

SUPREME COURT OF ALABAMA

Saxon v. Pickett

601 So. 2d 955 (Ala. 1992) · No. 1901860 · Decided July 24, 1992

SUMMARY

The Alabama Supreme Court affirmed a probate court ruling that a certificate of deposit held in the names of C.W. Pickett and A.J. Pickett passed to A.J. Pickett by right of survivorship. The court held that the certificate’s reverse-side terms, together with corroborating evidence of intent, satisfied Alabama Code § 35-4-7.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Kennedy, Justice; Hornsby, C.J.; Maddox, Justice; Shores, Justice; Houston, Justice
JURISDICTION	Alabama
DECIDED	July 24, 1992
DOCKET	1901860
DISPOSITION	affirmed
PROCEDURAL POSTURE	The administratrix appealed the probate court's determination that a certificate of deposit held in the names of the decedent and A.J. Pickett passed to A.J. Pickett by right of survivorship rather than becoming part of the estate.
STANDARD OF REVIEW	The probate court's factual finding was reviewed under the clearly erroneous standard; it would not be disturbed if supported by evidence and not manifestly unjust or against the great weight of the evidence.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential
PARTIES	Sharon Ann Saxon, as administratrix of the Estate of Chiles William Pickett, Sr., deceased v. A.J. Pickett

TOPICS

- probate procedure
- probate
- estate administration
- estate planning

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the reverse-side terms of the certificate of deposit could be considered together with the signed certificate and information form in determining whether the instrument clearly created a joint tenancy with right of survivorship under Alabama Code § 35-4-7.
2. Whether the probate court clearly erred in finding that the certificate of deposit passed to A.J. Pickett by right of survivorship.

HOLDINGS

1. The terms printed on the reverse side of the certificate of deposit, considered with the certificate and corroborating evidence, were sufficient to indicate an intent to create a joint tenancy with right of survivorship under § 35-4-7.
2. The probate court's finding that the evidence satisfied Alabama Code § 35-4-7 was not clearly erroneous, unsupported by evidence, manifestly unjust, or against the great weight of the evidence.

KEY QUOTATIONS

“The probate court's finding that the evidence satisfied the requirements of § 35-4-7, Alabama Code 1975, was not clearly erroneous, without supporting evidence, manifestly unjust, or against the great weight of the evidence.” (601 So. 2d at 956)

“The terms on the reverse side of a certificate of deposit setting out the bank's policies are analogous to the signature card in Lansford.” (601 So. 2d at 956)

FACTUAL BACKGROUND

C.W. Pickett purchased a certificate of deposit in the names of himself and his brother, A.J. Pickett. After C.W. Pickett's death, his daughter and estate administratrix claimed that the certificate's funds belonged solely to the estate. The certificate document included reverse-side terms stating that a certificate in the names of two or more persons was a joint deposit with right of survivorship, and trial testimony provided corroborating evidence of the decedent's intent.

PROCEDURAL HISTORY

After C.W. Pickett died, Sharon Saxon, the administratrix of his estate, petitioned the probate court to compel A.J. Pickett to deliver a certificate of deposit that she claimed belonged solely to the decedent's estate. The probate court found that the certificate passed to A.J. Pickett upon the decedent's death by virtue of survivorship. The Supreme Court of Alabama affirmed.

DISPOSITION

affirmed

CASES CITED

- Andrews v. Troy Bank & Trust Co., 529 So. 2d 987 (Ala. 1988)
- Parr v. Godwin, 463 So. 2d 129, 134-35 (Ala. 1984)
- Smith v. Smith, 418 So. 2d 898 (Ala. 1982)
- Durham v. Durham, 400 So. 2d 751, 752 (Ala. 1981)
- Nunn v. Keith, 289 Ala. 518, 268 So. 2d 792 (1972)
- Lansford v. Gorham, 591 So. 2d 63 (Ala. 1991)
- Gaston v. Ames, 514 So. 2d 877, 878 (Ala. 1987)
- Cougar Mining Co. v. Mineral Land & Mining Consultants, Inc., 392 So. 2d 1177 (Ala. 1981)

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