

SUPREME COURT OF ARKANSAS

Caroline Louise Langston v. Tony Langston, Administrator; Heirs of
Donald Ray Langston, Deceased; Estate of Donald Ray Langston,
Deceased

266 S.W.3d 716, 371 Ark. 404 (2007) · No. No. 06-1365 · Decided November 1, 2007

SUMMARY

The Arkansas Supreme Court held that a holographic will provision favoring the decedent's wife was revoked by operation of law under Arkansas Code Annotated § 28-25-109(b) after the couple's divorce. The court concluded that the divorce was finalized when the decree was filed, not when the settlement was announced from the bench, and affirmed summary judgment for the estate administrator and heirs.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Gunter
JURISDICTION	Arkansas
DECIDED	November 1, 2007
DOCKET	No. 06-1365
DISPOSITION	affirmed
PROCEDURAL POSTURE	Caroline Langston appealed the Sebastian County Circuit Court's order granting a petition for declaratory judgment, removing her as personal representative, denying her motion for summary judgment, and ruling that a bequest in a holographic will was revoked by operation of law following her divorce from the decedent.
STANDARD OF REVIEW	The court reviewed the summary-judgment ruling to determine whether the evidence left any material question of fact unanswered, viewing the evidence and all doubts and inferences in favor of the party opposing summary judgment. Statutory-construction issues were reviewed de novo.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Arkansas; precedential.
PARTIES	Caroline Louise Langston v. Tony Langston, Administrator, Heirs of Donald Ray Langston, Deceased, Estate of Donald Ray Langston,

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QUESTIONS PRESENTED

1. Whether Arkansas Code Annotated section 28-25-109(b) revoked the holographic will's bequest to the decedent's spouse when the will was executed before the divorce decree was entered but after divorce proceedings had begun.
2. Whether the divorce was effective on March 20, 2000, when the settlement was announced from the bench, or on May 23, 2000, when the divorce decree was filed and entered.
3. Whether the circuit court properly granted summary judgment and declaratory relief in favor of the heirs.

HOLDINGS

1. Arkansas Code Annotated section 28-25-109(b) revoked the holographic will's provision in favor of Caroline because Donald made the will while Caroline was his spouse and was divorced afterward. The revocation operated by law regardless of Donald's testamentary intent.
2. The divorce became effective on May 23, 2000, when the decree was filed and entered, not on March 20, 2000, when the settlement was announced from the bench.
3. Summary judgment and declaratory relief in favor of Tony Langston and the heirs were proper because the material facts were undisputed and the statute required revocation of the bequest as a matter of law.

KEY QUOTATIONS

“Based upon § 28-25-109, as well as our well established case law, his bequest to Caroline was revoked by operation of law.” (722)

“Here, Langston's intent was that Caroline would inherit his estate, but under McGuire, supra, that testamentary intent is irrelevant in light of § 28-25-109.” (722)

“Therefore, based upon the foregoing analysis, as well as our standard of review regarding statutory construction, we hold that the circuit court was correct in granting summary judgment in Tony's favor and ruling, as a matter of law, that Langston's will was void under § 28-25-109(b).” (722)

FACTUAL BACKGROUND

Donald Ray Langston and Caroline Louise Langston were married in 1978 and divorced on May 23, 2000. On April 7, 2000, after the divorce proceedings had begun but before the divorce decree was entered, Donald

executed a holographic will leaving all of his property to Caroline. Donald died in 2005 without issue, and although the will was initially probated and Caroline was appointed personal representative, the heirs sought a declaration that the bequest to Caroline had been revoked by the divorce.

PROCEDURAL HISTORY

The probate division of the Sebastian County Circuit Court initially probated the holographic will and appointed Caroline Langston as personal representative. The decedent's heirs later sought her removal and a declaration that the will provision in her favor was revoked under Arkansas Code Annotated section 28-25-109(b). The circuit court granted the heirs' petition, denied Caroline's summary-judgment motion, removed her as personal representative, and appointed Tony Langston administrator. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Danner v. MBNA America Bank, N.A., 369 Ark. 435, 255 S.W.3d 863 (2007)
- Ryan & Co. AR, Inc. v. Weiss, 371 Ark. 43, 263 S.W.3d 489 (2007)
- Wells v. Estate of Wells, 325 Ark. 16, 922 S.W.2d 715 (1996)
- McGuire v. McGuire, 275 Ark. 432, 631 S.W.2d 12 (1982)
- Davis v. Aringe, 292 Ark. 549, 731 S.W.2d 210 (1987)
- Francis v. Protective Life Insurance Co., 371 Ark. 285, 265 S.W.3d 117 (2007)

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