

ET87F

I.  
(60 minutes)

allocation of property between probate & nonprobate categories  
identification of joint tenancies & p.o.d. contracts  
exemptions & allowances  
mortgage & debts; exoneration;  
abatement  
stock split factor: Union Pacific stock  
ademption: 1980 GMC minivan to daughter Mary  
advancement or satisfaction problem: loan to daughter Mary  
attestation problem with Herman's will  
posthumous child problem: daughter Sarah  
pretermitted child problem: daughter Sarah  
lapsing problem: son John  
child out wedlock problem: John's son Ellis  
length of pregnancy problem: John's son Ellis  
will execution problem: "conscious presence"  
will notarization problem: failure to acknowledge signatures  
will ambiguity problem: "my car"; \$5,000 to "children" vs. "nothing" to Richard  
intestacy re cottage; Richard is also an heir

II.  
(60 minutes)

partial intestacy: 500 acres; cash  
identification of heirs: parents & siblings  
half-blood heir  
will execution problems:  
absence of notarization of July 4 will  
nonavailability of witnesses to July 4 will  
incorporation by reference: letter of August 10  
July 4 will not valid as holographic will in MO  
will revocation problems:  
revocation by later will  
revocation by presumed destruction:  
disappearance of July 4 will  
did Jon intend to destroy August 10 letter?: found under bed  
dependent relative revocation: "Calamity Jane"  
120 hour survival statute: "Calamity Jane"  
undue influence issue: "Calamity Jane"

SSUE: is August 20 will completely void because of undue influence, hence reviving July 4 will?  
- terms determined by August 10 letter  
- or is it an unconditional will which lapses under 120 hour statute, hence causing a total intestacy?

III.  
(60 minutes)

settlor as trustee  
pour-over provision  
trust for animal  
charitable trust  
retention of power to revoke  
spendthrift trust  
secret trust  
class gift  
trust corpus problem  
creditors of settlor  
trustee discretion problem; creditors of beneficiary  
termination problem: consent of beneficiary & trustee  
no attempt to revoke  
consent termination with one godchild  
suit by godchildren to declare peacock, Wriston, and college trust provisions void and to terminate  
- purpose of godchildren trust: age, maturity, spendthrift provision  
attempted garnishment by creditors of Ellen Allen