

TEST BANK QUESTIONS

CHAPTER 1: THE ESTATE PLAN AND THE PURPOSE AND NEED FOR A WILL

MATCHING

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| a. testamentary capacity | f. property guardian |
| b. testator or testatrix | g. fiduciary duty |
| c. real property | h. legal title of a trust |
| d. ambulatory | i. principal |
| e. codicil | j. domiciliary administration |
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1. *An individual or trust institution appointed by a court to care for and manage the property of a minor or an incompetent person*
 2. *The capital or property of a trust, as opposed to the income, which is the product of the capital*
 3. *The sanity (sound mind) requirement for any person making a valid will*
 4. *Subject to change or revocation any time before death*
 5. *A written amendment to a will that changes but does not invalidate the will*
 6. *The form of ownership for a trust property held by the trustee, giving the trustee the right to control and manage the property for another person's benefit*
 7. *A man or woman who makes and/or dies with a valid will*
 8. *The administration of an estate in the state where the decedent was domiciled at the time of death*
 9. *A duty or responsibility required of a fiduciary, which arises out of a position of loyalty and trust, to act solely for another person's benefit*
 10. *Land, buildings, and the objects permanently attached to them*

TRUE/FALSE

1. Not everyone can legally make a will.
2. All wills are ambulatory.
3. Copies of the letter of instructions should be given to family members.
4. The testator has no control over the determination of the source from which death taxes will be paid.
5. Everyone needs a will.
6. The surviving natural parent is automatically appointed the property guardian for the decedent's minor or incompetent children.
7. A single person can be a settlor, trustee, and beneficiary.
8. To acquire the authority and powers of the position, a personal representative must be appointed by the testator.
9. Anyone may dispose of property as a gift while alive.
10. Most states require that a valid will be dated.

MULTIPLE CHOICE

1. Which is NOT a reason that many people die without a valid will?
 - a. *Request of the beneficiary*
 - b. *Assumed expense*
 - c. *Reluctance to discuss property and finances with strangers*
 - d. *Procrastination*
2. When a testator signs his or her name at the bottom of the will, he or she is:
 - a. *Subscribing*
 - b. *Executing*
 - c. *Attesting*
 - d. *Witnessing*
3. The minor daughter of a decedent can generally be any of the following EXCEPT:
 - a. *Executrix*
 - b. *Distributee*
 - c. *Heir*
 - d. *Next of kin*
4. If a person preplans his or her funeral and burial arrangements, these arrangements should be included in the:
 - a. *Letter of instructions*
 - b. *Will*
 - c. *Codicil*
 - d. *Uniform Probate Code (UPC)*
5. Which would be a reason for the creation of a trust?
 - a. *For religious, educational, or charitable purposes*
 - b. *To encourage spendthrift beneficiaries to deplete the trust fund*
 - c. *To save taxes but incur probate expenses*
 - d. *To appoint a property guardian for a minor*
6. Which is LEAST likely to be used as a substitute for a will?
 - a. *Testamentary trust*
 - b. *Joint tenancy*
 - c. *Life insurance*
 - d. *Community property agreement*
7. In order for a will to be valid, it must:
 - a. *Be written or typed with a typewriter or word processor*
 - b. *Be signed only by witnesses*
 - c. *Be witnessed by no fewer than five people*
 - d. *Include the date of death*
8. If a person wants to donate his or her organs or remains, this request should be made in the:
 - a. *Letter of instructions*
 - b. *Will*
 - c. *Codicil*
 - d. *Donor card signed only by the donor*
9. Who is the only person a testator CANNOT disinherit?
 - a. *Surviving spouse*
 - b. *Surviving minor child*
 - c. *Surviving adult child*
 - d. *Sibling*
10. A testator must have all of the following EXCEPT:
 - a. *Executor*
 - b. *Testamentary capacity*
 - c. *Legal capacity*
 - d. *Designation of property*

CHAPTER 2: THE CONCEPT OF PROPERTY RELATED TO WILLS, TRUSTS, AND ESTATE ADMINISTRATION

MATCHING

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| a. chattel | f. partition |
| b. chose in action | g. community property |
| c. nonprobate property | h. commingling |
| d. intestate succession statutes | i. fee simple estate |
| e. joint tenants | j. remainder |
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1. *The division of real property held by joint tenants or tenants in common into separate portions so that the individuals may hold the property in severalty*
 2. *Two or more persons who own or hold equal, undivided interests in property with the right of survivorship*
 3. *A future estate in real property that takes effect on the termination of a prior estate created by the same instrument at the same time*
 4. *An estate in which the owner has an absolute, unqualified, and unlimited interest in real property*
 5. *Real and personal property owned by the decedent at the time of death that cannot be transferred by will or inheritance*
 6. *Combining community and separate property*
 7. *State laws that provide for the descent and distribution of property to those whom a decedent would probably have chosen if the decedent had made a will*
 8. *Any item of personal property*
 9. *All property, other than that received by gift, will, or inheritance, acquired by either spouse during marriage that is considered to belong to both spouses equally*
 10. *A right to bring a civil lawsuit to recover money damages or possession of personal property*

TRUE/FALSE

1. Real property is property that is immovable, fixed, or permanent.
2. Real property can be tangible or intangible.
3. A United States savings bond payable upon death to a named beneficiary is a form of probate property.
4. The law of property is mostly statutory.
5. In order for a joint tenancy to be created, common law requires unity of time, unity of title, unity of interest, and unity of possession.
6. When a joint tenant dies, his or her share of the property transfers to his or her spouse, children, or other designated heir.
7. While alive, each joint tenant has the right of severance.

8. Neither party in a tenancy by the entirety can sell, give away, or otherwise convey the property on his or her own.
9. Most states today still retain dower and curtesy.
10. No notice to terminate is required for a tenancy for years.

MULTIPLE CHOICE

1. Which is an example of real property?
 - a. *Apartment building*
 - b. *Automobile*
 - c. *Crops cultivated for sale*
 - d. *Stocks and bonds*
2. Which is NOT used to determine if personal property has been converted into a fixture?
 - a. *Conveyance*
 - b. *Annexation*
 - c. *Adaptation*
 - d. *Intention*
3. A dishwasher is an example of a/an:
 - a. *Domestic fixture*
 - b. *Agricultural fixture*
 - c. *Trade fixture*
 - d. *Commercial fixture*
4. Which is an example of tangible personal property?
 - a. *Stamp collection*
 - b. *Cash*
 - c. *Trademark*
 - d. *Government bond*
5. Which is an example of probate property?
 - a. *Gain from the sale of a business*
 - b. *Property owned in tenancy*
 - c. *Money placed in a bank account as a Totten trust*
 - d. *Annuity contracts with a named beneficiary*
6. Which is an advantage of joint tenancy?
 - a. *Joint tenancy avoids probate.*
 - b. *The person who creates the joint tenancy has complete control over the property.*
 - c. *All joint tenants must agree before the joint tenancy can be terminated.*
 - d. *The surviving recipient of the property previously held in joint tenancy is always the intended beneficiary.*
7. Which is NOT an example of community property?
 - a. *Inheritance to a single spouse during the marriage*
 - b. *Property obtained from community property income during the marriage*
 - c. *Income earned or acquired during the marriage by either spouse's employment*
 - d. *Property owned by the spouses in partnerships*

8. Which is a characteristic of a life estate?
 - a. *Life tenants while living may convey their interest in the property by sale or gift to a third person.*
 - b. *A life estate cannot be created by deed.*
 - c. *A life estate may not last for the lifetime of the original owner.*
 - d. *A life estate can be transferred by will.*
9. Which does NOT apply when a life estate is created and a reversion is retained?
 - a. *The grantee is the only person entitled to a reversion.*
 - b. *The real property that reverts does not go through the probate process of the life tenant's estate.*
 - c. *The grantor can transfer the reversion by deed or will.*
 - d. *The reversion is not lost if the grantor dies before the grantee.*
10. The few states that retain dower and curtesy agree on all of the following EXCEPT:
 - a. *Dower and curtesy rights can be released by spouses upon verbal agreement.*
 - b. *Dower and curtesy occur only upon the death of a spouse.*
 - c. *Dower and curtesy apply even if the decedent died testate.*
 - d. *Dower and curtesy are exempt from the claims of creditors of the decedent spouse.*