

QUESTION ONE

Husband and Wife were married on January 1, 2000. The parties lived together for five years prior to their marriage. In 1998, Husband purchased a Harley Davidson Motorcycle for \$10,000. He paid cash. Husband took title in his name only. In 2001, the parties purchased a home for \$200,000. The parties put \$20,000 down and took out a loan for the rest of the purchase price. Ten days prior to the purchase of the home, Husband sold his Harley for \$10,000 and deposited the sale proceeds into the parties' joint checking account. This checking account is the same account that the parties' deposit their pay checks each month and also the same account that the down payment on the home was paid from. Wife handles all of the parties' finances, including bill paying, balancing the checkbook, and preparing the tax returns. Husband routinely signs whatever financial records Wife asks him to sign, often without even reading them.

In 2010, Wife decided to refinance the home loan in order to obtain a better interest rate. At the time of the refinance the home was worth \$300,000. Wife filled out the loan application and Husband signed it. Wife solely handled all communications with the loan broker. On the date set to close escrow on the refinance, Husband was very ill with the flu. Nevertheless, he attended the escrow closing appointment because he was told that his signature was required on all the new loan papers. Husband signed a few papers quickly, without reading them, and he left immediately after signing. Wife stayed to collect copies of all of the papers that each of them signed. Unbeknownst to Husband, Wife had the new loan placed in her sole name because it resulted in a better interest rate. The deed to the home was also placed in Wife's sole name. Wife never told Husband that the loan and deed would be in her sole name.

During the marriage, Husband was a government employee and earned a government pension plan. Husband did not have any payroll deductions for social security. Wife was employed during the marriage but her employer did not offer any retirement plan of any kind. Wife's only savings for retirement were the payroll deductions she made for social security.

In 2015, Wife learned that Husband was having an affair. As she was leaving the home, she yelled, "I knew I did the right thing by putting the house in my name. You will get nothing from the house. I'm taking half your pension too and all of my social security." The house was now worth \$400,000.

Please discuss the parties' rights regarding the Harley Davidson sale proceeds, the home, Husband's government pension, and Wife's social security benefits.

QUESTION TWO

On January 1, 2010 Hank met Wanda while vacationing in Florida. At the time they met, Wanda was as resident of Florida and had never been to California. One week after meeting, they flew to Country “X” (hypothetical country) to get married. Hank and Wanda followed all of the marriage requirements of Country X, which included a ceremony before a witch doctor, an exchange of blood via a finger prick, and the smoking of hallucinogenic material. Prior to concluding the wedding ceremony, Hank told Wanda that his first marriage had not yet been dissolved. Wanda was already suffering the effects of the hallucinogen so she could not understand what Hank was saying. She just smiled back at him. After the ceremony, the witch doctor signed the marriage license and filed it with the appropriate agency in Country X. There is no dispute by the parties that all of Country X’s marriage requirements were followed.

The day after the ceremony, Wanda flew back to Florida and Hank to California. While waiting for their respective flights, Wanda took \$10 from her pocket and purchased 10 lottery tickets from a machine at the airport. Approximately two weeks later, Wanda learned that she had won \$10,000,000. That same day, Wanda decided that she rushed into marriage with Hank and that he was not as attractive as he appeared to be a few weeks earlier. She told Hank that she would like to get an annulment since they had only been married for two weeks. She did not mention the lottery ticket at all.

Hank was heartbroken and asked Wanda to fly to California to talk this over. She agreed and met him in California a week later. During the conversation, Hank mentioned his marriage to his first wife. Wanda was shocked and said she knew nothing about a first wife. Hank reminded Wanda that he told her about his first wife during the marriage ceremony. Wanda said she had no recollection of the conversation or any part of the ceremony because she was high from the hallucinogens they smoked. Wanda left California and flew back to Florida.

Another month passed and Hank realized that Wanda was not coming back. Hank filed a Petition for Dissolution of Marriage in the Superior Court of California. Wanda was personally served with the Petition at her home in Florida. Wanda responded to the Petition for Dissolution by asking the court for an annulment instead.

The parties exchanged preliminary declarations of disclosure. Wanda did not disclose the lottery ticket winnings. Hank learned of the lottery winnings just prior to the trial in this matter.

Discuss the legal arguments that Hank and Wanda will make with regard to the following issues:

1. Does California have personal jurisdiction over Wanda?

For issues 2-4, assume California has personal jurisdiction over Wanda.

2. Is the marriage between Hank and Wanda valid?
3. Should the court grant dissolution or a nullity?
4. Who gets the lottery ticket winnings?