

20. A holographic will does not require:

- a. witnesses
- b. signature
- c. date
- d. testatmentary intent
- e. testamentary capacity.

Section C - Definitions

4 questions, 15-20 minutes

Briefly define each of the following terms.

**PAGE LIMIT IS 1/2 PAGE PER DEFINITION,
WRITE ON EVERY OTHER LINE**

1. blockbuster will or superwill
2. dispensing power
3. augmented estate
4. precatory language

Section D - Short Answer/Short Essay

4 questions, 20-25 minutes

Briefly answer each of the following questions.

**PAGE LIMIT IS ONE SIDE OF A PAGE PER QUESTION,
WRITING ON EVERY OTHER LINE**

1. Why do we permit people to make transfers of property at death, as a matter of law and policy?
2. Describe and evaluate ante-mortem probate.
3. State and federal law provide several means of family support after the death of a spouse or parent. Briefly list and describe some of these methods.
4. Pat is your client. He has a "partner", Kim, but they are not married. He would like to leave all of his property to Kim, and would like for Kim to make all necessary health care decisions for him if he were incapacitated. However, he knows that his family disapproves of his relationship with Kim, and fears their opposition to his plan. Advise Pat.

Exam continued on next page

PART II - ESSAY

2 questions, 70-90 minutes

Respond briefly to each question below, in the space allocated. Each question has a page limit. A PAGE IS ONE SIDE OF ONE PAGE, WRITING ON EVERY OTHER LINE.

1. What are some of the significant demographic and social changes that Professor Langbein (in his law review article on twentieth century wealth transmission) and Professor Schultz (your audio guest speaker) point to as affecting the future of probate law. (PAGE LIMIT - 2 PAGES).

2. Discuss all wills and estates issues raised by the facts below. Page limit is 6 pages. All events take place in the state of Happiness.

Your client is Ed Executor, a friend of the decedent, Tillie Testator. Tillie died on August 1, 1994, and Ed went through her personal effects after her death. Ed found a will, dated July 1, 1985; another will, dated July 1, 1990; and a codicil, dated July 1, 1994. Ed tells you the following facts.

When Tillie was 65 years old, (in 1984) she decided to hire a housekeeper to care for her in her home. Hank Housekeeper lived with Tillie, and did the cooking and cleaning, managed the household, and paid the bills for regular expenses. Tillie named Hank on her checking account as a joint tenant. At the time of her death, the account contained \$10,000.

The 1985 will left most of Tillie's property to "my children." Tillie gave birth during her lifetime to a daughter, Dora, and a son, Sam. Only Dora is still alive. Sam died, leaving his property to his wife, Wilma, and his son, Sam, Jr. Tillie's 1985 will named Ed as executor. The will is typewritten, and is signed by Tillie and witnessed by Ed and Nora, who is a neighbor of Tillie's. Ed informs you that he did not see Tillie sign this will, nor did he see Nora sign as a witness.

The 1990 will is a holograph. It expressly revokes all previous wills, and it leaves most of Tillie's property to Hank, "in consideration of his wonderful care for me in my old age." It also provides that Tillie is specifically disinheriting her children because they are devil worshippers. Again Ed is named as executor. This will also contains the following bequests:

- *The contents of my jewelry box go to Nora Neighbor.
- *My 1993 Mercedes to my friend Frieda
- *My grand piano to Sweetie-pie

Exam continued on next page

Ed tells you that Tillie sold the 1993 Mercedes, but purchased a 1994 model. He also says that Dora is not a devil worshipper, but that Hank believes that everyone who is not a member of his religion is a servant of the devil. Ed thinks that Sweetie-pie is a nickname for Annie, Tillie's protege. When Annie was about 5 years old, Tillie took her into her home, raised her with her own children, and sent her to a music conservatory. Annie is now a musician with a municipal symphony.

The 1990 will has "changed my mind" written across the top of the document, but the words are in the margin, and do not touch the other words of the will.

The 1994 codicil is also a holograph. It directs Ed to follow instructions in a letter dated July 1, 1993 to be found in the safe in the study. The letter found is dated July 2, 1994. It directs Ed to tear up the 1990 will and to probate the 1985 will.

End of exam