

# Firm Opinions™

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Probate | Guardianship | Family Law | Estate Planning | Personal Injury | Civil Litigation



Lori & Gary

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## Michigan Man Forced To Split \$80 Million Dollar Lottery Winnings With Ex Wife

by: **Samantha Matthews**  
*Attorney at Law*

Based on a recent article by the Washington Post, a man in Michigan won a \$80 million dollar lottery jackpot and was forced to split it with his ex-wife.

***“Rich was lucky - but it was his luck, not Mary’s, that produced the lottery proceeds.” \****

Although there were other contributing factors to this case in Michigan, imagine what would happen if you were in Texas. Here is the the timeline of events:

- Man separates from wife in 2013.
- Man buys lottery ticket.
- Man divorces wife in 2018.

### ***So, who gets the money?***

The state of Texas does **not** recognize legal separation. Even if you live apart from your spouse for an extended period of time, your spouse will still be entitled to your earnings, or lottery winnings, during the time you lived apart until the day your divorce is finalized.

It’s beneficial to finalize your divorce prior to any large financial windfall, even if you don’t play the lottery.

The moral of the story: If you are separated from your spouse or potentially have unknowingly entered into a common law marriage, understand the laws in your state before buying that lottery ticket.

\*[washingtonpost.com/nation/2019/06/22/he-argued-his-luck-won-million-jackpot-court-ruled-he-had-split-it-with-his-ex/?utm\\_term=.2bf72192e8e5](http://www.washingtonpost.com/nation/2019/06/22/he-argued-his-luck-won-million-jackpot-court-ruled-he-had-split-it-with-his-ex/?utm_term=.2bf72192e8e5)

# FAMILY LAW F.A.Q

## *How Do I Know If I am Common Law Married?*

Some people think that if a couple lives together for a certain period of time or if a couple has children together, they are automatically in a common law marriage. This is not the case.

**To have a common law marriage in Texas, a couple must:**

- Agree to be married;
- Live together in Texas as husband and wife; and
- Represent to others that they are married.

A couple has 2 years starting from the date they stopped living together to prove a common law marriage.

### **Who Cannot Enter Into a Common Law Marriage?**

A person is unable to enter into a common law marriage if they are presently married or under the age of 18.

If you have questions regarding a common law marriage, we recommend speaking with a qualified family law attorney.

# What is Probate?

Probate is the act of proving that a Will was signed and executed in accordance with the legal requirements as set out in the State where it was signed. Probate also includes:



Paying debts and taxes



Property appraisal



Finding documents to settle the estate



Distributing property as the Will directs

## How to Avoid Probate

The best way to avoid probate is by having an estate plan. Including the following in your estate plan can help your loved ones avoid probate.



Listing Transfer on Death (TOD) or Payable on Death (POD) on checking & savings accounts, annuities, retirement, CD's, or other investments.



Appointing a guardian for your child or children that are under the age of 18.



Setting up a Revocable Trust. Upon death, the trustee you choose will distribute property.

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# Firm Events



We've been busy shooting new videos. Be on the lookout for new & helpful videos coming soon to our website & YouTube Channel.

## The Katy Trail 5k -----





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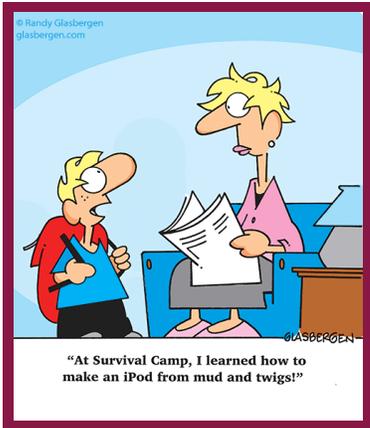
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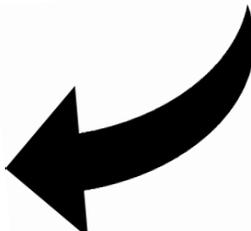
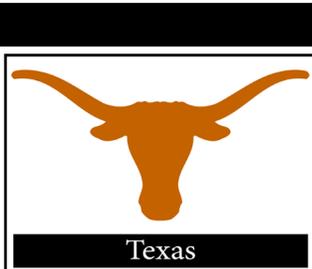
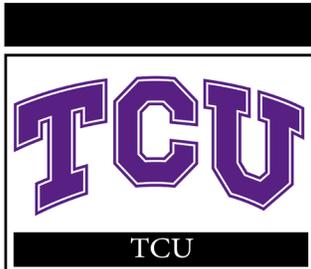
# Vote for your Team

Which college football team should we add to our firm magnets?

DATE	OPPONENT	TIME
at Carolina		3:25 PM
NEW YORK (NFC)		7:20 PM
at Seattle		3:25 PM
DETROIT		12:00 PM
at Houston		7:20 PM
JACKSONVILLE		3:25 PM
at Washington		3:25 PM
**BYE WEEK**		
TENNESSEE		7:15 PM
at Philadelphia		7:20 PM
at Atlanta		12:00 PM
WASHINGTON		3:30 PM
NEW ORLEANS		7:20 PM
PHILADELPHIA		3:25 PM
at Indianapolis		12:00 PM
TAMPA BAY		12:00 PM
at New York (NFC)		12:00 PM

TEXAS A&M	S&PO
Aug. 30 NORTHWESTERN ST.	Sep. 1 at North Texas
Sep. 6 CLEMSON	Sep. 7 TCU
Sep. 15 LOUISIANA-MONROE	Sep. 15 at Michigan
Sep. 22 at Alabama	Sep. 22 NAVY
Sep. 29 vs. Arkansas (in Arlington)	Sep. 29 HOUSTON BAPTIST
Oct. 6 KENTUCKY	Oct. 6 at Central Florida
Oct. 13 at South Carolina	Oct. 20 at Tulsa
Oct. 27 at Mississippi State	Oct. 27 CINCINNATI
Nov. 3 at Auburn	Nov. 3 HOUSTON
Nov. 10 OLE MISS	Nov. 10 at Connecticut
Nov. 17 ALABAMA-BIRMINGHAM	Nov. 16 HEADPHEAS
Nov. 24 LSU	Nov. 24 at Tulsa



## HOW TO VOTE:

Visit our Ashmore Law Firm Facebook page beginning July 10, 2019 and cast your vote for what team we should add to our magnets!