



Superior Court of California  
County of Mendocino

## Civil Law & Motion or Probate Tentative Ruling for the following:

**Case Name:** IN THE MATTER OF MEADLIN, EDDIE LYNN  
**Case Number:** 23PR00108  
**Hearing Date:** 11/21/2025

*Prior to a Civil Law & Motion or Probate hearing, the Court may issue a tentative ruling (CRC 3.1308). After reviewing the issued tentative ruling, a party may request to present oral argument and must notify both opposing parties and the Court no later than 4:00 p.m. on the court day before the hearing of their intent to appear. Notice to the Court should be sent by e-mail to [tr@mendocino.courts.ca.gov](mailto:tr@mendocino.courts.ca.gov). The tentative ruling will become the ruling of the Court if oral argument has not been requested timely. The prevailing party must prepare and submit a proposed order unless an order that is consistent with the tentative decision has been previously lodged (Local Rule 2.6).*

### **Tentative Ruling is as Follows:**

#### The Will:

Section I of the will provides: "I am unmarried. I was formerly married to Donna Marie Allen." Section II of the will provides that Benjamin Lynn Meadlin and Patrick Murray Meadlin are his adult sons from his marriage to Donna Marie Allen. "I have no other children, natural or adopted, living or dead." Section IV of the will states: "I give all of my property, of whatever kind or nature, and wherever situated, to my children, to be divided between them in equal shares." Section VI of the will provides: "except as otherwise provided in this Will, I have specifically and intentionally failed to provide for my heirs." It also contained an *in terrorem* clause: "And if any beneficiary under this Will should in any manner contest or attack this Will, or any of its provisions, any share or interest in my estate given to such contesting beneficiary under this Will is hereby revoked, and such share or interest shall be disposed of as though such beneficiary had predeceased me without issue."

The court has reviewed the provisions of Probate Code Sections 21610 and 21611, Civil Code Sections 100 and 101 and excerpts from the following cases: Estate of Shannon (1990) 224 Cal.App.3d 1148, 1153-1154; Estate of Katleman (1993) 13 Cal.App.4th 51, 60; and In re Marriage of Fossum (2011) 192 Cal.App.4th 336, 343-344.

Based upon the court's review of decedent's will and the authorities cited above, the court determines as follows:

Since the will was executed when decedent was unmarried and before his marriage to petitioner, and it does not contain any language disinheriting her, it does not appear that decedent intentionally failed to provide for petitioner in his will. There is no explicit mention of disinheriting petitioner on the face of



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the will. Moreover, the case law establishes that a general disinheritance clause mentioning “heirs”, does not disinherit an omitted subsequently acquired spouse. There is also no evidence that the decedent provided for petitioner outside of the will. The only transaction we know about was the interspousal transfer of petitioner’s interest in the marital home to decedent. That transaction disposed petitioner; it did not provide for her. Thus, petitioner was not provided for outside the will. Finally, there is no evidence that petitioner made a valid agreement waiving her right to share in the decedent’s estate. Accordingly, petitioner qualifies under Cal Prob Code § 21610 to inherit from decedent’s estate as a subsequently acquired, omitted spouse.

Pursuant to In re Marriage of Fossum (2011) 192 Cal.App.4<sup>th</sup> 336, 343-344, the interspousal transfer deed, which dispossessed petitioner of her interest in the marital home should be set aside as presumptively procured by undue influence. Petitioner’s testimony at the hearing to set aside probate homestead demonstrated that she had little understanding of the import of that transaction and entered into it to accommodate her husband.

**The court finds that Petitioner Ann Meadlin is an omitted spouse under Prob. Code Sec. 21610 and is entitled to her statutory share of the decedent’s estate as provided by law. Petitioner shall prepare and submit a formal order consistent with this ruling.**