

- While married, husband and wife receive a gift deed from husband's parents to an undivided one-third (1/3) interest in real property.
- Parties subsequently get divorced, with the Divorce Decree silent as to the ownership of the undivided interest.
- Current owner of one of the undivided one-third (1/3) interests, and the brother of husband, purchased husband's undivided one-third (1/3) interest in the real property upon representation of the husband that his wife was claiming no interest in the property.
- Wife files bankruptcy claiming no interest in real property.
- Approximately three (3) years after the brother buys interest from husband, brother tries to sell property. Title report shows interest of x-wife.

Question: Brother now intends to commence a quiet title action against the former wife, asserting a position that wife is estopped by her bankruptcy petition from asserting any interest in the property. If successful, will the brother still have to deal with the trustee in bankruptcy?

OR

Should brother ignore the x wife and deal directly with the trustee in Bankruptcy?