

Davis v. Francis (2024) (Unpublished)

First District Court of Appeal

Case no. A168299

8/27/24

In this case, Evans Kingsbury was able to overturn a trial court judgment compelling our client, trustee for her deceased father, to sell her father's family home within 90 days or pay the specific amount of \$350,000 to her father's life partner. Our client's father had hoped to sell his home before he died and pay 10% of the net sales proceeds to his life partner. The home did not sell before he died, however. The Court of Appeal found that the sale of the home was a condition precedent for the father's gift to his life partner. Now the case returns to the trial court for further proceedings, giving our client the opportunity to sell the home for fair market value, and divide the proceeds according to her father's express intention.