WILLS AND TRUSTS BAR PRACTICE EXAM (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

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How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

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Questions

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1. What is the main limitation on creditors' claims against an estate under the UPC?

A. All claims are automatically accepted

B. Claims must be presented within a specified period after administration notice

C. Unknown creditors have unlimited time to present claims

D. Claims can be contested in court indefinitely

2. Under the omitted spouse statute, what happens if a person marries after executing a will?

A. The spouse automatically inherits the entire estate

B. The omitted spouse receives an intestate share

C. The will becomes invalid

D. The spouse is entitled to a life estate

3. What distinguishes a patent ambiguity from a latent ambiguity in a will?

A. Patent ambiguity is external; latent is internal

B. Patent ambiguity arises from interpretation; latent is visible from the document

C. Patent ambiguity is clear upon reading; latent becomes apparent during interpretation

D. There is no significant difference between the two

4. Who generally does not inherit from an adopted child after adoption?

A. Natural parents

B. Adoptive parents

C. Biological siblings

D. Grandparents

5. What does "probate" refer to?

A. The process of drafting a will

B. The legal process of validating a will and administering an estate

C. A system of tax deductions for estates

D. A method of transferring property without a will

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6. What is one of the tests for capacity required to make a will?

A. Ability to recite the will's provisions from memory

B. Understanding the nature and value of the property involved

C. Possessing a university degree

D. Being of a certain age

7. When does the 120-hour rule not apply?

A. When the will is explicitly made before a deadline

B. If the will states that survival is required to inherit

C. When a beneficiary has been disinherited

D. It does not apply under any circumstances

8. Under what condition can the presumption of revocation be rebutted?

A. When the will is found in original condition

B. When evidence shows the will was in someone else's possession

C. When the will is in a damaged condition or cannot be found

D. When the testator expressed dissatisfaction with the will

9. What might trigger an intestacy situation despite the existence of a will?

A. If the will is outdated

B. If the will includes a pretermitted child

C. If the will is poorly drafted

D. If the will fails to name beneficiaries

10. Which of the following properties does not pass through probate?

A. Real estate owned by the decedent

B. Jointly held bank accounts

C. Personal property listed in the will

D. Debts owed to the decedent

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Answers

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1. B
2. B
3. C
4. A
5. B
6. B
7. B
8. C
9. B
10. B

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Explanations

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1. What is the main limitation on creditors' claims against an estate under the UPC?

A. All claims are automatically accepted

B. Claims must be presented within a specified period after administration notice

C. Unknown creditors have unlimited time to present claims

D. Claims can be contested in court indefinitely

Under the Uniform Probate Code (UPC), the main limitation on creditors' claims against an estate is that claims must be presented within a specified period after the administration notice has been published or sent. This creates a structured time frame within which creditors must act, typically ensuring that creditors submit their claims within a set period, usually four months in many jurisdictions. This is designed to facilitate the efficient administration of the estate and provide certainty for both the personal representative and the beneficiaries regarding the estate's final distribution. If claims are not submitted within this designated time period, creditors may be barred from recovering against the estate, ensuring that the estate can be settled and distributed without indefinite delays arising from lingering creditor claims. Thus, timely notice is critical for enforcing the rights of creditors while simultaneously protecting the interests of the estate and its beneficiaries. In contrast, the other options either misrepresent the rules surrounding creditor claims or imply an unlimited timeframe that does not align with the intent of the UPC to promote timely administration of estates.

2. Under the omitted spouse statute, what happens if a person marries after executing a will?

A. The spouse automatically inherits the entire estate

B. The omitted spouse receives an intestate share

C. The will becomes invalid

D. The spouse is entitled to a life estate

The omitted spouse statute provides specific protections for a spouse who marries someone after that person has already executed a will that did not include any provision for the new spouse. Under this statute, the omitted spouse is entitled to an intestate share of the deceased spouse's estate, which means they will receive a portion of the estate as if the deceased had died without a will. This ensures that newly married individuals are not inadvertently disinherited simply because they were not included in a will executed prior to the marriage. It's based on the assumption that one would naturally wish to provide for a spouse upon marriage, and therefore, the law intervenes to allocate a share to the omitted spouse, maintaining equity in the distribution of the decedent's assets. Other options do not accurately reflect the intent and provisions of the omitted spouse statute. For example, the spouse does not inherit the entire estate automatically, nor does the will become invalid upon marriage. The idea of a life estate for the spouse is also not consistent with the typical outcomes prescribed by the omitted spouse statute, which focuses instead on providing an intestate share.

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3. What distinguishes a patent ambiguity from a latent ambiguity in a will?

A. Patent ambiguity is external; latent is internal

B. Patent ambiguity arises from interpretation; latent is visible from the document

C. Patent ambiguity is clear upon reading; latent becomes apparent during interpretation

D. There is no significant difference between the two

The distinction between patent ambiguity and latent ambiguity in a will lies in how and when the ambiguity is recognized. Patent ambiguity is typically evident upon a straightforward reading of the document; the language used is unclear, leading to multiple interpretations. On the other hand, latent ambiguity becomes apparent only when extrinsic evidence is introduced or when the will is executed, highlighting a discrepancy that is not immediately obvious from the language itself. In this context, option C accurately captures this distinction by stating that patent ambiguity is clear upon reading the will, meaning that the uncertainty arises directly from the wording found within the document. Conversely, latent ambiguity requires further interpretation or analysis, suggesting that it is not inherently obvious until additional context is considered. This understanding is crucial, as it guides how courts might approach resolving such ambiguities during the probate process, affecting the administration of the decedent's estate.

4. Who generally does not inherit from an adopted child after adoption?

A. Natural parents

B. Adoptive parents

C. Biological siblings

D. Grandparents

The principle behind inheritance rights after adoption is that once a child is adopted, the legal relationship with their biological parents is severed, which means they no longer have inheritance rights from their biological families. This is consistent with the idea that adoption creates a new family unit, establishing legal relationships between the adoptive parents, the adopted child, and any other family members. Because of this severance of ties, natural parents cannot inherit from an adopted child. After the adoption is finalized, the adopted child is treated as a legitimate child of the adoptive parents for all legal purposes, but the biological parents are effectively removed from the child's legal lineage. This policy ensures that the adopted child's interests are fully aligned with their adoptive family. Adoptive parents, biological siblings, and grandparents of the biological child usually continue to hold their rights after adoption, further emphasizing the legal separation from the biological family. Thus, the answer that identifies natural parents as those who do not inherit from an adopted child correctly reflects the legal framework surrounding adoption and inheritance rights.

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5. What does "probate" refer to?

A. The process of drafting a will

B. The legal process of validating a will and administering an estate

C. A system of tax deductions for estates

D. A method of transferring property without a will

Probate refers to the legal process by which a deceased person's will is validated and their estate is administered. This process involves several key steps: confirming the authenticity of the will through a court, ensuring that the deceased's debts are settled, and distributing the remaining assets to the beneficiaries as outlined in the will. In this context, probate serves a critical role in establishing the legitimacy of the will and ensuring that the wishes of the deceased are carried out in an orderly manner. It provides a framework for addressing any disputes that may arise concerning the will and allows for the appropriate management of the estate during the transition. The other options describe different concepts that do not capture the full scope of what probate entails. Drafting a will is a preparatory step that occurs before probate, while tax deductions and transferring property without a will are separate issues that may relate to estate planning and the handling of property after death, but do not represent the probate process itself.

6. What is one of the tests for capacity required to make a will?

A. Ability to recite the will's provisions from memory

B. Understanding the nature and value of the property involved

C. Possessing a university degree

D. Being of a certain age

To have the capacity to make a will, an individual must understand the nature and value of their property. This capacity encompasses a person's ability to comprehend the significant aspects of their estate and the implications of distributing that property through a will. This understanding ensures that the individual is aware of what they own and how they wish to allocate it among their chosen beneficiaries. Recognizing the nature and value of one's property is fundamental in confirming that the testator (the person making the will) has the requisite mental ability to make decisions about their estate. It reflects a level of awareness that contributes to the will's validity, as the testator's intentions need to be clear and informed. While age is a critical factor in determining capacity, it is just one aspect of a broader evaluation. The ability to recite the will's provisions from memory is not a requirement for capacity, as the testator may not need to remember every detail. Additionally, possessing a university degree is not relevant to capacity; what matters is the individual's understanding and mental state at the time the will is executed. Thus, comprehending the nature and value of the property involved is vital to ensuring the testator's decisions are made with a full appreciation of their estate.

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7. When does the 120-hour rule not apply?

A. When the will is explicitly made before a deadline

B. If the will states that survival is required to inherit

C. When a beneficiary has been disinherited

D. It does not apply under any circumstances

The 120-hour rule, often referred to as the "survivorship requirement," establishes that for a beneficiary to inherit under a will or trust, they must survive the testator by at least 120 hours (five days). This rule ensures that proper distribution according to the testator's wishes occurs and avoids complications arising from simultaneous deaths. The rule does not apply if there is an explicit provision in the will that requires the beneficiary to survive the testator in order to inherit. In this scenario, the will itself makes clear the condition of survival, thus negating the need for the general 120-hour rule to apply. When a will states that survival is a prerequisite for inheritance, it signals the testator's intention clearly, and courts will honor that intention without the need for the standard survivorship rules to take effect. In contrast, the other options do not accurately reflect situations where the 120-hour rule would not be relevant. Simply having a deadline usually does not negate the general survivorship requirement, disinheriting a beneficiary does not create an exception to the rule, and claiming the rule does not apply under any circumstances would be inaccurate. Therefore, the correct choice emphasizes the importance of explicit language in the will regarding survival, which exists

8. Under what condition can the presumption of revocation be rebutted?

A. When the will is found in original condition

B. When evidence shows the will was in someone else's possession

C. When the will is in a damaged condition or cannot be found

D. When the testator expressed dissatisfaction with the will

The presumption of revocation arises when a will that was in the testator's possession is lost or damaged, as it can imply that the testator intended to revoke it. However, this presumption can be rebutted under certain conditions. When the will is found in a damaged condition or cannot be found, certain evidence may indicate that the testator did not intend to revoke the will despite its absence or damage. For instance, if the will is found with alterations or markings that indicate it was intended to be part of the final testamentary intent, this could suggest that the will was not truly revoked. Furthermore, if credible evidence demonstrates that the will was in a place or condition where the testator could not have easily destroyed it, or that some other circumstances negated the possibility of a revocation, the presumption can be countered. Thus, the condition where the will is in a damaged condition or cannot be found is pivotal because it allows for the notion that the will may still reflect the true wishes of the testator, despite not being in perfect condition or being entirely accessible.

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9. What might trigger an intestacy situation despite the existence of a will?

A. If the will is outdated

B. If the will includes a pretermitted child

C. If the will is poorly drafted

D. If the will fails to name beneficiaries

In the context of intestacy situations, the presence of a will does not always ensure that all heirs are accounted for. A situation can occur where a will includes a pretermitted child, which refers to a child of the testator who was born or adopted after the will was executed and thus was not mentioned in the will. When a will fails to account for a pretermitted child, many jurisdictions have laws in place that provide for the child's share in the estate as if the decedent had died without a will. This is based on the principle that the law protects the rights of children, particularly in situations where a parent may have unintentionally omitted them from the estate planning documentation. As a result, the existence of a pretermitted child may lead to a partial intestacy regarding the child's share, creating an intestate succession scenario despite an existing will. Other situations, such as an outdated will, poor drafting, or failing to name beneficiaries, may create complications but do not necessarily result in an intestacy. An outdated will may still be valid but not reflect the testator's current intentions, while a poorly drafted will might be challenged in court but can potentially be probated. Failing to name beneficiaries could lead to uncertainty,

10. Which of the following properties does not pass through probate?

A. Real estate owned by the decedent

B. Jointly held bank accounts

C. Personal property listed in the will

D. Debts owed to the decedent

Jointly held bank accounts typically do not pass through probate because they are often structured with rights of survivorship. This means that when one account holder dies, the surviving account holder automatically becomes the sole owner of the account, bypassing the probate process entirely. This characteristic is a common feature of jointly held property, where the intent is to allow for immediate transfer of ownership upon the death of one party, ensuring that the funds are readily accessible to the survivor without legal delays. In contrast, other options involve property that does require probate. Real estate owned solely by the decedent is subject to probate processes because it is part of the decedent's estate. Personal property listed in the will also goes through probate, as it needs to be administered according to the terms of the will. Debts owed to the decedent, although not property in the traditional sense, are also part of the deceased's estate and may be addressed during the probate process to settle the estate's financial affairs. Thus, only jointly held bank accounts distinctively avoid going through probate, reinforcing the reason for their unique status.

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Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

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We wish you the very best on your exam journey. You've got this!

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