

THE EGGLESTON QUARTERLY

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A Family, A Marsh, and the Price of Probate

A True Story of a Family Fiasco

Not long ago, a parcel of land sat quietly on the edge of a forgotten marsh—unremarkable to most, but deeply rooted in a family’s legacy. The land was jointly owned by three siblings: Helen, Briseis, and Telemachus. For decades, it had been little more than a sentimental inheritance—until water rights in the region surged in value, and word got out that the marshes had become a prime spot for duck hunting.

Suddenly, the unassuming tract—soon nicknamed The Duck Property—became a hot commodity. A wealthy buyer swooped in with an offer that would make any family consider selling.

But then the past caught up.

The Planning of Helen

Helen, the eldest, had always been the practical one. Years before, she set up a revocable living trust that held her one-third interest in the land. Upon her passing, her share was held in the trust for the benefit of her six children, with her eldest son, Apollo, serving as trustee.

When the offer came in, Apollo was ready. As trustee, he could sign on behalf of Helen’s trust—no court involvement, no waiting period, no questions.

The Caution of Briseis

Briseis, still living at the time of the offer, agreed to the sale. Her one-third interest was straightforward—she could sign the deed herself. All seemed to be aligning.

The Oversight of Telemachus

Unlike Helen, Telemachus had done no estate planning. His wife and only child had both passed before him, leaving behind two grandsons. One of them, Antinous, was serving time in a California prison—and unreachable. Without a will or trust, Telemachus’ share had to be probated. That meant digging through court filings, identifying heirs, and trying to track down a

missing descendant. And even then, one-sixth of the land's ownership remained legally tied up in uncertainty.

Still, the buyer, enchanted by the property, agreed to move forward—so long as all remaining owners could sign off.

And then, just before the deal closed, tragedy struck again.

The Death of Briseis

Briseis passed away unexpectedly. She had no will, no trust—no instructions. Her one-third interest was now in limbo.

The land, once nearly sold, became bogged down in a second probate. Her three adult children inherited the property, but because she had no written estate plan, the process required affidavits from disinterested parties—neighbors, friends, or anyone who could testify under oath that Briseis had no other heirs. This added months of delay, and more legal fees.

Two Years Later...

After thousands of dollars in legal work, everyone finally agreed. The title was cleared. The affidavits were signed. The court orders were obtained. The buyer, still interested (and patient), finally closed the deal.

But what could've taken 30 days, took more than 2 years.

What Went Wrong?

The Duck Property didn't suffer from bad luck—it suffered from bad planning.

Here's how this could have gone differently:

1. A Simple Will. If Telemachus and Briseis had written even a basic will, there would've been no need for affidavits or lengthy heirship determinations. Their children's rights would have been clearly stated and enforceable.

2. A Revocable Living Trust. Had all three siblings held their interest in trusts, the process would have been seamless. A trustee can act immediately. No court. No probate. No delays. The buyer would've had their deal in 30 days, not 30 months.

Don't Let the Duck Get Away

Opportunities—like ducks—don't always stay in one place. They fly away when the moment passes.

If you own real estate, especially jointly with others, estate planning isn't just about avoiding taxes or naming guardians. It's about protecting your loved ones from unnecessary legal burdens, delays, and lost opportunities.

Whether you own farmland, a family cabin, or a home, don't leave your loved ones burdened with unnecessary holdups and expenses. Get a plan today — so you and your legacy are ready when opportunity knocks.