

SOUTHER/CENTRAL CALIFORNIA

FRESNO COUNTY

TRUSTS AND ESTATES

Probate — Domestic Relations — Adoption

Man claimed intestate ranch owner 'raised him like a son'

DECISION	Liability only
CASE	Genaro Leon v. Estate of Angel Marin, No. 04CEPR00232
COURT	Superior Court of Fresno County, Fresno, CA
JUDGE	Dennis Caeton
DATE	1/30/2006
PLAINTIFF ATTORNEY(S)	David J. Mattingly, Law Offices of David J. Mattingly, San Francisco, CA Aaron P. Minnis, Mattingly & Minnis LLP, San Francisco, CA
DEFENSE ATTORNEY(S)	Kenton J. Klassen, Aaron & Keeler, Fresno, CA

FACTS & ALLEGATIONS From the age of 5 up until the age of 21 in February 2004, plaintiff Genaro Leon lived in the home of Angel Marin who died intestate without ever having adopted Leon. Leon's biological father had worked on Marin's ranch for about a year before leaving Leon to live with Marin, who had three biological children who were raised primarily by his ex-wife.

Leon brought a claim against Marin's estate under California Probate Code §6455, which provides that an equitable adoption creates a parent-child relationship for purposes of distributing the estate of an intestate decedent.

Leon claimed that Marin raised him as a son, providing him with clothing and health care, enrolling him in school, attending parent-teacher conferences, disciplining him, throwing him birthday parties, giving him Christmas gifts, taking him to sporting events and teaching him the skills needed for the cattle reconditioning business. Marin represented himself as Leon's parent to friends and acquaintances as well as Leon's teachers and health care providers. Also, Marin told Leon, his biological father and others that he intended to adopt him. From his teenage years until the time of Marin's death, Leon worked full-time with him on the ranch; he alleged that Marin told him on three occasions that one day it would be up to him to run the business.

Defense counsel denied that Leon was the decedent's equitably adopted son. Contending that he was just a laborer on their father's ranch, the estate argued that Marin could not be considered Leon's father because Leon maintained a relationship with his biological father throughout the period he lived with Marin and thus already had a father.

INJURIES/DAMAGES Leon sought a quarter share of the decedent's estate, which he alleged should be divided equally among the decedent's three biological children and him.

RESULT The court found that Leon was the equitably adopted son of the decedent as "the evidence [was] clear and convincing that Angel Marin and Genaro Leon were reciprocally connected as parent and child." Accordingly, Judge Dennis Caeton found that Leon was entitled to a quarter share in the intestate's estate.

EDITOR'S NOTE Defense counsel did not respond to a faxed draft of this report and a phone call.

—Lisa Braunstein