORT

Twenty-six Leagues participated in the Intestacy consensus as did four state units and three members-at-large. GREAT WORK! THANK YOU!! The consensus questions were difficult, but the study was also very complicated and highly technical. Based upon informal feedback from League members, we believe this study made participants much more aware of the intricacies of Texas intestacy laws, provoked stimulating discussion meetings, and left everyone convinced of the importance of making a will and keeping it up to date. We should remember that the study process can be as important as positions reached as a result of the study.

Although consensus was reached on a number of issues, there was no agreement on several issues. There was no consensus on distribution of community property to surviving adult children. There was member agreement that separate property should not always be treated the same as community property, but there was no general agreement as to how it should be divided. A small number of Leagues (3) recommended that the separate property be divided 1/2 to spouse and 1/2 to children. A few Leagues were also concerned about the length of the marriage and whether that should affect property distribution.

There was no consensus about whether the surviving spouse should be allowed to manage minor children's property without filing annual accounts or otherwise reporting to the courts. Some Leagues indicated concern that special consideration be given to handicapped or incapacitated children and/or spouses in property distribution and management decisions.

Again, many thanks for such good statewide participation. We are ready for action should the occasion arise. You might make your local community aware that we have a pamphlet for sale dealing with this complicated issue. The response statewide has been excellent.

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Manila ①

INTESTACY CONSENSUS REPORT

26 LEAGUES PARTICIPATED, 4 STATE UNITS AND 3 MALS

1 A. YES (30 Y 1 NO 2 NC)
B.
1. YES (21 Y 8 NO 4 NC)
2. YES (19 Y 9 NO 5 NC)
3. YES (21 Y 8 NO 4 NC)
C.
1. (11 Y 17 N 5 NC)
2. NO (5 Y 23 NO 5 NC)
3. (14 Y 11 NO 8 NC)
D.
1. NO (1 Y 25 NO 5 NC)
2. (6 Y 15 NO 10 NC)

E. GREAT DEAL OF CONCERN FOR SPECIAL CONSIDERATION BEING GIVEN TO HANDICAPPED OR INCIPACITATED CHILDREN AND/OR SPOUSES

2 A. NO (3 Y 21 NO 9 NC)
B. (9 Y 13 NO 11 NC)
C. NC (10 Y 6 NO 17 NC)

A SMALL GROUP OF LEAGUES (3) RECOMMENDED THAT THE SEPARATE PROPERTY BE DIVIDED 1/2 TO SPOUSE AND 1/2 TO KIDS. THE SAME NUMBER WERE CONCERNED ABOUT THE LENGTH OF THE MARRIAGE.

3.A. (8 Y 17 NO 7 NC)
B.
1. (16 Y 10 NO 7 NC)
2. YES (21 Y 7 NO 5 NC)
3. (11 Y 6 NO 16 NC)

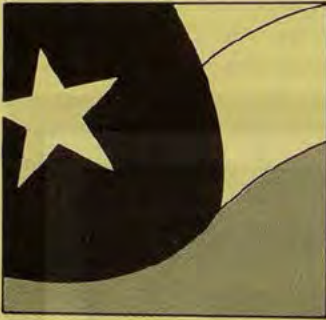
OF THE 33 RESPONSES ONLY 10 ANSWERED THE QUESTION WITH A DOLLAR AMOUNT REVEALING NO PATTERN. THE DOLLAR AMOUNT RANGED FROM \$500 TO \$250,000.

C. NC (7 Y 5 NO 19 NC)

SUGGESTIONS INCLUDED THE FOLLOWING: TO DISTRIBUTE BY FORMULA; TO REQUIRE COURT APPROVAL TO DISPOSE OF 1/2 OF THE ESTATE REGARDLESS OF THE DOLLAR VALUE.

CONCERN FOR THE HANDICAPPED CHILD OR SPOUSE PREVAILED FOR ALL THREE QUESTIONS;

SEP. 11 1984



League of Women Voters of Texas Education Fund

Facts & Issues

INTESTACY: Dying Without a Will

Without a Will?

A will is "a legal declaration of a person's wishes" regarding what shall be done after death with respect to the disposition of property, the guardianship of children, and the administration of the estate.¹ In simple language, it is any writing or declaration by which a person makes a disposition of property to take effect at death. If this writing or declaration has been executed in accordance with the state laws, it will be accepted as a will. New residents of the state face the possibility that a will made in another state may not be valid under Texas law. In short, to assure the distribution of an estate in accordance with the owner's wishes, the prudent estate owner consults an attorney and makes a will.

In legal parlance, intestacy is the state or condition of dying without a will. The laws of descent and distribution take effect at an individual's death if that individual has made no will. These laws also apply if a will is invalid under the laws of the particular state, or if it does not cover all of the estate. By making a will an individual can, for the most part, designate the manner of estate distribution. Without a will the individual's wishes do not matter; the laws of descent and distribution determine the manner in which the estate shall be distributed--to whom and in what amounts.

In effect, the law makes wills for those who do not make their own. Through the laws of descent and distribution, the

state determines the recipients of one's property and selects the guardians of one's children. But the state law may not make the distribution in the manner that the person would have chosen. These laws make the distribution by fixed patterns based on consanguinity (relationship by blood) or marriage rather than dependency, age, household connection, friendship, or other factors. They often fail to satisfy the needs or equities of a particular family because they necessarily are written in broad terms in order to cover a multitude of situations.

Descent & Distribution

The statutory patterns by which the property passes contain two primary elements--the structure of the decedent's surviving family and the categorization of property--which intersect to provide differing results. The initial questions are whether the decedent has left a surviving spouse/children. The distribution of the property hinges on the answers to those questions because the statute provides for different distributions for each response.

Separate Property

In addition, the Probate Code requires the classification of property into categories--first, real or personal, and second, separate or community in origin. Real property is land while personal property refers to items such as money, tools, stocks, jewels, and machinery. One's separate property is essentially composed of property owned before marriage, property received as gifts, and property one inherited. Community property is that property which is

1. Black, Henry Campbell, Law Dictionary, 4th ed., (St. Paul, Minn.: West Publishing Co., 1968), p. 1772

acquired during marriage and which is owned in equal, undivided shares by the spouses.²

Community Property

The community property system, which is designed to safeguard each spouse's economic security in case of divorce or death, carries built-in complexities and technicalities. For instance, a husband owned 1000 shares of stock before marriage (separate property). The cash dividends from the stock are community property, while the increases in the number of stock certificates due to stock splits and stock dividends remain separate property. Tracing the inception of title for a particular piece of property may be rather complicated. It may also be a prerequisite for determining who actually inherits the property.

The Texas Probate Code deals first with the estate of a single person. These statutes initially bestow the property (both real and personal) upon the decedent's children (or their descendants), if any, and then the property passes to the decedent's parents. The statute supplies an extensive list of relatives in both the paternal and maternal lines who could inherit. If no one applies to receive the estate, it will eventually escheat to the State of Texas (see Fig. 1).

Fig. 1.

Passage of Property with No Surviving Spouse

Decedent

Children

Children's Descendants

$\frac{1}{2}$ Father | $\frac{1}{2}$ Mother

$\frac{1}{2}$ Surviving Parent | $\frac{1}{2}$ Brothers and Sisters*

Brothers and Sisters and their Descendants

$\frac{1}{2}$ Paternal Grandparents | $\frac{1}{2}$ Maternal Grandparents
and Descendants and Descendants

*If one parent is deceased, the decedent's siblings receive their deceased parent's one-half share while the surviving parent inherits the other one-half. However, if the decedent had no siblings, the surviving parent receives the entire estate.

If the decedent leaves a surviving spouse, the statute again steps in and pre-determines the manner in which the property shall pass. The decedent's separate real property shall pass to the children and the spouse will receive a one-third life estate in the realty. This life estate entitles the spouse to live on the land during the remainder of his/her lifetime. The separate personal property will pass two-thirds to the children and one-third to the spouse. For example, John and Sue live on the ranch which she inherited from her parents; they have lived there for the past 20 years and John has managed the ranch. Sue dies in an auto accident and does not have a will, and John's livelihood, the ranch, goes to the children. This may create an immense strain on the family relationship if the children become disgruntled with John's management. If Sue dies childless, John would inherit all of the personal property and one-half of the ranch, while the other half would pass by the laws of descent and distribution. In other words, the spouse would inherit one-half of the separate real property and all of the personal property of a married person who dies without leaving children (see Fig. 2).

Fig. 2.

Passage of Separate Property

A. PERSONAL PROPERTY

Decedent

$\frac{1}{3}$ Spouse | $\frac{2}{3}$ Children

If there are no children, all personal property goes to the spouse.

B. REAL PROPERTY

Decedent

$\frac{1}{3}$ life estate to Spouse | remainder to Children

If there are no children:

Decedent

$\frac{1}{2}$ to Spouse | $\frac{1}{4}$ to Father, $\frac{1}{4}$ to Mother
 $\frac{1}{4}$ to surviving Parent, $\frac{1}{4}$ Brothers & Sisters
Brothers and Sisters & Descendants

If there are no surviving parents, brothers, sisters, or descendants, all property goes to the spouse.

2. The name on the title or other indication of ownership does not determine whether the property is separate or community.

Community property frequently constitutes the largest portion of a couple's assets. Typically, the family home, savings, and other personal property have been acquired during marriage. Each spouse owns an undivided one-half interest in all the

property. When one spouse dies, that spouse's share passes to the children if any, while the survivor retains her/his own portion of the community property. A survivor who formally qualifies as the community administrator for probate may manage the property while probate proceedings are in progress. The entire community property will pass to the survivor if there are no children (see Fig. 3).

Fig. 3.

Passage of Community Property

Spouse retains own $\frac{1}{2}$	Decedent
	Decedent's $\frac{1}{2}$ to Children
If there are no descendants, spouse receives all community property.	

The obvious purpose of the intestacy statutes is to preserve a child's inheritance. This is one of Texas' oldest legal traditions and may be traced directly to Mexican law. In 1837, the Congress of the Republic of Texas passed legislation which prohibited a parent from disinheriting children except for reasons outlined in the statute, and which barred a parent from disposing of more than one-fourth of the parent's estate to anyone other than the children of that parent. The motive behind the intestacy statutes is laudable, and these statutes fulfill the purpose of preserving the children's inheritance.

However, the statutes also create unforeseen hardships and consequences for the unwary. Suppose that, in a second marriage, Janet and Steve have been married 20 years and have acquired a sizeable community estate which includes the marital home. Steve dies intestate, and his half of the community property passes to the children of his first marriage. This leaves Janet coowning her home with Steve's children, which may result in problems for her. Or in another situation suppose that the children and their surviving parent, now forced into economic partnership, are already antagonistic. The possibilities for conflict and for harsh treatment of the survivor or the children are myriad.

For those dying intestate, not only will the state determine who gets one's property at one's death, but it will also determine the fate of one's children and select their new home. Parents may specify a guardian

in a will, and that "person designated by will as the parents' choice for guardian is entitled to appointment unless disqualified."³ These disqualifications as outlined in §110 of the Code includes minors, persons whose conduct is notoriously bad, incompetents, those with interests adverse to the ward, and those shown to be incapable of properly managing the estate. The person challenging the appointment has the responsibility to prove the disqualification.

Guardianship

Guardianship is a formal legal status which is granted only after a court hearing in which all interested parties are given proper notice. Two guardians may be appointed: one for the person and the other for the estate of a minor child. The guardian of the person is charged with the care, control, support, and education of the minor, while the guardian of the estate is charged with managing the property of the ward as prudent persons would manage their own property.

A guardian is required to file annual reports for expenditures and income and to request court approval for any major expenditure or decision affecting the child's welfare. When the guardianship is dissolved by the court, the guardian must file a complete report of every transaction. In addition, many guardians are required to post bonds in order to serve. The above provisions are applicable to natural parents when the minor children inherit property under the intestacy statutes. For instance, §339A provides that the surviving parent of the minor children may sell the children's property with court consent without obtaining a guardianship if the value of the property is less than \$10,000. A person who designates a guardian in a will can waive several of these requirements and thereby save the estate and the guardian a great deal of time, trouble, and money.

If the parents do not make any provisions regarding guardianship of their minor children, the state will assume that responsibility. Section 109(a) states that "If one parent is dead, the survivor is the natural

3. Guardianship of Henson, 551 S.W.2d 136 (Tex. Civ. App.—Corpus Christi, 1977, writ ref'd n.r.e.)

guardian of the person of the minor children, and is entitled to be appointed guardian of their estates." "Although there is a presumption that a surviving parent is the most suitable person to have custody of minor children, the controlling consideration is the best interest of the children."⁴ However, it is very difficult to overcome the presumption.

When neither parent survives, the statute provides that the "nearest ascendant in the direct line," e.g., a grandparent, is entitled to guardianship. This statutory preference does not take into consideration the age, economic status, or desires of the grandparent. This creates a dilemma about deciding among relatives related in the same degree of consanguinity to the children. For instance, both Charlie's maternal and paternal grandmothers are seeking to be named as the child's guardian. The court then employs the maxim of "the best interest of the child" in deciding the guardianship question. The same test is applied if there is no ascendant in the direct line but there are other relatives such as siblings or aunts and uncles. In every case, any statutory preference may be challenged in court by parties concerned with the well-being of the child. If no relative applies for the guardianship, the court may appoint "any qualified person."

While there are no statistics available concerning the actual numbers of people who die intestate in Texas, there are many who fall into this category. If a person abdicates the responsibility, the State of Texas will step in to fill the void, and decide the disposition of the children and the assets without regard to the personal wishes of the decedent.

4. Interest of Barrera, 531 S.W.2d 908 (Tex. Civ. App.--Amarillo, 1975).

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JUN. 25 1984

TO: Publications Chairman/LL Pres; DPM

LWV-Texas Education Fund
June 1984
LL Pres. Mailing; DPM
I. R.
Publications

RE: Facts & Issues on INTESTACY

Enclosed is a sample copy of the new every-member Facts & Issues publication on Intestacy: Dying Without a Will to be used for our state LWV study of this topic. Please note the dual pricing. Cost is 35¢ for members (regular discounts apply--see LWV-T Publications Catalog; don't pay more than you have to!), and 50¢ for non-members. Regular discounts apply for non-members wishing to purchase in quantity.

LEAGUE OF WOMEN VOTERS OF TEXAS
1212 Guadalupe, #109
Austin, TX 78701

Phone: (512) 472-1100
Ordering hours: M-F 9 A.M. - 3 P.M.

The League of Women Voters of _____ is ordering _____
copies of INTESTACY: Dying Without a Will.

Ship to: _____
(Name)

(Address)

(City) (ZIP)

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Priority Mail: Add 25% to cost of publications.

PRICE: 35¢ for members; 50¢ for non-members. Regular discounts apply (see LWV-T Publications Catalog)	<u>NUMBER ORDERED</u>	<u>TOTAL</u>
	_____	\$ _____
	5% sales tax???	_____
	25% priority???	_____
	TOTAL ENCLOSED	\$ _____

INTESTACY CONSENSUS QUESTIONS

	<u>YES</u>	<u>NO</u>
1. Should the Texas intestacy laws provide that the surviving spouse inherit <u>all</u> the <u>community</u> property under the following circumstances:		
a. when the decedent has no children?	_____	_____
b. when all of the children of the decedent are also children of the surviving spouse, and		
(1) all of the children are minors?	_____	_____
(2) any of the children are minors?	_____	_____
(3) all of the children are adults?	_____	_____
c. when some of the children of the decedent are also children of the surviving spouse, and		
(1) any of the minor children are children of the surviving spouse?	_____	_____
(2) there are other minor children of the decedent?	_____	_____
(3) all of the children are adults?	_____	_____
d. when the decedent and the surviving spouse have no children together, but each has other children, and		
(1) any of the children are minors?	_____	_____
(2) all of the children are adults?	_____	_____
e. under any other circumstances?	_____	_____
If so, what circumstances?		
2. Should <u>separate</u> property be treated the same as community property under the statutes when the decedent dies intestate--		
a. always?	_____	_____
b. never?	_____	_____
c. under certain circumstances?	_____	_____
If so, what circumstances?		
3. When the decedent has left no will, should the surviving parent of minor children:		
a. be allowed to manage the children's property without filing annual accounts or otherwise reporting to the court, regardless of the value of the property?	_____	_____
b. be required to obtain court permission to dispose of the children's property valued:		
(1) at more than \$10,000?	_____	_____
(2) at more than \$50,000?	_____	_____
(3) at another amount?	_____	_____
Please specify:		
c. meet other requirements?	_____	_____
If so, what requirements?		

INTESTACY CONSENSUS QUESTIONS

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b. when all of the children of the decedent are also children of the surviving spouse, and		
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(2) any of the children are minors?	_____	_____
(3) all of the children are adults?	_____	_____
c. when some of the children of the decedent are also children of the surviving spouse, and		
(1) any of the minor children are children of the surviving spouse?	_____	_____
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(3) all of the children are adults?	_____	_____
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e. under any other circumstances?	_____	_____
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b. never?	_____	_____
c. under certain circumstances?	_____	_____
If so, what circumstances?		
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a. be allowed to manage the children's property without filing annual accounts or otherwise reporting to the court, regardless of the value of the property?	_____	_____
b. be required to obtain court permission to dispose of the children's property valued:		
(1) at more than \$10,000?	_____	_____
(2) at more than \$50,000?	_____	_____
(3) at another amount?	_____	_____
Please specify:		
c. meet other requirements?	_____	_____
If so, what requirements?		

for preliminary study/consensus mtg 10/25/80

from WUTL I, page 8 - Disposition of property upon a will
Separate Property, spouse & children
1- If a surviving spouse & children: Separate property $\frac{1}{3}$ ^{Spouse} personal property
+ life estate in $\frac{1}{3}$ of real property

2- The children or their descendants, with immediately get $\frac{2}{3}$ ^{real} separate property & on death of surviving spouse, other $\frac{1}{3}$ of real property.

3- Separate property, no children:

a- surviving spouse gets all separate ^{Personal} property

b- $\frac{1}{2}$ of separate real estate

other $\frac{1}{2}$ of real estate will go to parents of decedent or their descendants

4- No surviving spouse, ^{Single person} separate property goes to children of decedent or their descendants. a- If no descendants, go to parents
c. If one parent is dead, $\frac{1}{2}$ goes to parent & other $\frac{1}{2}$ to brother & sister of decedent or their descendants.
d. No parents or descendants - maternal & paternal grandparents

Community Property

5- Spouse & children: Spouse gets $\frac{1}{2}$ (already hi/his) & children or descendants get other $\frac{1}{2}$. If no children, grandchildren or great-children, the surviving spouse will get all the community property.

Consensus questions

1- a- no children - (present law)

b- 1- ^{all} minors

2- only minors

3- all adults

c- 1- only minor or childless surviving spouse

2- other minor of decedent

3- all adults

yes

no

✓

✓

✓

✓

✓

✓

✓

for preliminary study/consensus mtg 10/25/80

from WUTL I, page 8 - Disposition of property without will

- 1- Separate Property, spouse & children: if a surviving spouse & children: Separate property $\frac{1}{3}$ Spouse personal property & life estate in $\frac{1}{3}$ of real property
- 2- the children or their descendants, with immediately get $\frac{2}{3}$ real property & on death of surviving spouse, other $\frac{1}{3}$ of real property.
- 3- Separate property, no children:
a- surviving spouse gets all separate personal property
b- $\frac{1}{2}$ of separate real estate
other $\frac{1}{2}$ of real estate will go to parents of decedent or their descendants
- 4- no surviving spouse, single person a- separate property goes to children of decedent or their descendants. b- if no descendants, goes to parents
c. if one parent is dead, $\frac{1}{2}$ goes to parent & other $\frac{1}{2}$ to brother & sisters of decedent or their descendants.
d. no parents or descendants - maternal & paternal grandparents

Community Property

- 5- Spouse & children: Spouse gets $\frac{1}{2}$ (already has) & children or descendants get other $\frac{1}{2}$. if no children, grandchildren or great-children, the surviving spouse will get all the community property.

Consensus questions

1- a- no children - (present law)

b- 1- minor

2- any minor

3- all adults

c- 1- any minor or children or spouse

2- other minor of decedent

3- all adults

yes

no

✓

✓

✓

✓

✓

✓

✓

yes

no

2. ~~no~~ children together but
each has other children
1- any are minors
2- all are adults

✓

✓

2. the separate property be tested
the same as community

a- always

b- never

c- under certain circumstances ✓

yes, what circumstances ~~where there are no children~~
~~of either spouse, or of the current marriage or other~~
~~marriage~~ Where there are children of the marriage
or of either spouse

3- ~~When~~ ~~decendent~~ Should surviving spouse of minor child

a- be allowed to manage property regardless of value ✓

b- ~~be~~ he required to obtain court permission to
dispose of ^{children's} property valued

1- at more than \$10,000 ✓

2- at more than 50,000

3- at another amount

c- meet other requirements

if so what requirements

Comments:

after definitions & charts -
for purpose of consensus review passage
of property from WATH I - 1st page, then rules
page 8

~~For purposes of consensus~~
1 - ~~another definitions~~ Decedent - deceased person
Review

2 - Initial question is when decedent has left a sur-
viving spouse and/or children.

Chart I
3 - If no spouse - (single person) - property, real &
personal - goes to children of decedent
or their descendants - if no children goes to parents
a - If one parent deceased $\frac{1}{2}$ to surviving parent &
 $\frac{1}{2}$ to brothers & sisters & their descendants
d - none above $\frac{1}{2}$ Paternal grandparents $\frac{1}{2}$ Maternal grandpa

4 - Chart II Surviving spouse ^{children} personal & real property
Different - review fr. page 1

1st question - ^{a -} remember if no children spouse gets all
of children $\frac{1}{2}$ spouse $\frac{1}{2}$ children

b -

c -

d -

2 - Sh. Separate prop. be treated the same as community

Present Law Remember separate prop. - personal $\frac{1}{3}$ spouse + $\frac{2}{3}$ children & decedent real. life estate in $\frac{1}{3}$ real property

present Law for community is: Spouse retains own $\frac{1}{2}$ decedent's $\frac{1}{2}$ to decedent's children all property - personal + real
Think about managing for marriage / angle

(A)
3 - Managing minor's property - count person + estate
present law requires annual reports + final accounting
may sell if value estate is less than $\$10,000$ except guardian

QUESTIONS ON INTESTACY

1. Should the Texas intestacy laws provide that the surviving spouse inherit all the community property under the following circumstances:

- when the decedent has no children?
- when all of the children of the decedent are also children of the surviving spouse, and (1) all of the children are minors? (2) any of the children are minors? (3) all of the children are adults?
- when some of the children of the decedent also children of the surviving spouse, and (1) any of the minor children are children of the surviving spouse? (2) there are other minor children of the decedent? (3) all of the children are adults?
- when the decedent and the surviving spouse have no children together, but each has other children, and (1) any of the children are minors? (2) all of the children are adults?
- under any other circumstances?

2. Should separate property be treated the same as community property under the statutes when the decedent dies intestate:

- always?
- never?
- under certain circumstances? If so, what circumstances?

3. When the decedent has left no will, should the surviving parent of minor children:

- be allowed to manage the children's property without filing annual accounts or otherwise reporting to the court, regardless of the value of the property?
- be required to obtain court permission to dispose of the children's property valued:
 - (1) at more than \$10,000?
 - (2) at more than \$50,000?
 - (3) at another amount? Please specify:
- meet other requirements? If so, what requirements?

IF YOU DON'T HAVE A WILL TEXAS HAS ONE FOR YOU

I, John Doe, make this my "will" by failing to have a will of my own choice prepared by my attorney or by failing to write a holographic will.

1. I give all my community property both personal and real to my children and none to my surviving wife, irrespective of her needs for support.

2. I give all of my separate real property to my children with the exception of a life estate in one-third of it which I give to my wife. I give two-thirds of my separate personal property to my children and one-third to my wife.

3. I appoint my wife as Guardian of my children, if she survives me, but as a safeguard, I require that:

a. My wife shall make written account every year to probate court, explaining how and why she spent money necessary for the proper care of our children;

b. My wife give bond, with sureties, to be approved by Probate Court, to guarantee she will properly handle our children's properties and moneys;

c. When our children become adults, my wife must file a complete, itemized written account of everything she has done with our children's moneys and properties;

d. When our son and daughter become age 18, or marry before 18, they can do whatever they please with their share of my estate;

e. No one, including my wife, shall have the right to question how our children spend their shares.

4. If my wife does not survive me, or dies while any of our children are minors, I do not nominate a guardian of our children, but leave the finding of a qualified guardian from among my relatives to the Probate Court, and if the Court cannot find a qualified relative, then to a qualified stranger.

5. I do not care to learn how costly the guardianship is going to be in attorney fees and in time my wife will spend in gaining Court approval for expenditures and in accounting to the Court, nor do I care to learn of less costly, more flexible and advantageous ways of providing for my children after I die.

6. I do not appoint an executor of my estate and hope the Probate Court will appoint someone to administer my estate whom I would approve of; in fact, I do not care to learn about how the costs of administering my estate could be reduced to best preserve the assets in my estate for my wife and our children.

7. I do not care to learn whether there are ways to lower my death taxes, and I know as much as possible will go to the government, instead of my wife and our children.

In witness whereof, I have completely failed to make a different will of my own choice with the advice of my attorney because I really did not care to go to all that bother, and I adopt this, by default, as my will.

(From Dear Abby column, A. J., 1/10/82, done by Judge Sam Harrod III of Eureka, Ill; adapted to Texas Law by Annette Marple, Assoc. Prof. TTU. Lubbock LWV, March 1982)5.

**Take action.
Join the League of Women Voters.
Today.**



A nonpartisan organization
which works to promote political
responsibility through active
informed participation of citizens
in their government.

For membership information
contact: Faye Anton

- | | | |
|----------------|----|---|
| September | 12 | Fall General Meeting--Royal Inn |
| | 15 | Membership Drive--Mall of Abilene--10 to 9 |
| | 17 | Board Meeting--11:30 |
| | 25 | Noon Unit--Intestacy Study |
| | 26 | Morning Unit--Intestacy Study & Consensus |
| October | 9 | Noon Unit--Intestacy Consensus |
| | 15 | Board Meeting |
| | 23 | Noon Unit--Domestic Violence Study |
| Oct 17 - Nov 2 | | Absentee Voting |
| November | 6 | General Elections--Hotlines |
| | 13 | Noon Unit--Domestic Violence Consensus |
| | 14 | Morning Unit--Domestic Violence Study & Consensus |
| | 19 | Board Meeting |



Abilene
VOTER

LEAGUE of WOMEN VOTERS of Abilene

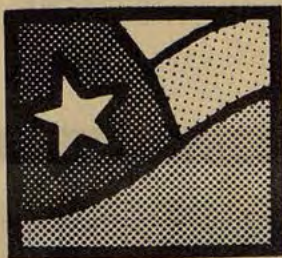
**PRESIDENT:
LAURA C. CLINE**

**EDITOR:
CATHERINE GRIFFITH**

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Abilene, Texas
Permit #391**

9/20/84

Margie Morrill



Abilene

VOTER

SEPTEMBER 1984

LEAGUE OF WOMEN VOTERS of Abilene

PRESIDENT'S MESSAGE

I wish I could say the long, hot summer is over but... Anyway, we are ready to start another busy year in the League. This fall is going to be really fun and interesting. The General Election in November offers League members many opportunities to serve our community. The Women Under Texas Law studies we are having this fall should be of interest to others in Abilene also.

We are honored to have our state president Lois Carpenter coming to speak to us at our Fall General Meeting on September 12. Plan to come and get back in the swing of League activities and to meet some of the new Board members. By the way, we are still looking for someone to fill the position of Second Vice-President and Voters Service Chairperson. These are interesting and challenging positions, especially in this, an election year.

Be sure to listen for the TV and radio spots that National League has made available to local radio and TV stations. They should really help our goals of registering voters and getting people to vote.

Remember, Hotline for the November 6 General Election will require additional personnel to handle the increased volume of calls. So, everyone set aside some time that day to work on the Hotline. We will need three people there at all times, two to answer phones and one to handle the registration lists. Also, the shifts will be at least two hours. I guarantee no one will be bored working on this Hotline!!!!

The key word this year is volunteer--for everything. We have a lot of neat things going on this next year. Don't miss it--volunteer and participate.

Laura Cline

MEMBERSHIP DRIVE

On September 15, the League will participate in Volunteer Day at the Mall of Abilene. This is an opportunity for us to set up a table to sign up members and hand out League information. Those who would like to work that day should call Lillian Olsen at 692-7499

ABSENTEE BALLOTING

Again this fall, the League will be working for the Elections Administrator's Office during absentee balloting. Sylvia Hazle will be handling the task of scheduling workers. Please plan to work several days during the period October 17 through November 2. It would help Sylvia if members would call and let her know when they will be available. This is an important service we provide to the community and we make a lot of money doing it.

GET OUT THE VOTE

For the 1984 election, the national league office has produced a series of public service announcements on registration and voting for nationwide television and radio airing. This year the "get out the vote" (GOTV) spot features actress Mariette Hartley of Polaroid commercial fame. One of the registration spots features actresses Tyne Daly and Sharon Gless, stars of the highly-rated "Cagney & Lacey" TV program. Watch for these spots to be broadcast in the near future by KTAB Channel 32, our local CBS affiliate. We will be contacting other stations in the area to see if they have any interest in broadcasting the announcements, particularly the local radio stations.

FALL PROGRAM NOTES

In continuation of the study series, "Women under Texas Law", there will be two studies for Fall '84. The first study, "Intestacy Dying Without a Will", deals with the effect of current Texas law on the distribution of properties owned by a person who dies without a valid will, and what changes, if any, should be made in this area of Texas law. The second study concerns the problem of domestic violence in Texas, the responses that might be made to the problem, and the potential sources for funding such projects designed to respond to the problem of domestic violence.

Intestacy
You will soon receive your Facts & Issues summary for the Intestacy study. Please spend a few moments reading this summary because there will be only one meeting held for the morning unit in which to cover the study and arrive at a consensus. The noon unit will have one meeting to cover the study and one meeting to reach its consensus. I find that many persons do not understand in general, how community property differs from separate property, and they confuse the term "personal property", which refers to properties other than real estate, with the term "separate property". These terms are basic to an understanding of this Intestacy study, and those who are not familiar with the terminology will probably find themselves confused and unable to benefit from the study. This is definitely one time when members should come into the meeting having reviewed the Facts & Issues material first. The morning unit will have this study and consensus on September 26. For the noon unit the study and consensus will be on September 25, and October 9, respectively.

The Facts & Issues material on Domestic Violence have not yet been made available, but we will order them as soon as we can so they may be made available to you. No doubt this topic will be of great interest to many of you because of the great emphasis and attention currently being given to it by national and local news media. The noon unit will begin this study on October 23, the morning unit will have this study and consensus on November 14.

Janis Reinken

DUES *are* **DUE**

FALL GENERAL MEETING

On September 12, we will kick off our year with a luncheon at the Royal Inn at 11:30 a.m. Featured speaker for the event will be Lois Carpenter, President of the League of Women Voters of Texas. Be sure to come and learn more about what the League is doing both locally and statewide.

EARLY PROJECTION OF ELECTION RESULTS

Looking ahead to November's elections, the House has passed overwhelmingly a concurrent resolution requesting that broadcasters, as well as other news media, "voluntarily refrain from characterizing or projecting results from an election before all polls have closed."

Not acted on yet by the Senate, House Concurrent Resolution 321 was passed in the House on June 26, 352-65. As a "sense of Congress" resolution requiring Senate passage, H Con Res 321 will not be sent to the president to sign and therefore will not have the force of law. In effect it is a strongly worded request by Congress that the news media refrain from predicting the outcome of elections.

WHAT WE CAN DO

H Con Res 321 now goes to the Senate for consideration. Please write to your Senator voicing the League's real concern about the chilling effect that characterizations and early projections of election results have on voter participation. Urge your Senators to support passage of H Con Res 321.

CITIZENS GUIDE UPDATE

Following is a proposed schedule for revision and republication of the Citizens Guide to Abilene:

All assignments for revised information should have already been submitted. If you have additional information that should be incorporated into the Citizens Guide, mail it to Sherilyn Svien, 400 Pine, Suite 600, Abilene, Texas 79601 or call, at work 695-8000 or at home 695-2045.

A hand written copy of the revised guide is to be completed by November 1, 1984, using the format of the Fort Worth League's Citizens Guide. This copy will be typed on a word processor by December 1, 1984.

A committee will proofread the revised guide prior to presentation to the membership at the January 22, and 23 meetings.

Four copies of the proposed guide will be produced to present to League members. These copies will be used subsequently to obtain cost estimates and funding.

The next steps involve securing funding for the project and delivery to the printer by March 15, 1985.

The guide should be ready for distribution in April, 1985.

Sherilyn Svien

MAY 28 1984

TO: Program Vice Presidents/LL Presidents

LWV-Texas

FROM: Jan Albers, Program VP, LWV-Texas
7603 Ridgestone Dr., Austin TX 78731
(512) 345-8400

May 1984

LL Pres. Mailing; DPM

II.

Program

RE: PROGRAM--MISCELLANEOUS

UPDATE ON WOMEN UNDER TEXAS LAW (WUTL):

Following are the consensus questions for the Intestacy study. The consensus forms and every-member publication will be sent to you from the state office in the June 22 mailing. The price of the publication will be 35¢ to members (regular discounts apply), and 50¢ to nonmembers.

INTESTACY CONSENSUS QUESTIONS:

	YES	NO
1. Should the Texas intestacy laws provide that the surviving spouse inherit <u>all</u> the <u>community</u> property under the following circumstances:		
a. when the decedent has no children?	_____	_____
b. when all of the children of the decedent are also children of the surviving spouse, and		
(1) all of the children are minors?	_____	_____
(2) any of the children are minors?	_____	_____
(3) all of the children are adults?	_____	_____
c. when some of the children of the decedent are also children of the surviving spouse, and		
(1) any of the minor children are children of the surviving spouse?	_____	_____
(2) there are other minor children of the decedent?	_____	_____
(3) all of the children are adults?	_____	_____
d. when the decedent and the surviving spouse have no children together, but each has other children, and		
(1) any of the children are minors?	_____	_____
(2) all of the children are adults?	_____	_____
e. under any other circumstances?	_____	_____
If so, what circumstances?		
2. Should <u>separate</u> property be treated the same as community property under the statutes when the decedent dies intestate--		
a. always?	_____	_____
b. never?	_____	_____
c. under certain circumstances?	_____	_____
If so, what circumstances?		
3. When the decedent has left no will, should the surviving parent of minor children:		
a. be allowed to manage the children's property without filing annual accounts or otherwise reporting to the court, regardless of the value of the property?	_____	_____

Where There's a Will...

Writing a will is the only way to have the last word. Why do so many people put it off?

Condensed from NEW YORK TIMES MAGAZINE
WILLIAM D. ZABEL

THE oldest will of which there is a known copy is that of Uah, an Egyptian, made in 2548 B.C. Ever since, millions of people have made wills, but even more should have and did not. Presidents Lincoln, Andrew Johnson, Grant and Garfield died without wills. So did Thomas Jarman, widely considered one of the world's greatest legal experts on wills.

Why do so many people refuse to make wills? As a lawyer, I think it is because they are unable to resolve their true feelings about their deaths, their property and their families. Obviously, making a will does not advance the date of one's death, although some seem to think so. One of Picasso's lawyers told me he urged the artist many times to make a will, but Picasso "never did because of superstition. A way of avoiding death, one might say."

A will expresses a relationship between the people someone loves and the property he or she owns. Some people, consciously or unconsciously, do not want to quantify their relationships. They would rather not decide whether to protect children with a trust or give them the property outright; whether to divide the estate equally among the children or the grandchildren; whether to apportion property among sets of children from different marriages or among such children and a second spouse.

Many people say they do not have enough property to justify making a will. But even with modest estates, the lack of a will—intestacy—usually causes pain to surviving family members and costs them money. State laws then determine the estate's distribution, often with results contrary to what any

thoughtful person would want. Children may inherit more than the surviving spouse, for example, or the heirs may incur needless legal expenses (death taxes, premiums for having the administrator bonded, and the like). In our society, almost everyone needs a will—or an effective substitute, such as a revocable trust (one that can be terminated by the individual setting it up)—to protect the family and preserve property.

Some people avoid writing wills to bottle up their anger toward relatives. Others use wills to let such anger out. A famous German poet is said to have left his entire estate to his wife on the condition that she remarry, because then, the poet reckoned, there would be at least one man to regret his death. The Fifth Earl of Pembroke gave "to the Lieutenant General Cromwell one of my words, the which he must want, seeing that he hath never kept any of his own." A particularly vicious will was drawn up by a man who stipulated that his wake be held in the top floor of his house. As the mourners assembled around the casket, the floor gave way, killing most of them. It seems that, shortly before his demise, the man had sawed through the sup-

port beams. Instead of taking his money with him, he took his heirs.

Will-making causes some people to feel a loss of power over their wealth and a lack of control over their families. Yet a will can be a kind of last hurrah. Thomas Jefferson used his will to expand his creation, the University of Virginia. Other wills have perpetuated a family business or created a charitable entity. One can even regulate the personal conduct of relatives by making bequests conditional on, say, not smoking or not marrying certain persons.

The many reasons people give for not making wills are weak excuses for inaction. Will-making can and should be a healthy and open confrontation with a person's true feelings about life, death, property and the people and causes he or she loves. A well-planned estate can be a final, fitting expression of a person's philosophy of life. As Ishmael said in *Moby Dick* after signing his will, "I felt all the easier; a stone was rolled away from my heart. I survived myself."

FOR A FREE BOOKLET, "Planning for Life and Death," write to American Bar Assn., Order Fulfillment 543, 750 No. Lakeshore Drive, Chicago, Ill. 60611.



Trade Mark. I was a bit nervous the day before I was scheduled to have knee surgery. I asked my boss, the veterinarian at the clinic where I worked, if he had any advice for me. Without hesitation he replied, "Turn your worries into prayers, get plenty of rest and don't lick your incision."

—Contributed by Lisa C. Owens

IF YOU DON'T HAVE A WILL,
YOUR STATE HAS ONE FOR YOU:

(From Dear Abby column, A.J., 1/10/82, done by Judge Sam Harrod III of Eureka, Ill; adapted to Texas Law by Annette Marple, Assoc. Prof, TTU. Lubbock LWV, March 1982)

I, John Doe, make this my "will" by failing to have a will of my own choice prepared by my attorney or by failing to write a holographic will.

1. I give all my community property both personal and real to my Children and none to my surviving WIFE, irrespective of her needs for support.

2. I give all of my separate real property to my CHILDREN with the exception of a life estate in one-third of it which I give to my WIFE. I give two-thirds of my separate personal property to my CHILDREN and one-third to my WIFE.

3. I appoint my WIFE as Guardian of my children, if she survives me, but as a safeguard, I require that:

a. My wife shall make written account every year to probate court, explaining how and why she spent money necessary for the proper care of our children;

b. My WIFE give bond, with sureties, to be approved by Probate Court, to guarantee she will properly handle our children's properties and moneys;

c. When our children become adults, my wife must file a complete, itemized written account of everything she has done with our children's money and properties;

d. When our son and daughter become age 18, or marry before 18, they can do whatever they please with their share of my estate;

e. No one, including my wife, shall have the right to question how our children spend their shares.

4. If my wife does not survive me, or dies while any of our children are minors, I do not nominate a guardian of our children, but leave the finding of a qualified guardian from among my relatives to the Probate Court, and if the Court cannot find a qualified relative, then to a qualified stranger.

5. I do not care to learn how costly the guardianship is going to be in attorney fees and in time my wife will spend in gaining Court approval for expenditures and in accounting to the Court, nor do I care to learn of less costly, more flexible and advantageous ways of providing for my children after I die.

6. I do not appoint an executor of my estate and hope the Probate Court will appoint someone to administer my estate whom I would approve of; in fact, I do not care to learn about how the costs of administering my estate could be reduced to best preserve the assets in my estate for my wife and children.

7. I do not care to learn whether there are ways to lower my death taxes, and I know as much as possible will go to the government, instead of my wife and our children.

In witness whereof, I have completely failed to make a different will of my own choice with the advice of my attorney because I really did not care to go to all that bother, and I adopt this, by default, as my will. (No signature required.) John Doe.

The Lubbock LWV has received a grant from the National LWV Education Fund for Voting Rights Act monitoring; the grant will provide \$1700 for three trips to Washington for training for Gladys Maynard, project manager.

On November 4, 1980 at 8:15 p.m. Eastern Standard Time, the NBC network projected candidate Ronald Reagan as the winner in the presidential election.

Unfortunately, thousands of Americans heard this historic announcement while waiting in line to vote.

Polling places in California, Oregon, Washington, Alaska and Hawaii remained open for another two-and-three quarters hours. But election officials reported seeing voters walk away from the polls in disbelief. Many simply stayed home.

Why vote when you already know who won?

If you think projecting the winners of elections before the polls have closed creates a distortion in election results, you can write to:

Director of Political Unit
ABC
1926 Broadway, 3rd Floor
New York, NY 10023

Senior Executive Producer
Vice President, Special Events
CBS
524 W. 57 Street
New York, NY 10019

Political Assignments Manager
NBC
30 Rockefeller Plaza
New York, NY 10112

TEXAS VOTERS---If you did not receive your Summer 1984 Texas Voter with the Redistricting Consensus, you may pick one up at the Public Forum or Mini-Forum.

QUESTIONS ON INTESTACY

1. Should the Texas intestacy laws provide that the surviving spouse inherit all the community property under the following circumstances:

- when the decedent has no children?
- when all of the children of the decedent are also children of the surviving spouse, and (1) all of the children are minors? (2) any of the children are minors? (3) all of the children are adults?
- when some of the children of the decedent are also children of the surviving spouse, and (1) any of the minor children are children of the surviving spouse? (2) there are other minor children of the decedent? (3) all of the children are adults?
- when the decedent and the surviving spouse have no children together, but each has other children, and (1) any of the children are minors? (2) all of the children are adults?
- under any other circumstances?

2. Should separate property be treated the same as community property under the statutes when the decedent dies intestate--
---always?
---never?
---under certain circumstances? If so, what circumstances?

3. When the decedent has left no will, should the surviving parent of minor children:
---be allowed to manage the children's property without filing annual accounts or otherwise reporting to the court, regardless of the value of the property?
---be required to obtain court permission to dispose of the children's property valued: (1) at more than \$10,000? (2) at more than \$50,000 (3) at another amount? Please specify:
---meet other requirements? If so, what requirements?

FROM THE SOAPBOX....

HAPPY NEW YEAR!!

No, I haven't lost the few marbles I have and should be turned over to Carole Taff for immediate incarceration at Big Springs. Nor have I joined some culture that celebrates the New Year in August.

But it is the beginning of a new calendar and a new year for the LWV. Your board has developed a varied and exciting **CALENDAR** with Women's Issues (lots!), Energy, City Budget, Local Housing, Financing the Federal Government, National Security to name a few.

To help bring in the New Year right, it's time for a few resolutions

- to develop the habit of coming to Public Forums; whether you eat the catered lunch, brown bag it, or just sit.
- ✓ ---to come to the mini-forum to discuss the issue; we want and need to hear your views so that when I speak for the LWV it is an opinion based on all members views.
- to help with a committee even only doing the telephoning for the committee furthers your particular interest and the effectiveness of the committee.
- to give an hour or two to a special event such as voter registration, the membership parties, or Voters Guides.
- to bring in a new member.

Not everyone will be able to do everything; but everyone can do at least one thing or, better yet, one more activity than last year.

The LWV will be more effective, better able to reach our wonderful goals of voter education and citizen participation in government, if you can follow through your resolution.

AND WHAT WILL YOU RECEIVE: a way of participating in the decisions of your government, good friends and an education.

Nadine

LEAGUE OF WOMEN VOTERS - OFFICERS & DIRECTORS

NEW LEAGUE PHONE: 745-7077

President:	Nadine Bartsch	745-3045	2604 77th (23)
Secretary:	Martha Hise		2011-A 17th (01)
		742-2354	TTU/Cont. Ed.
Treasurer:	Ann Burbridge	799-4569	5413 31st (07)
		742-3986	TTU Law Sch.
Program VP:	Marcy Bateman	797-1051	4615 9th (16)
Legislative	Maria Mercado	799-2714	2417 27th (11)
		747-5238	Asst. Att. Gen.
Adm. of Justice	Pat Moseley-Williamson	745-9121	Box 466 (08)
		763-7037	Atty.
Human Resources	Tavita Dorow	797-3916	3309 37th (13)
Mass Transit			
Schools			
Nat. Resources			
Women's Issues			
Int'l Relations	Marcy Wenzler	796-1905	3628 55th (13)
		763-4557	W TX Legal
Health	Carole Taff	79-29531	2821 63rd (13)
		763-4213	MH/MR
City Budget	Sally Logue Post	747-8359	1717 39th (12)
		743-2838	TTUHSC
City Survey	Eva Samples	765-9152	1902 55th (12)
		747-2641	LISD
Comm. Rel.	Lynn Elms	792-9093	4605 18th (16)
Voter Service	Diane Selenski Davis	747-5971	Box 3874 (52)
Publications	Ana Rios	797-5747	2702 33rd (10)
		762-6411	Referral/Lubbock
P.R.	Donna Clarke	765-9712	2120 32nd
		762-8721	SPAG
Organization	Carol Daugherty	796-0957	5111-B 13th (16)
Membership	Candy Cotton	866-4053	Box 850 Wolfforth
		799-3607	Prentice Hall
Voter Editor	Francie Lowe	797-4905	3428 61st (13)
		799-8208	St. Christopher's
Telephone	Inez Crawford	792-5720	4016-A 16th (16)
Arrangements	Ann Minor	799-2730	6602 Orlando (13)
Off Board:	City Survey Co-Chair: Mary Vines		
	Finance: Ruth Lauer		
	County Govt: Maria Roberts		

SEPTEMBER CALENDAR

- Sept. 3 Labor Day
- 6 Public Forum - "Wills - and Other Ways to Care for Those you Love" Susy Moore, Mahon Library Community Room, 11:45
- 8 Keystone Siting Process/Hazardous Waste Workshop - Midland/Odessa Airport Executel (call LWV 745-7077 for more information)
- 8 National Security Committee meeting - 10 a.m. Marcy Wenzler, 3628 55th
- 9-15 Women in Texas Week
- 10 Commission for Women "Pathfinder" reception 5-7 pm TTU Law Forum
- 13 Mini Forum - INTESTACY: DYING WITHOUT A WILL
- 15 Political Skills Workshop by National Nuclear Freeze - call Marcy Wenzler 796-1905 for information)
- 17 Board
- 28 LISD Holiday

29? Membership Brunch, 10-12

DID YOU NOTICE---

REDISTRICTING Consensus announced by the Texas State Board in the July 1984 Texas Voter.

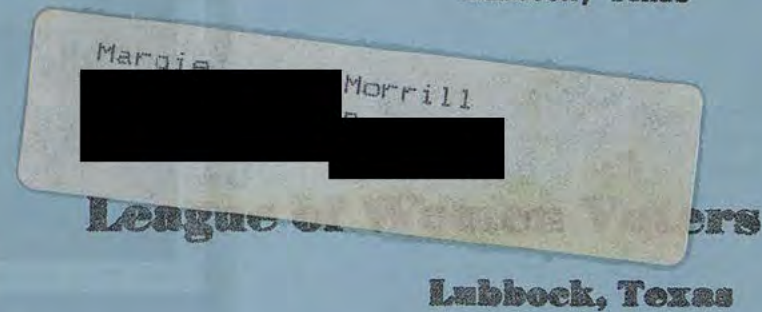
NATIONAL PROGRAM FOR 1984-86 on page 11 of the Summer 1984 national Voter.

MILITARY POLICY MAKING statement of position on page 20 of the Summer 1984 national Voter.

PROPOSED BY-LAWS for the LUBBOCK LEAGUE OF WOMEN VOTERS EDUCATION FUND will be available at the September Public and Mini- Forums for members to pick up, read, and comment upon. The LWV Board will vote on the By-laws at the September 17 Board Meeting. All interested members are welcome to attend.

Lubbock League of Women Voters

Nonprofit Organization
U.S. Postage Paid
Permit No. 369
Lubbock, Texas



President: Nadine Bartsch 745-3045
Editor: Frances Lowe 797-4905, 799-8208

SEPTEMBER, 1984

PUBLIC FORUM:

WILLS AND WHAT YOU SHOULD DO FOR THOSE YOU LOVE -- Susy Moore from American State Bank to discuss the necessary items and legalities involved to protect yourself and your family.

MINI-FORUM:

INTESTACY: DYING WITHOUT A WILL -- discussion of your feelings and ideas of how the law does and should work.
Use the publication "Intestacy: Dying Without a Will" and questions page .

You will be called for your reservation. Please note, if you make reservations for lunch, you are responsible for the cost if you don't show. Brown baggers are welcome.

Memorial gifts have been received from Inez Crawford in memory of John Daugherty and the Rev. Robt. Purrington; and Nadine Bartsch in memory of John Daugherty.

Austin Law Oct 1984

IF YOU DON'T HAVE A WILL, THE STATE HAS ONE FOR YOU!

The following is from the October 10, 1982, Dear Abby column. The author is Judge Sam Harrod of Eureka, Illinois and was adapted to Texas law by Annette Marple, Associate Professor, Texas Tech University.



,John Doe, make this my "will" by failing to have a will of my own choice prepared by my attorney or by failing to write a hoiographic will.

...I give all my community property both personal and real to my Children and none to my surviving wife, irrespective of her needs for support.

...I give all of my separate real property to my Children with the exception of a life estate in one-third of it which I give to my Wife. I give two-thirds of my separate personal property to my children and one-third to my wife.

...I appoint my WIFE as Guardian of my children, if she survives me but as a safeguard, I require that:

a. My wife shall make written account every year to probate court, explaing how and why she spent money necessary for the proper care of our children.

b. My wife shall give bond, with sureties, to be approved by Probate court, to guarantee she will properly handle our children's properties and moneys.

c. When our children become adults, my wife must file a complete, itemized written account of everything she has done with our children's money and properties.

d. When our son and daughter become age 18, or marry before 18, they can do whatever they please with their share of my estate.

e. No one, including my wife, shall have the right to question how our children spend their shares.

...If my wife does not survive me, or dies while any of our children are minors, I do not nominate a guardian of our children, but leave the finding to the Probate Court, and if the Court cannot find a qualified relative, then to a qualified stranger.

...I do not care to learn how costly the guardianship is going to be in attorney fees and in time my wife will spend in gaining court approval for expenditures and in accounting the Court, nor do I care to learn of less costly, more flexible and advantageous ways of providing for my children after I die.

...I do not appoint an executor of my estate and hope the Probate Court will appoint someone to administer my estate whom I would approve of; in fact, I do not care to learn about how the costs of administering my estate could be reduced to best preserve the assets in my estate for my wife and children.

...I do not care to learn whether there are ways to lower my death taxes, and I know as much as possible will go to the government, instead of my wife and our children.

IN WITNESS whereof, I have completely failed to make a different will of my own choice with the advice of my attorney because I really did not care to go to all that bother, and I adopt this, by default, as my will.

NO SIGNATURE REQUIRED
john doe

HEALTH CARE

The LBJ School of Public Affairs and the Gray Panthers are jointly sponsoring a Domestic Policy Forum on the Rising Cost of Health Care. The LWV-AA will provide recorders.

The Forum will be held November 1 at 7:00 pm at the Sid Richardson Hall at the LJB School of Public Affairs.

Even though not sponsored by the League, this is a classical League gathering. Please come and participate.

VOTER REGISTRATION

ACTIVITIES

Sunday, October 7, is the last day to register to vote in the November general election.

The League has been involved in Voter Registration at the following locations:

1. Highland, North Cross, and Barton Creek Malls in conjunction with KEYI 103.
2. Nursing Homes
3. Texas Employment Commission building with the new Secretary of State Myra McDaniel.
4. Tracor, Republic Bank, Foster Grandparents, 3M, and the Austin State Hospital.

We have also funneled League members into other non-partisan voter registration organizations.
David Edmondson

RIGHTS OF FELONS

Avery recent Attorney General's opinion has clarified the law regarding the right of felons to vote.

The law restores the vote to convicted felons on the 5th anniversary of their discharge by the Texas Department of Corrections, or the Texas Board of Pardons and Paroles, or a discharge from a federal or sister state prison or parole board.

David Edmondson

HUNGER AND NUTRITION HEARINGS

On August 28 a meeting was held in Austin as part of the Texas Senate's Interim Committee on Hunger and Nutrition hearings.

Participants heard from Tom Smith of Second Harvest who stated that one in ten Americans are hungry, one in eight Texans are hungry, but one-third of this country's food is thrown away each year.

Clint Butler of Caritas, the church supported agency involved in emergency assistance for the poor, described **AUSTIN'S POOR:**

- . 5-10 thousand homeless,
- . most are state hospital and economic refugees,
- . only 20% can get jobs

The closing of the Alamo Hotel reduced the space available for housing the poor. Butler also cited that Austin's poor public transportation system further hampers employment options.

Finally, Eleanor McKinney of the Austin Community Gardens testified. She spoke of the efforts to help low income people grow their own food in Community Gardens. Austin, with 15 community gardens, ranks tops in Texas. The national Community Garden Convention will be held in Austin this year.

Joan Hawbacker

GIFT IDEAS

Christmas and holiday gifts have you in a quandry? Are your friends and relatives hard to please? Make shopping easy and rewarding by giving a donation to the League in their name.

We will mail a holiday card notifying the person of your donation. This is also the time of year to remember our deceased loved ones. Consider a donation to the League in their memory.

Mail checks to the League office and/or contact Pat Knighten (258-8177).

LEAGUE GETS NEW EDITOR

Let me take this opportunity to introduce myself---my name is Pamela Bodoïn and I look forward to the challenge of bringing you the VOTER each month.

My reasons for accepting this position are twofold: First, as a person who defines herself as a learner, I can think of no greater place to learn.

Secondly, this opportunity provides me with a chance to fulfill one of my own fantasies--that of working on a newspaper. Watch to see my development over the next year! Will it be in the mode of Woodward and Bernstein, Erma Bombeck or Hints from Helloise?

Our hope is to bring you information when you need it and in a manner pleasing to you. We welcome your suggestions and your input.

Pamela Bodoïn

VOLUNTEERS NEEDED FOR PHONE BANK



From October 24 through November 5, the Austin League will coordinate a "Get-Out-The-Vote" phone bank.

Thirty phones are being being made available from the County Voter Registration office and Bill Aleshire. The phone bank will operate after hours from 6-9:30 on weeknights, 12-6 on Saturdays, and 3-9 on Sundays.

Volunteers are requested to arrive 20 minutes before their two hour shift. We will use a non-partisan dialogue to make sure that voters registered in 1984 have received their voter registration cards and that they know where and when to vote.

We are targeting voters registered in 1984 because the individuals who register in the year of an election, vote at a 10% percent lower rate than those who registered to vote five years earlier.

Since we will have 30 phones, we will need many volunteers. Please call the League office--bring a spouse, friend, child, parent. We cannot have too many people.

David Edmondson

Jan Bray
452-7690

HAZARDOUS

WASTE WORKSHOP

The LWV-Texas Environmental Coalition Education Project will sponsor a workshop in San Marcos for the San Antonio - Austin area on **Saturday, October 6, 8:30-4:00** at the LBJ Center at SWTSU. The \$5.00 registration fee includes lunch.

The purpose of these workshops, scheduled around the state, is to educate communities about state and regional needs for waste management facilities as well as ways to participate in the siting process. The new Keystone siting process will be explained in detail so that people will know how this complement to the public hearing process can benefit them.

The Keystone Siting Process Handbook is available from the TDWR Library, P. O. Box 13807, Capitol Station, Texas 78711.

Karen Haschke

CAPITAL METRO

Make your views known on Austin's Mass Transit Plan. Attend one of the following meetings:

October 15:	7:00 p.m.
Dottie Jordan Recreation	
October 15	7:00 p.m.
Tarrytown Baptist Church	
October 17	7:00 p.m.
S. Austin Multipurpose Center	
October 18	7:00 p.m.
Montopolis Center	
October 19	11:30 a.m.
City Council Chambers	