

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2025**

QUESTION 1 (40 POINTS)

Alex died in an automobile accident last week at 45 years old. He was married twice, first to Bliss (ended in divorce), with whom he had twin daughters, Helen and Cynthia (both 25). Helen has a 3 year old son.

After his divorce from Bliss, Alex married Diane (to whom he was still married at death), with whom he had 3 children, Eddie (20), Faith (16), and Greg (12). Eddie died in the same accident as Alex; Eddie was deceased when the EMTs found them and Alex died soon after. Eddie had two children, both under 5 years old. No other of Alex's children is deceased.

Alex is further survived only by his mother, his full brother, and his half-sister. He had another full sister who predeceased him, leaving one adult child, who is alive. The community between Bliss and Alex was settled, and Alex and Diane had a standard community property regime. Everyone was conceived in wedlock and properly filiated to the appropriate personages; unless otherwise indicated, all are mentally and physically healthy.

Two documents were found: (1) "Document A", which is a single piece of paper which, states in Alex's handwriting, "This is my will. I married Bliss, the love of my life, yesterday, and if I ever die I leave everything I own, wherever and whatever it is, to her," (Alex signed at the bottom) and (2) "Document B", which is a letter to Alex from his daughter Cynthia, dated 4 years ago that stated, in her handwriting, "I cannot stand you and want nothing to do with you anymore Dad; I expressly give up any right to inherit from you." (Cynthia signed her name at the bottom).

Alex had the following assets when he died:

- A farm inherited from his father (separate property)
- A fishing camp purchased last year (community property)
- His family home, awarded in the property settlement with Bliss (separate property)
- His hardware store, opened 15 years ago with Diane (community property)
- His 2020 Toyota pickup truck (community property; destroyed in an accident)

Answer the following seven subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

1.1 Is Bliss entitled to inherit any interest in Alex's estate based upon Document A? Explain fully. (5 points)

1.2 What is the effect, if any, of Document B? Explain fully. (5 points)

For purposes of subquestions 1.3 and 1.4 only, assume that Cynthia never wrote any letter to Alex.

1.3 Who succeeds to Alex's interest in the hardware store, and in what proportions? Explain fully. (8 points)

1.4 All of the children are concerned with Diane as she has a history of bad money management. Is there anything they can do to protect themselves with regard to Diane's interest in Alex's estate? Explain fully. (5 points)

TEST CONTINUES ON NEXT PAGE

- 1.5** Helen really wants nothing to do with the farm and wants to keep her and her minor son's name away from it (Helen has full authority to act on her son's behalf). What must Helen do to accomplish this goal? If she does this, can Helen inherit any portion of the family home? Explain fully. (7 points)

For purposes of subquestions 1.6 and 1.7 only, assume that Alex NEVER had any children.

- 1.6** Who succeeds to Alex's interest in the family home, and in what proportions? Explain fully. (8 points)
- 1.7** Who succeeds to Alex's interest in the fishing camp? Explain fully. (2 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2025**

QUESTION 2 (40 POINTS)

Frank died testate on February 14, 2024 at the age of 99. He was survived by his first wife, Mary (divorced in 1969), and their two children, Barry and Connor; his second wife, Angie, and their son, Daniel; his 27 year old granddaughters, Hyacinthe and Julia (the children of his and Angie's predeceased daughter, Glenda, who died at age 53); and his brother, Ethan. Hyacinthe is unable to care for herself due to complications from a drug overdose in college. Angie was still married to Frank when he died.

Frank had two wills: one dated January 15, 2000, executed in his hometown of Kenner, Louisiana, and valid in form for Louisiana, and one dated February 10, 2024, also executed in Kenner, which was drafted for him in Houston and in valid form for Texas, but did not contain the attestation clause required in Louisiana. The wills have identical dispositive provisions except that the 2000 will left a Renoir painting to Connor and the 2024 will left the painting to Ethan.

The other pertinent provisions of each will are:

1. I leave my 1988 Bass Champion fishing trophy to Connor.
2. I leave 5% of my estate to whichever charity my executor likes best, with whatever conditions he wants.
3. I leave my vinyl record collection to Ethan, or to Barry if Ethan does not take it.
4. I leave \$50,000.00 to Mary.
5. I leave my car dealerships to Glenda and her boyfriend, Keith.
6. I leave all of my fishing trophies to Daniel.
7. I leave \$20,000.00 to Angie, as trustee, in trust for benefit of Frank's Bird Sanctuary, LLC; the trust is to last for 40 years and then pay what is left to the ASPCA.
8. I leave \$10,000.00 to each of my granddaughters, Hyacinthe and Julia. If either predeceases me, then her \$5,000.00 bequest goes to her sister.
9. I leave my 1960 Shelby Cobra to Barry, hopefully he keeps it in the family.
10. I leave everything else to my kids, or their kids if they die before me, but not Hyacinthe, she messed up.

Answer the following ten subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

- 2.1 Who inherits the Renoir painting? Explain fully. (4 points)**
- 2.2 Is the bequest to charity valid? Does the answer change if the duly appointed executor chooses a charity Frank was known to dislike or requires Frank's picture on related promotions? Is it acceptable for the executor to impose conditions on the bequest? Explain fully. (5 points)**
- 2.3 Who inherits the 1988 Bass Champion fishing trophy? Explain fully. (3 points)**
- 2.4 Is the bequest of the record collection valid? Explain fully. (3 points)**
- 2.5 Does Mary get her \$50,000.00? Explain fully. (3 points)**

TEST CONTINUES ON NEXT PAGE

- 2.6 *For purposes of this subquestion 2.6 only, assume that Keith (Glenda's boyfriend) also predeceased Frank.* Who inherits the car dealerships? Explain fully. (6 points)
- 2.7 Is the trust for the bird sanctuary valid? Are there any issues? Explain fully. (5 points)
- 2.8 How much is bequeathed to each granddaughter in paragraph 8 of the will? Explain fully. (3 points)
- 2.9 Does Barry inherit the 1960 Shelby Cobra? Explain fully. (3 points)
- 2.10 How is the residue of Frank's estate divided? Explain fully. (5 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2025**

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

- 3.1 Requirements for donations inter vivos
- 3.2 Beneficiaries of testamentary trusts
- 3.3 Multiple testators
- 3.4 Donations; premature gift
- 3.5 Joint legacy
- 3.6 Trusts; alienation
- 3.7 Trustees; qualifications
- 3.8 Dispensation from collation
- 3.9 Form of testament
- 3.10 Donations; revocation for ingratitude

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2024**

QUESTION 1 (40 POINTS)

Aaron married Blair in 1975. He died last month at age 69, leaving behind a large family: his wife, Blair; their children Cathy, Frank, and Evelyn; his mother, Gertie; his half-sister Iris; and his uncle, Harry. He was also survived by another daughter, Mary, who was born from an affair he had in 2020 and was legally adopted by a third party. He and Blair also had another son, Neal, who was born in 1990 and died last year leaving two children under ten years old (Aaron's only grandchildren). Aaron never visited an attorney for a will, but handwrote the following statement on stationery from a motel, with its logo at the top: "My lovechild Mary was born yesterday, and my wife has been great all these years; she didn't deserve this. I'm so sorry. When I die, I grant my bride ustofrak over everything I have as an apology. /s/ Aaron."

Aaron always lived in Louisiana and had no marriage agreement with Blair. All children were filiated to him before his death. All of his surviving children other than Mary were over 30 and in good health.

Aaron had the following property at death:

1. a 1970 Chevy truck (separate property),
2. a 2024 Mercedes sedan (community property),
3. farmland that his mother gave him (separate property),
4. a large powerboat that he inherited from his father (separate property),
5. his home, purchased in 2000 (community property),
6. a bank account (community property), and
7. a cherished butterfly collection that he created when he was 10 (separate property).

A week after Aaron's death, while searching through Aaron's effects, Blair found the piece of stationery with Aaron's handwriting and brought it to her attorney.

Answer the following nine subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer. An answer without explanation will receive no credit.

1.1 Does Aaron's handwritten document affect the succession? Explain fully. (5 points)

ASSUME FOR THE REMAINDER OF QUESTION 1 THAT THE LETTER IS A VALID WILL AND THAT, EXCEPT AS INDICATED OTHERWISE SOLEY FOR QUESTION 1.8, NO HEIRS OR LEGATEE OF AARON RENOUNCES ANY INTEREST IN AARON'S ESTATE.

1.2 What, if anything, does Mary inherit? Explain fully. (7 points)

ASSUME FOR THE REMAINDER OF QUESTION 1 THAT MARY WAS THE CHILD OF BOTH AARON AND BLAIR.

1.3 Who inherits the farmland, and in what proportions will it be owned? Explain fully. (8 points)

1.4 Assume for this Question 1.4 only that Blair remarries before Aaron's succession is completed. How is the 2024 Mercedes sedan to be owned when the succession is complete? Explain fully. (7 points)

TEST CONTINUES ON NEXT PAGE

- 1.5 *Assume for this question 1.5 only that Aaron donated sperm 10 years ago to a friend who could not conceive and that, with his sperm, the couple had a daughter, Joyce. What, if anything, does Joyce inherit from Aaron? Explain fully. (3 points)*
- 1.6 *Assume for Question 1.6 only that, in his letter, Aaron also wrote at the same time the following after his signature: "Frank wants my old Chevy truck, so I give him that for him to use and enjoy as he pleases after I die." Is the bequest of the truck to Frank valid? Does Blair have a usufruct over the truck? Explain fully. (4 points)*

ASSUME FOR THE REMAINING PARTS OF THIS QUESTION 1 THAT AARON HAD NO DESCENDANTS WHO SURVIVED HIM.

- 1.7 **Who inherits the family home? Explain fully. (2 points)**
- 1.8 **Who inherits the butterfly collection if Blair, also having no children, renounces her usufruct? Explain fully. (2 points)**
- 1.9 *Assume for this Question 1.9 only that everyone except Harry and Blair predeceased Aaron. Who inherits the powerboat? Explain fully. (2 points)*

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2024**

QUESTION 2 (40 POINTS)

Zed died last month at 92 years old. Zed had married Yvette, and they had seven children together, Xavier, Willa, Vince, Ursula, Tom, Samantha, and Rachel. Vince, Ursula, and Tom predeceased Zed, having died in a plane crash last year. Ursula had two children, Quinn and Penny. Quinn had no kids and also predeceased Zed. Penny has one child, Otis, who has his own daughter on the way; her name will be Nicki. Tom had one son, Marc. Vince had no children. There are no issues of filiation or forced heirship in Zed's estate. Zed left behind a valid Louisiana will, executed three years ago, the dispositive provisions of which read as follows:

1. I leave Yvette the life usufruct over everything.
2. I leave my home to Rachel. I ask her to keep it in good condition and give it to her siblings when she dies.
3. I leave my 1964 Mustang coupe to my son, Tom.
4. I leave my daughter Willa all of my Elvis records since she loves them, but only if she can successfully steal the Graceland street sign from across town and show it to my executor within one week of my death; otherwise, the records go to Xavier.
5. I leave my bank accounts and all of my community property in trust, called the "Zed Forever Trust", for Nicki and anyone else later born of that generation; Penny is trustee.
6. I leave \$100,000.00 to charity, not any charity but some nature loving group. My executor can figure it out.
7. I leave my collection of autographed baseball cards to Tom and Xavier.
8. I leave the trumpet, once owned by Dizzy Gillespie, to Vince, and if he does not take it, I leave it to the Smithsonian.
9. I leave Samantha my classic cars; whichever ones she does not take go to Rachel.
10. Anything else the kids can split.
11. I leave \$20,000 in trust, called the "Spitfire Trust", to care for my dog, Spitfire, Yvette is trustee.
12. Yvette shall be the independent executrix of my will.

Zed and Yvette filed for divorce four years ago and a Judgment of Divorce was rendered two months before Zed died; as a part of the divorce, Zed and Yvette signed a valid agreement in authentic form whereby Yvette received Zed's substantial 401(k) and Zed received everything else they owned jointly. Feeling better about each other as the dust settled, they moved back into the same house the next week.

Answer the following ten subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer. An answer without explanation will receive no credit.

2.1 Will Yvette receive her usufruct? Explain fully. (2 points)

TEST CONTINUES ON NEXT PAGE

FOR THE REMAINDER OF QUESTION 2, ASSUME THAT YVETTE RENOUNCED AND DISCLAIMED ANY RIGHT SHE MIGHT HAVE HAD TO ANY OF ZED'S ESTATE.

- 2.2** Zed's home burned to the ground one week before he died, and the insurance claim has not been filed but has not prescribed. Who receives the lot the house was on? In the event an insurance claim is timely filed, who will receive the insurance proceeds? Explain fully. (6 points)
- 2.3** The only classic car Zed had when he died was the 1964 Mustang. Who inherits it? Explain fully. (5 points)
- 2.4** Willa managed to get the street sign in time, but she did not show it to the executor yet as one has not been appointed. Who inherits the Elvis records? Explain fully. (3 points)
- 2.5** Who inherits the baseball cards? Explain fully. (5 points)
- 2.6** Is the Zed Forever Trust valid? What goes into the trust? Who will be the beneficiary(ies)? Explain fully. (7 points)
- 2.7** Who inherits the Dizzy Gillespie trumpet? Explain fully. (3 points)
- 2.8** *Assume for this question 2.8 only that Zed's estate has no cash or other liquidity.* What happens to the \$100,000.00 bequest to charity? Explain fully. (2 points)
- 2.9** Are the Spitfire Trust and the designation of its trustee valid and effective? Explain fully. (3 points)
- 2.10** *Assume for this question 2.10 only the following: The will was signed at Samantha's office (she was Zed's attorney), and it was notarized by Samantha and witnessed by her secretary, Joe, who is married to Penny, and an unrelated office worker. The will was signed on every page and contained the valid attestation clause. Do Samantha and Joe's roles affect Samantha and Penny's rights under the will? Explain fully. (4 points)*

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2024**

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

- 3.1 Donations
- 3.2 Trusts; venue
- 3.3 Devolution of separate property
- 3.4 Wills; valid testamentary provisions
- 3.5 Inheritance of installment obligation
- 3.6 Form of trusts
- 3.7 Donations; manual gift
- 3.8 Conditions in bequests
- 3.9 Choice-of-law; form of testament
- 3.10 Undue influence

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2024**

QUESTION 1 (40 POINTS)

Barb was a successful lawyer who married Charlie a few years after she graduated from law school. They had three children: Donna, Erin, and Fred. Barb and Charlie divorced after six years. Barb then married Harvey, and they had two children, Ike and Julie. Barb later divorced Harvey and a year later married Kyle. Barb had four grandchildren: Ike (who predeceased Barb) had two children, Lane and May; and Erin had two children, Neil and Opal. Two years ago, Barb died intestate. Barb is survived by her four remaining children and her four grandchildren. She is also survived by Charlie, Harvey, and Kyle, as well as her mother, Gretchen, her sister, Sara, and her half-brother, Alex. All parties are properly filiated and no one had any children not described.

Barb's assets at death included:

1. A home in Pointe Coupee donated to her by her parents after her divorce from Charlie. (separate property)
2. A home in Baton Rouge that Barb and Kyle purchased as community property.
3. An apartment building that Kyle gave to her as a wedding present, two days before they were married. (separate property)
4. An Aston Martin convertible that Barb purchased during her marriage to Harvey and was allocated to her in the property settlement. (separate property)
5. A vinyl record collection that Harvey bought for Barb and Kyle as a first anniversary gift. (community property)
6. A carved oak desk that Barb bought for herself as a graduation present when she finished law school. (separate property)

Please answer the following eight subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer. An answer without explanation will receive no credit.

- 1.1 *For this Question 1.1 only, assume that three weeks before her death, Barb executed in authentic form a properly drafted donation of the apartment building to Julie, and her attorney immediately mailed it to Julie for her acceptance. Julie received the document several days after Barb's death, executed the acceptance in authentic form, and filed it in the appropriate conveyance records. Is the donation to Julie effective? Explain fully. (4 points)*
- 1.2 **At Barb's funeral, Erin broke down and admitted that she had always been angry with Barb for leaving her father and that, in response to a headache Barb had the day she died, Erin gave her some sleeping pills in place of aspirin hoping that "mom would get sleepy and wreck that nice car she got from Harvey." It was the resulting car accident that killed Barb. Within a year after Barb's death, Erin was convicted of intentionally killing Barb.**
 - (a) **Can anything now be done to stop Erin from inheriting from Barb? If so, by whom, how, and within what time constraints?**
 - (b) **Who would inherit Erin's share if such action is successful?**

Explain fully. (10 points)

- 1.3 Donna, also bitter about her mother's marital choices, had not seen Barb in 6 years and refused to attend any family function at which Barb was present. After Barb's death, Donna sent copies of a letter to the whole family stating, "I didn't want anything to do with my mother while she was alive, and do not want anything of hers now that she's dead." Was Donna's letter a valid renunciation? Explain fully. (4 points)
- 1.4 *For this Question 1.4 only, assume that Donna's letter instead stated as follows: "I am still angry with our mother but Erin went too far. I give my share of our mother's estate to my brother, Fred." Fred promptly wrote his sister back, stating: "Thanks, Donna. I gladly accept your share of Momma's estate." Is Fred entitled to Donna's share of Barb's estate? Explain fully. (2 points)*

For Questions 1.5 and 1.6 only, assume that no successful action was taken to prevent Erin from inheriting from Barb and that Donna validly renounced her share of Barb's estate.

- 1.5 Who inherits the home in Pointe Coupee, and in what proportions? Explain fully. (10 points)
- 1.6 Is devolution of the home in Baton Rouge different from the Pointe Coupee home? If so, how? Explain fully. (4 points)

FOR THE REMAINDER OF QUESTION 1, ASSUME THAT BARB NEVER HAD ANY CHILDREN.

- 1.7 Upon Barb's death, who inherits Barb's desk? Explain fully. (4 points)
- 1.8 Upon Barb's death, who inherits the record collection? Explain fully. (2 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2024**

QUESTION 2 (40 POINTS)

Paul died one month ago at his home in Lafourche Parish, Louisiana. Paul and Quinn married 32 years ago. They had four children together, Rachel (now 14), Stan (now 24), Tricia (now 26), and Ursula (now 31). Rachel attends a private high school and all of the other children are either in college or have begun their careers. Paul had an affair through which he fathered a daughter, Veronica (now 22).

Paul is further survived by his father, Dan. All persons are properly filiated. Paul leaves behind various properties, most notably the extensive antique car and motorcycle collections that he inherited from his grandfather. Quinn filed for divorce 3 months before Paul died. Neither the divorce nor property settlement had been complete or finalized before Paul's death.

Paul and Quinn have always lived in Louisiana and have not modified the community property regime in any way.

Paul left a will drafted and executed in another state, valid as to form for that state, signed by him and a notary, without witnesses. The dispositive provisions are:

1. Quinn is to be the independent executrix of this testament.
2. To Quinn, I leave the usufruct over everything that we own together, to last until death or remarriage.
3. To my daughters Tricia and Ursula, I leave all the contents of my home.
4. To my father Dan, I leave the family farm I received from him on my 20th birthday (which is my separate property); upon his death, he is to give it to my oldest child.
5. To my friend Alan, I leave my 1953 Harley motorcycle (my separate property), the best motorbike a man can have.
6. To my friends Bubba and Tommy, I leave my entire vintage hat collection (my separate property).
7. I expressly disinherit my daughter Veronica on the grounds that she got married on her 20th birthday without asking my blessing.
8. To my son Stan, I leave all of my tools and vehicles (all my separate property).
9. I leave my father Dan something worth \$10,000; let my executor decide what.
10. To my wife as trustee of the Paul Testamentary Trust, with each of my children not disinherited as equal beneficiaries of both principal and income, I leave the residue of my estate, in trust, and she shall have full discretion whether or not to distribute anything until a child reaches age 40, at which time the trust shall terminate as to that child. This is a spendthrift trust.

Please answer the following eleven subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer. An answer without explanation will receive no credit.

- 2.1 Is Paul's will valid to control disposition of his assets in Louisiana? Explain fully. (3 points)**
- 2.2 Who inherits the family farm, and how? Explain fully. (4 points)**
- 2.3 What, if anything, does Alan inherit? Explain fully. (3 points)**

TEST CONTINUES ON NEXT PAGE

- 2.4 *For this Question 2.4 only, assume that Bubba died before Paul.* What does Tommy inherit? Explain fully. (3 points)
- 2.5 Is the \$10,000 bequest to Dan valid? Explain fully. (4 points)
- 2.6 What, if anything, does Veronica inherit, and how? Explain fully. (5 points)
- 2.7 *For this Question 2.7 only, assume that Paul's will does not include paragraph 7 or otherwise mention Veronica by name.* What grounds, if any, might Rachel (through her legal guardian) have to attack any or all of the bequests in Paul's will? Explain fully. (6 points)
- 2.8 Does Rachel (through her legal guardian) have any grounds to attack the trust? Explain fully. (5 points)
- 2.9 Stan has a judgment against him for defaulting on a car loan last year. Can the judgment creditor collect from the trust at this time? Explain fully. (2 points)
- 2.10 If Stan validly renounces the bequest of tools and vehicles, will he still receive a portion of the residue of Paul's estate in trust? Explain fully. (2 points)
- 2.11 What affect, if any, does the divorce action have upon Quinn's bequest and appointments in the testament? (3 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2024**

QUESTION 3 (20 POINTS)

Each of the following ten multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Trusts; alienation
- 3.2 Donations; premature gift
- 3.3 Beneficiaries of testamentary trusts
- 3.4 Delegation of testamentary legacies
- 3.5 Conflict of laws
- 3.6 Form of testament
- 3.7 Form of trusts
- 3.8 Undue influence
- 3.9 Olographic testament; form
- 3.10 In terrorem clauses

[End of Question 3]
END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2023**

QUESTION 1 (40 POINTS)

Mike married Nancy in 1995 in New Orleans. Mike and Nancy had two children: Owen, who is 28 years old, and Perry, who died last year when he was 22 years old. Owen has one daughter, Rosemary. Perry left behind one son, Saul; one daughter, Tina; and their mother who is also Perry's girlfriend, Quinn. At Mike and Nancy's 10th wedding anniversary party, Mike's mother handed them a lottery ticket, which turned out to be a winning ticket for which Mike and Nancy received over \$10 million. They kept these winnings in a joint account separate from anything else. Mike and Nancy lived in a home in Lafayette Parish that Mike inherited as his separate property from his grandfather (the "Family Home").

Mike died intestate last month at the age of 52. He is survived by Nancy, Owen, Quinn, Rosemary, Saul, Tina and Mike's sister Laura. Nancy waited until the next day to tell any of the family members that Mike had died.

At the time of Mike's death, Mike and Nancy had the following property as part of their community property: a 2017 Lexus sedan, a 2018 Ford sedan, a condominium in New Orleans (the "Condo") and the remaining proceeds in their account from their lottery winnings.

At the time of his death, Mike owned as his separate property not only the Family Home but also a Peugeot station wagon that Mike bought in high school and a 1/250th royalty interest in oil-producing property located in Vermilion Parish (the "Oil Tract"). For years, Mike's royalty interest in the Oil Tract has steadily produced around \$3,000 each month.

Mike had no debts at the time of his death, and no one entitled to any portion of Mike's estate renounced any interest in his estate.

Please answer the following seven subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

- 1.1 Upon Mike's death, who owned interests in the Family Home; and in what proportions? Explain. (10 points)**
- 1.2 Upon Mike's death, who owned an interest in each of the three vehicles (the Lexus, Ford and Peugeot); and in what proportions? Explain. (10 points)**
- 1.3 Assume for this question 1.3 only that on Owen's birthday just weeks before Mike's death, Mike and Nancy handed to Owen an envelope containing the keys to the Condo and a signed note stating "Happy Birthday. The Condo is yours." Upon Mike's death, who owned the Condo, and in what proportions? Explain. (4 points)**
- 1.4 Assume for this question 1.4 only that on Owen's birthday just weeks before Mike's death, Mike and Nancy validly donated the Condo to Owen and that, on the day Mike died, Owen mailed to Mike and Nancy a card thanking them for the Condo and stating that he did not need and would not accept anything else from them ever again. At Mike's funeral the following week, Owen told his mother: "What I said in that card last week still stands." Is Owen's renunciation valid? Explain. (6 points)**
- 1.5 Was the donation of the lottery ticket to Mike and Nancy valid? Explain. (3 points)**
- 1.6 Who is entitled to the royalty proceeds paid on production from the Oil Tract after Mike's death; and in what proportions? Explain. (3 points)**
- 1.7 Assume solely for Question 1.7 that Owen validly renounced whatever interest he had in Mike's estate. Who succeeds to the interest that would have gone to Owen but for his valid renunciation; and in what proportion(s)? Explain. (4 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2023**

QUESTION 2 (40 POINTS)

David died last week. He was originally from North Carolina, but met and married his wife, Hope, in Iberia Parish, Louisiana. The couple resided in Iberia Parish until David's death. David was survived by Hope, their daughter Sally (40 years old), their daughter Elizabeth (38 years old), their son Ike (35 years old), David's nephew Koel (20 years old), and two grandchildren, Elizabeth's son Taylor (4 years old, permanently incapacitated due to Down syndrome) and Ike's daughter Charlotte (1 year old); David was also survived by his friend Abe. Koel is the only child of David's brother Jesse, who died in 2015.

On June 15, 2008, David executed a testament, the dispositive provisions of which read as follows in the following order:

1. I appoint Ike the independent executor of my last will and testament. If Ike cannot so serve, I appoint Ike's wife as independent executrix.
2. I leave to my wife Hope all of my interest in the family home I inherited from my father (the "Family Home").
3. I leave my 2005 F-250 truck (the "Truck") to Ike.
4. I leave my pipeline business to Ike and my brother, Jesse.
5. I leave Elizabeth all of my great-grandmother's good china; this is family property, and Elizabeth is to take good care of it and leave it to Ike when she dies.
6. I leave my 2005 F-250 truck (the "Truck") to my friend Abe.
7. Sally never let me stay at her house, so she is out.
8. I leave \$10,000 to the charity of my executor's choice.
9. I leave the residue of my estate equally to Elizabeth and Ike, or the survivor between them.
10. I direct that anything bequeathed herein to Elizabeth be placed in trust with Hope as trustee, for the benefit of Elizabeth. This trust shall be known as the "Elizabeth Trust." Elizabeth shall be the income beneficiary of this trust and shall be entitled to whatever trust income the trustee feels is needed. The trust shall exist for Elizabeth's lifetime, and at her death, its assets shall go to Ike.

This testament was in writing and executed before an attorney during a business trip to Tennessee. Even though it was not executed in the presence of a notary and two witnesses, the testament was in valid form in conformance with the laws of Tennessee. David never executed any further testaments or codicils.

David and Hope divorced in January 2020; they still loved each other, they just could not live together, so neither changed any estate planning documents. In June 2020, Elizabeth was in an accident that left her incurably quadriplegic. Everyone else survived David and was healthy unless otherwise indicated.

Please answer the following ten subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

2.1 Is David's will valid in Louisiana? Explain. (2 points)

TEST CONTINUES ON NEXT PAGE

- 2.2 As executor, Ike chooses to give the \$10,000 bequest to charity to the ASPCA, an organization David vehemently opposed because he disagreed with its policies. Is the bequest valid? Explain. (3 points)
- 2.3 Is the bequest of the Family Home to Hope a valid legacy? Explain. (3 points)
- 2.4 Who inherits the Truck? Explain. (4 points)
- 2.5 Is the bequest of the china a valid legacy? Explain. (4 points)
- 2.6 Who inherits the pipeline business? Explain. (4 points)
- 2.7 *Assume solely for this Question 2.7* that, when Ike finished school, David gave him a note which read “As your dad, I am so proud of you for graduating today; when I die you can have my Rolex watch as your present.” and that the note was written by Hope, but David signed it. Has the note conferred ownership of the Rolex watch to Ike upon David’s death? Explain. (3 points)
- 2.8 Can the trust mentioned in paragraph 10 of David’s testament validly hold Elizabeth’s legacy? Does the trust satisfy any requirements applicable to rights Elizabeth may have in David’s estate? Explain. (8 points)
- 2.9 *Assume solely for this question 2.9* that Elizabeth did not survive the accident and died in June 2020. Does Taylor inherit anything from David? Explain. (5 points)
- 2.10 Sally was upset about her father’s will because she expected to receive some part of his estate when he died. Sally thinks David must not have been thinking clearly when he executed his will. What must Sally prove to challenge David’s will on the grounds of lack of testamentary capacity, and what is the burden of proof? Explain. (4 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2023**

QUESTION 3 (20 POINTS)

Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Donation by ascendant
- 3.2 Dispensation from collation
- 3.3 Effect of child born after execution of testament
- 3.4 Trustee qualifications
- 3.5 Repeated legacy; intent
- 3.6 Olographic testament
- 3.7 Ingratitude
- 3.8 Joint legacy
- 3.9 Legatee/fiduciary as witness
- 3.10 Multiple testators

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2023**

QUESTION 1 (40 POINTS)

Albert and Becky were married to each other and lived together in Louisiana until he died last month. Albert and Becky had four children together during their marriage: Cade (who died a year ago at age 30, having had two children, Ginger and Howard, who are both alive and under the age of 10), Diana (who is now age 28), Eric (who is now age 25), and Francis (who is now age 20). Each of these survivors has always been mentally and physically healthy. Becky as well as Albert's mother, Irene, and his only sibling, June, are also still alive.

Albert never made a will and testament. At the time he died, Albert owned the following property:

- A condominium (the “*Condo*”), which was community property of Albert and Becky and which had a value of \$600,000 at the time of his death; and
- An original vinyl LP of “Love Me Tender,” autographed by Elvis Presley (the “*Elvis Record*”), which was Albert's separate property and which had a value of \$100,000 at the time of his death.

At the time of his death, the total of the debts and liabilities attributed to Albert was \$300,000. Two years before his death, Albert validly gave \$100,000 in cash to Diana.

Please answer the following six subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

- 1.1 Who succeeds to Albert's interest in the Condo; and in what proportions? Explain fully. (10 points)**
- 1.2 Is there a forced portion of Albert's estate; and if so, what is the monetary value of the forced portion? Explain fully. (15 points)**
- 1.3 Francis thinks Diana was treated more favorably than the other children because Diana received a monetary gift from Albert before his death. Francis wants to reduce what Diana receives from the succession. What steps might Francis take in the succession, if any, to prevent Diana from receiving the same share of the Condo and Elvis Record as Francis? Explain fully. (4 points)**
- 1.4 Assume the following facts solely for this Question 1.4. Eric's relationship with Albert had been strained for years because Albert wouldn't financially support him; at every family holiday, Eric announced to the family: “Dad never does anything for me. I don't want anything from him after he dies.” After Albert died, Becky called Eric to tell him that his father had died without a last will and testament. In response, Eric said: “You know how I felt about Dad. I've said it consistently for years.”**
Has Eric validly renounced his interest in Albert's succession? Explain fully. (5 points)
- 1.5 Assume solely for this Question 1.5 that Albert never had any children, but was survived by his wife, Becky, and also by his mother, Irene, and his sister, June. Who inherits the Elvis Record and Albert's share of the Condo? Explain fully. (4 points)**
- 1.6 Assume solely for this Question 1.6 that, before her marriage to Albert, Becky had another child, Karen, who is still alive, and that Albert loved his stepchild and treated her like she was his biological child. Should Karen inherit any interest in the Elvis Record? Explain fully. (2 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2023**

QUESTION 2 (40 POINTS)

Steve, a lifetime domiciliary of Louisiana, died last week at the age of 59. He married his high school sweetheart, Alana, when he was age 19, and they had one son, Luc, when Steve was 29. Steve was divorced from Alana by age 30, and married Kristin when he was 32. No children were born or adopted from this second marriage. Steve made a valid last will and testament on his 40th birthday. Steve is survived by his former wife, Alana; his widow, Kristin; his only child, Luc; and his friend, Brad. All of Steve's siblings and parents died before him.

The dispositive provisions of Steve's valid last will and testament provide the following:

1. I leave my entire antique motorcycle collection to my friend Brad.
2. I leave my home and the cash sum of \$500,000 in a trust for my son Luc, with his mother as trustee.
3. I leave my primary vehicle to my wife.
4. I leave \$100,000 to my sister Stacey, but if she dies first, I leave that sum to a charity to be designated by my executrix.
5. I leave \$5,000 to my son Luc's mother, Alana.
6. I leave everything else to my son Luc.
7. I name Alana my independent executrix.

Both at the time he signed this will and at the time he died, Steve owned five antique motorcycles as his separate property: namely, his antique 1948 Harley Davidson motorcycle, which he drove every day except when it was raining, and four antique Ducati motorcycles, which he drove only occasionally. At that time of his death, he also owned as his additional separate property a 1987 Yugo Hatchback automobile, which was his backup car.

Please answer the following seven subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

- 2.1 In light of Steve's divorce from Alana, is (a) Steve's bequest to Alana valid and (b) Steve's designation of Alana as his independent executrix valid? Explain fully. (5 points)**
- 2.2 Who succeeds to each of Steve's six vehicles (the 1948 Harley Davidson motorcycle, the four Ducati motorcycles, and the 1987 automobile)? Explain fully. (9 points)**
- 2.3 Is the dispositive provision in Steve's will that his executrix designate a charity to receive cash if Stacey dies first, valid? Explain fully. (10 points)**
- 2.4 Is the second dispositive provision in Steve's will sufficient to create a trust under Louisiana law? Explain fully. (4 points)**

Assume solely for Questions 2.5-2.7 below that the trust for the benefit of Luc is valid.

- 2.5 How often must Luc receive trust income? Explain fully. (4 points)**

TEST CONTINUES ON NEXT PAGE

- 2.6 During the administration of the trust for Luc, Luc suffered an uninsured, medical emergency. Because he had no means of paying his medical bills, Luc requested that his mother as trustee pay the bills from Luc's trust assets. Luc's mother Alana is aware that the will makes no provision for invading the trust principal. If Alana wishes to use the trust assets to assist Luc, how should she respond to his request? Explain fully. (4 points)**
- 2.7 Alana informed Luc that administration of Luc's trust is a burden on her and thus that she is going to start charging the trust a fee for her services. Alana has researched commercial trustees and learned that the going rate for trustee services in her community for similar trusts is \$1,500 per year. Because Luc is "family," she informed him that she is going to charge only \$1,000 per year. Luc objected, pointing out that the will makes no provision for compensating the trustee. Who is correct with respect to this issue, Alana or Luc? Explain fully. (4 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2023**

QUESTION 3 (20 POINTS)

Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.

- 3.1 Forced heirs
- 3.2 Inheritance by collateral relatives
- 3.3 Beneficiaries of testamentary trusts
- 3.4 Form of trusts
- 3.5 In terrorem clauses
- 3.6 Effect of adoption on inheritance rights
- 3.7 Joint legacy
- 3.8 Trustees
- 3.9 Conflict of laws
- 3.10 Donations

[End of Question 3]

END OF CIVIL CODE II TEST