

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2020**

QUESTION 1 — 40 POINTS

Helen and James were married and lived in Louisiana. Helen and James had one child during their marriage, Claire. Helen and James divorced 30 years ago.

Following their divorce, Helen and James settled the division of community property. As part of the settlement, James took full ownership of an apartment complex in New Orleans, Louisiana. James promised Helen that he would donate the apartment complex to Claire for her 25th birthday. On her 25th birthday, James told Claire that the apartment complex was hers but that he would continue to manage and operate it on her behalf. James and Claire never signed any paperwork with regard to the complex, but James began to immediately give Claire the rental income, less expenses, collected. Four years ago, Claire died shortly after giving birth to twin boys, Derek and Eric.

A few years after his divorce from Helen, James married Valerie. James and Valerie had two children during their marriage: Wyatt, age 24, and Zander, age 22.

James recently died without a will, while he was still married to Valerie. James was predeceased by his father and his brother (Frank). He is survived by Derek, Eric, Wyatt and Zander and also by his elderly mother (Andra), his sister (Brooke) and a niece (Georgia, Frank's only child).

At the time of his death, James owned the following additional property, all of which is located in Louisiana:

- Community property: His undivided one-half interest in a family home that he and Valerie purchased during their marriage with community funds.
- Separate property:
 - Immovable property known as "Blackacre" donated to James by his mother, Andra;
 - An original George Rodrigue painting, also donated by Andra to James; and
 - A classic Corvette automobile, which James inherited from his father when his father passed away.

Six months before his death, James gave Zander 1,000 baseball cards that James collected during his childhood. James told Zander that he was forever giving the baseball card collection to Zander because James enjoyed discussing baseball with Zander more than anyone else. The baseball card collection was worth over \$50,000.

- 1.1 Who should inherit James' interest in the family home, and in what proportions? Explain fully. (4 points)**
- 1.2 If Valerie remarries after James' death, to what interest, if any, would she be entitled in the family home upon her remarriage? Explain fully. (4 points)**
- 1.3 Did James still own the apartment complex at the time of his death; and who should inherit the apartment complex and in what proportions? Explain fully. (6 points)**

FOR QUESTION 1.4 ONLY, ASSUME THAT WYATT DOES NOT WISH TO INHERIT ANY INTEREST IN BLACKACRE, BUT WANTS TO INHERIT HIS SHARE OF THE OTHER ASSETS IN JAMES' ESTATE.

- 1.4 What steps, if any, are available to Wyatt to accomplish his desire to inherit his share of all of James' estate other than Blackacre? Explain fully. If Wyatt is successful, who inherits interests in Blackacre and in what proportions? Explain fully. (4 points)**

- 1.5 Other than Zander, are any of James' heirs likely to be successful if they assert any interest in James' baseball card collection? Explain fully. (3 points)**

FOR THE PURPOSES OF QUESTION 1.6 ONLY, ASSUME THE FOLLOWING ADDITIONAL FACTS.

James died immediately after Zander shot him. Zander later pled guilty and said he killed James because James said he wanted the baseball card collection back.

- 1.6 What steps, if any, might James' other heirs take to assert an interest in the baseball card collection? When must they take those steps? Explain fully. (4 points)**

FOR THE PURPOSES OF QUESTION 1.7 ONLY, ASSUME THE FOLLOWING ADDITIONAL FACTS.

At the time of James' death, a bank had a valid, final, but unsatisfied judgment against Wyatt for Wyatt's default on a loan from the bank. Wyatt has timely and properly renounced his interest in James' estate. The bank would now like to execute its judgment against Wyatt's inheritance from James.

- 1.7 What options, if any, are available to the bank with respect to Wyatt's inheritance from James? Explain fully. (4 points)**

FOR THE PURPOSES OF QUESTIONS 1.8 AND 1.9 ONLY, ASSUME THAT JAMES NEVER HAD ANY CHILDREN.

- 1.8 Who should inherit James' interest in the family home? Explain fully. (3 points)**

- 1.9 Who should inherit the apartment complex, Blackacre, the original George Rodrigue painting and the classic Corvette; and in what proportions? Explain fully. (8 points)**

[End of Question 1]

**LOUISIANA BAR EXAMINATION
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**QUESTION 2
(40 POINTS)**

Fred died a single man in 2019. He was a lifetime domiciliary of the State of Louisiana. He was previously married to Wanda, from whom he was divorced in 2017, and who survives him. Fred's only children are those of his marriage to Wanda: namely, Leonard, Mary, Nell, and Opie, all of whom survived him. Each of Fred's children is healthy and over 50 years old.

Fred is also survived by two grandchildren, Paul and Teri, who are Opie's children and over the age of 18 years.

Fred settled all community property issues with Wanda, and at the time of his death Fred owned 100% of the assets mentioned in his last will and testament.

Fred left a valid notarial testament, dated 2016, the dispositive provisions of which read in the following order:

1. I leave Wanda all of my interest in my family home.
2. I leave Opie my 2016 Tesla Model S automobile.
3. I leave Nell my signed, first edition of James Joyce's A Portrait of the Artist as a Young Man.
4. I leave Mary my 2010 Stefano Canturi Barbie Doll, which I believe to be worth in excess of \$300,000; if Mary does not survive me, I leave such doll to the Les Cours Mont-Royal Barbie Doll Museum of Montréal, Canada.
5. I leave a cash sum equal to 10% of my gross estate to charity. I direct my executor to select the charities and determine how much each should receive.
6. I leave Mary my 2016 Tesla Model S automobile.
7. I leave Leonard all my books.
8. I leave to Opie and my good friend, Rudolph, all of my interest in Spacely Space Sprockets, LLC (the "LLC Units").
9. I leave the residue of my estate as follows: an undivided one-fourth interest to each of Leonard, Mary, and Nell. I believe Opie has enough money, so I skip him and leave the remaining undivided one-fourth interest to Giant National Bank, N.A., but in trust and as trustee of the Fred Testamentary Trust for the benefit of Paul and Teri (the "Trust"). Each of Paul and Teri shall be equal income and principal beneficiaries of the trust, and I want the trustee to keep separate shares of the Trust for each of Paul and Teri and decide which of them gets Trust income and when. The remaining terms of the Trust shall be provided by the Louisiana Trust Code.

- 2.1 Who should inherit the family home? Explain fully. (4 points)**
- 2.2 Who should inherit the Tesla? Explain fully. (4 points)**
- 2.3 Who should inherit the signed, first edition of James Joyce's A Portrait of the Artist as a Young Man? Explain fully. (4 points)**
- 2.4 With respect to the Barbie Doll, is the substitution of the Les Cours Mont-Royal Barbie Doll Museum of Montréal, Canada a permitted substitution? Explain fully. (4 points)**

- 2.5** Is the charitable bequest of 10% of the gross estate a valid bequest? Explain fully. (4 points)
- 2.6** *Assume for the purpose of this Question 2.6 only that Opie predeceased Fred, dying intestate as a Louisiana domiciliary in 2017. Who should inherit the LLC Units? Explain fully. (4 points)*
- 2.7** In a future year, the trustee determines to distribute \$100,000 of Trust income to Paul and \$50,000 of Trust income to Teri. Teri objects, claiming that although Fred's will permits such unequal Trust income distributions, the Louisiana Trust Code does not sanction such inequality. Is Teri's assertion correct? Explain fully. (4 points)
- 2.8** What is the maximum term of the Trust? Explain fully. (4 points)
- 2.9** In a future year, the Trustee determines that Teri is near destitute, has no medical coverage of any kind, and needs an expensive medical procedure. How much (if any) of the trust principal may be used for Teri's medical care, and may the Trustee rely solely on its own discretion in making any invasion of principal? Explain fully. (4 points)
- 2.10** Teri resents the fact that her inheritance is in trust. She and Paul agree that Paul will buy her interest in the Trust. The Trustee opposes this transaction. Must the Trustee recognize such sale? Explain fully. (4 points)

[End of Question 2]

**LOUISIANA BAR EXAMINATION
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QUESTION 3 -- 20 POINTS

The following subject matters were tested in this multiple choice section:

Competency of witnesses to testaments
Conflict of laws
Disinherison by parents
Donations
Effect of child born after execution of testament
Form of testament
Form of trusts (2 questions)
Inheritance of installment obligation
Undue influence on donations

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION
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JULY 2019**

QUESTION 1 -- 40 POINTS

James and Carla were high school sweethearts. Upon graduation, they lived together in Lake Charles, Louisiana for several months and then split up. Shortly after they split, Carla learned that she had just become pregnant; as she had never had sex with anyone other than James, she knew that James was the father, but she did not tell James. Carla moved to Ruston, Louisiana and gave birth to James' son, Anthony. No one is listed on Anthony's birth certificate as the father.

After going home from the hospital with Anthony, Carla decided she missed James and called and told him about Anthony, including that Anthony was his son. Carla and James decided to rekindle their relationship, and Carla and Anthony moved back to Lake Charles to live with James. Two years later, James and Carla married and promptly purchased as their community property a home they named Whiteacre. But soon thereafter, they decided to separate again. Carla and James each moved to new homes in Lake Charles and agreed to share custody of Anthony. Neither initiated custody proceedings because they were happily co-parenting Anthony. Carla soon began to date Trevor, and James began to date Donna. Neither Carla nor James ever filed for or pursued divorce proceedings and, therefore, a divorce judgment was never granted.

A few years later, Carla delivered her second child, Sarah. Carla told everyone, including James, that Trevor is Sarah's father. Neither James nor Trevor signed any document concerning Sarah. James assumed everyone knew he was not Sarah's father since he saw Carla only on occasions with Anthony. Nonetheless, because Sarah and Anthony were very close, Sarah would often accompany Anthony during the times Anthony would stay with his father. Trevor did not keep in touch with Sarah or Carla. Sarah grew up seeing James as a father figure and continued to communicate with James even after she became an adult.

Shortly after Sarah was born, Donna moved in with James and became pregnant. However, Donna was also secretly seeing Eddie. James' family found out about Eddie. Before Donna had the baby, his family warned James and told him to confirm paternity before signing the birth certificate as the baby's father. Donna gave birth to Ben and, disregarding the warnings of his family, James signed the birth certificate as Ben's father. As Ben got older, he began to look like Eddie. James knew in his heart that Ben was not his son; nonetheless, James treated and loved Ben like his own.

Last week, James died in a fatal car accident. When James died, Anthony was 31 years old, Sarah was 24 years old and Ben was 21 years old. James' mother also survived James. At the time of his death, James owned (among other things) a Harley Davidson motorcycle as his separate property.

1.1. Is James presumed to be the father of:

- (a) Anthony?
- (b) Sarah?
- (c) Ben?

Explain fully as to each. (9 points)

For questions 1.2.-1.3., assume that James died without a will and that his only children were Sarah and Ben.

1.2. What interest, if any, did each of Ben, Sarah, Carla and James' mother inherit of:

(a) the motorcycle?

(b) Whiteacre?

Explain fully. (12 points)

1.3. What, if anything, must Anthony do to establish his right to inherit from James? By when must Anthony do so? What will Anthony's burden of proof be? Explain fully. (5 points)

For question 1.4. only, assume that James had duly filiated each of Anthony, Sarah and Ben and that James left the following will, which is valid in form:

I have always known that Anthony is my only biological child. I am not Ben's biological father, and everyone has always known that Sarah is not my biological child. Upon my death, I want Anthony to have and I bequeath to him all of my property.

1.4. As to each of Anthony, Sarah and Ben, what share of James' estate is each child entitled to receive? Explain fully. Address whether the legacy to Anthony is null or subject to reduction, and how does Sarah or Ben assert any rights he or she may have to James' estate. (14 points)

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION
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JULY 2019**

QUESTION 2 -- 40 POINTS

**PART A
(16 POINTS)**

Mandy was a lifetime domiciliary of the State of Louisiana. She had four children with her husband, Frank: Lisa, Herbert, Zelda, and Cary.

Mandy left a valid notarial testament, dated 2012, the dispositive provisions of which read in the following order:

1. I leave Frank all of my interest in the family home (the "Family Home").
2. I leave Herbert my vintage 1939 BMW Type 255 Kompressor Motorcycle (the "BMW Bike"); if Herbert does not survive me, I leave such vehicle to the BMW Museum of Munich, Germany.
3. I leave my 2011 Lexus 460 (the "Lexus") to Cary.
4. I leave a cash sum equal to 10% of my gross estate to charity. I direct my executor to select the charities and determine how much each should receive.
5. I leave my 2011 Lexus 460 (the "Lexus") to Zelda.
6. I leave my 100 shares of the common stock of Apple Inc. to Lisa.
7. I leave the residue of my estate to the Unification Church of the United States.

In 2014, Mandy divorced Frank, and they never reconciled.

Mandy died in 2018 and was survived by Frank and also by her four children, none of whom is a forced heir. At the time of Mandy's death, she owned all of the assets listed in her will; however, the Apple, Inc. stock had split in 2015, so she died owning 200 shares.

- 2.1. Who inherits the Family Home? Explain fully. (4 points)**
- 2.2. With respect to the BMW Bike, is the substitution of the BMW Museum of Munich, Germany a permitted substitution under the Louisiana Civil Code? Explain fully. (3 Points)**
- 2.3. Who inherits the Lexus? Explain fully. (3 points)**
- 2.4. Is the charitable bequest of 10% of the gross estate a valid bequest? Explain fully. (3 points).**
- 2.5. Who inherits the 200 shares of Apple, Inc. stock? Explain fully. (3 points)**

TEST CONTINUES ON NEXT PAGE

PART B
(24 POINTS)

Fred died in 2018. He was a domiciliary of Louisiana. His spouse predeceased him, and he is survived by his daughter, Agatha, his son, Brian, and Debra and Eric, who are the children of his predeceased daughter, Carol. Fred left no forced heir. Fred left a valid Louisiana notarial testament, containing the following residuary legacy:

I leave the residue of my estate to my mother, Mom, but in trust and as trustee of the Fred Testamentary Trust (the "Trust"), hereby established. My friend, Susan, shall enjoy the income of the Trust for the remainder of her life. The principal beneficiaries of the Trust shall be Agatha, Brian, and Carol, in equal shares. The Trust shall last for two hundred years and shall be a spendthrift trust.

Mom predeceased Fred.

- 2.6. Is the Trust invalid because the trustee predeceased the settlor? If the Trust is determined to be valid, who is to act as trustee? Explain fully. (3 points)**
- 2.7. Who is entitled to Carol's interest in the Trust? Explain fully. (3 points)**
- 2.8. How often must Susan receive Trust income? Discuss. (3 points)**
- 2.9. Following Susan's death, what happens to the Trust income? Discuss. (3 points)**
- 2.10. Agatha has money judgments against her from Acme Bank for default on a loan and from her former husband for failure to pay child support. Are these creditors able to satisfy Agatha's judgment debts from her interest in the Trust? Discuss. (4 points)**
- 2.11. What is the maximum term of the Trust? Discuss. (6 points)**
- 2.12. Which court is the proper court for actions regarding funding of the Trust? Discuss. (2 points)**

[End of Question 2]

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QUESTION 3 -- 20 POINTS

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

- 3.1. Collation
- 3.2. Joint legacy
- 3.3. Requirements for donations inter vivos
- 3.4. Conflict of laws
- 3.5. Ingratitude
- 3.6. Intestate succession of immovable property
- 3.7. Donations
- 3.8. Competency of witnesses to testaments
- 3.9. Inheritance by collateral relatives
- 3.10. Effect of child born after execution of testament

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA BAR EXAMINATION
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FEBRUARY 2019**

QUESTION 1 - 40 POINTS

Cedric and his wife, Felicia, were married in Louisiana and domiciled in Louisiana for their entire marriage. They never executed a matrimonial agreement. Cedric and Felicia had three children: Keira, Stuart, and Vern. Cedric had no other children. Three years ago, Vern died, leaving his spouse, Wanda, and three children: Daphne, Edna, and Gertrude.

Cedric died without a will in Louisiana on August 1, 2017. He is survived by Felicia, Keira, Stuart, Wanda, Daphne, Edna and Gertrude. Cedric is also survived by his mother, Harriet, and his only sibling, Beatrice. Cedric left no forced heirs. At the time of his death, Cedric owned the following property located in Louisiana:

- Community Property: his undivided one-half interest in a home (the “Family Home”) that he and Felicia purchased during their marriage with community funds.
- Separate Property: naked ownership of an undivided one-fourth interest in a farm (the “Farm”) that he inherited from his father and that is subject to the usufruct of Harriet.
- Separate Property: certain timberland (the “Timberland”) purchased by Cedric prior to his marriage to Felicia.

- 1.1. Who succeeded to Cedric’s interest in the Family Home? Explain fully. (12 Points)**
- 1.2. For question 1.2 only, assume that Keira does not wish to be in the chain of title to the Family Home.**
- A. What action must she take to effectuate her wish, and what are the legal requirements for such action? Explain fully. (6 Points)**
- B. May Keira inherit a portion of Cedric’s interest in the Farm if she takes the necessary action to effectuate her wish not to be in the chain of title to the Family Home? Explain fully. (3 Points)**

FOR QUESTIONS 1.3. AND 1.4. ONLY, assume that Felicia married Art on September 1, 2017.

- 1.3. What effect, if any, does Felicia’s marriage to Art have on ownership of the Family Home? Explain fully. (4 Points)**
- 1.4. FOR QUESTION 1.4. ONLY, also assume that Felicia gave birth to Olivia on April 8, 2018. Under these circumstances, who succeeds to Cedric’s interest in the Farm? Explain fully. (7 Points)**

FOR QUESTIONS 1.5. AND 1.6. ONLY, assume that Cedric never had any children.

- 1.5. Who succeeds to Cedric’s interest in the Family Home? Explain fully. (4 Points)**
- 1.6. Who succeeds to Cedric’s interest in the Timberland? Explain fully. (4 Points)**

[End of Question 1]

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**LOUISIANA BAR EXAMINATION
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QUESTION 2 - 40 POINTS

Mary died last month. She lived in Louisiana her entire life. She divorced Todd in 2015 and never married again.

Todd is still alive, as are her only children: Ursula, Larry, Harry, Zeb, and Betty. None of her children is a forced heir.

Mary left a valid notarial testament, signed in 2013, the dispositive provisions of which read in the following order:

1. I appoint Todd the independent executor of my last will and testament. If Todd cannot so serve, I appoint Ursula as the independent executrix of my last will and testament. If Ursula cannot so serve, I appoint Harry as independent executor of my last will and testament.
2. I leave Todd my farm Blackacre.
3. I leave Harry my vintage 1968 Corvette (the “Corvette”); if Harry does not survive me, I leave such vehicle to the National Corvette Museum of Bowling Green, Kentucky.
4. I leave my 2012 Toyota Avalon (the “Avalon”) to Zeb.
5. I leave my interest in ACME Brick, L.L.C. to Harry and my good friend Doug.
6. I leave a cash sum equal to 10% of my gross estate to charity. I direct my executor to select the charities and determine how much each should receive.
7. I leave my 2012 Toyota Avalon (the “Avalon”) to Larry.
8. I leave the residue of my estate to my children, in equal shares, provided, however, the legacy to Betty shall be made to the Smith Law Firm, APLC, but in trust and as trustee for the benefit of Betty. This trust shall be known as the “Betty Trust”. Betty shall be both income and principal beneficiary of this trust, and the trustee shall distribute such of the income and the principal of the trust to or for the benefit of Betty as it deems appropriate. This trust shall terminate on Betty’s death.

This document was in writing, dated, signed by Mary on each page and at the end, bore the appropriate attestation clause, and was executed by Mary in the presence of a notary public and two witnesses, namely, the notary’s secretary and Ursula’s husband, Robert, who had driven Mary to the notary’s office. At the time of her death, Mary owned as her separate property all of the property described in her 2013 will.

Please answer the seven subquestions which follow on the next page.

- 2.1. What percentage, if any, of Blackacre did Ursula inherit? Explain fully. (9 Points)**
- 2.2. Who should petition the court to be appointed Mary's independent executor or executrix? Explain fully. (6 Points)**
- 2.3. Is the substitution of the National Corvette Museum for Harry a permitted substitution under the Louisiana Civil Code? Explain fully. (3 Points)**
- 2.4. Who inherited the Avalon? Explain fully. (3 Points).**
- 2.5. Is the charitable bequest of 10% of the gross estate a valid bequest? Explain fully. (3 Points).**
- 2.6. Is the residuary bequest for the benefit of Betty a valid testamentary bequest in trust, and can Smith Law Firm, APLC serve as trustee of the Betty Trust? Explain fully. (10 Points)**

FOR QUESTION 2.7 ONLY, ASSUME THE FOLLOWING:

Mary's friend, Doug, died without a will in 2016 as a Louisiana domiciliary, leaving as his sole heir his daughter, Carmen.

- 2.7. Who inherited Mary's interest in ACME Brick, L.L.C.? Explain fully. (6 Points)**

[End of Question 2]

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**LOUISIANA BAR EXAMINATION
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FEBRUARY 2019**

QUESTION 3 - 20 POINTS

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

- 3.1. Intestate succession of immovable property
- 3.2. Ingratitude
- 3.3. Donations
- 3.4. Donations
- 3.5. Trusts; alienation
- 3.6. Form of testaments
- 3.7. Conflict of laws
- 3.8. Collation
- 3.9. Form of olographic testament
- 3.10. Form of testaments

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION
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JULY 2018**

QUESTION 1 — 40 POINTS

Harry lived his entire life in Shreveport, Louisiana (Caddo Parish). Harry was married twice. He never executed a matrimonial agreement with either spouse.

His first marriage was to Betty. After living separate and apart for 180 days, Harry and Betty then divorced over thirty years ago. Betty married Robert one month following her divorce from Harry, and eight months later gave birth to Elizabeth. A few days after Elizabeth turned one year old, Harry received a letter from Betty stating: “Just so you know: Elizabeth is your child, but Robert and I are raising her as our own.” Harry never responded to Betty’s letter, never took any action with respect to Elizabeth, and never even met her.

Harry later married Karen and had three children with her:

- Doreen, age 48, who is unmarried and has no descendants.
- Joy, who predeceased Harry, leaving two children, Wanda and Veronica, both of whom are 25 years old.
- Lewis, age 35, who is unmarried and has no descendants.

Doreen, Lewis, Wanda and Veronica are all mentally and physically healthy.

Harry recently died intestate, while he was still married to Karen. He is survived by Betty, Karen, Elizabeth, Doreen, Lewis, Wanda and Veronica and also by his elderly mother, Margaret, and his brother, Thomas.

At the time of his death, Harry owned the following property located in Caddo Parish, Louisiana:

- Community Property: his undivided one-half interest in a home (the “Family Home”) that he and Karen purchased during their marriage with community funds.
- Separate Property: immovable property known as “Blackacre,” which he had purchased before he married Betty.
- Separate Property: immovable pastureland (the “Farm”) as well as various movable farm equipment on the Farm (the “Farm Equipment”), all of which Margaret had donated to Harry.

Following Harry’s death, his succession representative filed a disavowal action with respect to Harry’s putative parentage of Elizabeth.

Please answer the nine subquestions on the next page. All subquestions in Question 1 are worth up to four points except subquestion 1.4 which is worth up to eight points. Explain each answer; an answer without an explanation will receive no credit.

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1.1. Is Elizabeth entitled to inherit from Harry? Discuss. (4 points)

ASSUME FOR QUESTIONS 1.2 TO 1.6 (IRRESPECTIVE OF YOUR ANALYSIS IN 1.1 ABOVE) THAT ELIZABETH PREDECEASED HARRY WITHOUT ANY DESCENDANTS.

1.2. Who should inherit Harry's interest in the Family Home and in what proportions? Discuss. (4 points)

1.3. If Karen remarried after Harry's death, to what interest would she be entitled in the Family Home upon her remarriage? Discuss. (4 points)

FOR SUBQUESTION 1.4 ONLY, ASSUME THAT:

- **HARRY'S INTEREST IN ALL OF HIS ASSETS HAD A VALUE OF \$1 MILLION AT THE TIME OF HIS DEATH;**
- **AT THE TIME THE SUCCESSION ADMINISTRATOR COMPLETED THE ESTATE ADMINISTRATION AND DISTRIBUTED THE ASSETS TO THE HEIRS PURSUANT TO THE JUDGMENT OF POSSESSION, THE VALUE OF THOSE ASSETS HAD INCREASED TO \$1.2 MILLION, WHICH IS THE TOTAL VALUE OF THE ASSETS RECEIVED BY HARRY'S HEIRS;**
- **NO OTHER ASSETS ARE UNDER ADMINISTRATION; AND**
- **AFTER THE JUDGMENT OF POSSESSION AND THE DISTRIBUTION OF ASSETS, A CREDITOR OF HARRY ASSERTED AND ESTABLISHED A CLAIM IN THE AMOUNT OF \$1.5 MILLION.**

1.4. What is Veronica's liability, if any, for Harry's \$1.5 million debt? Discuss. (8 points)

FOR SUBQUESTION 1.5 ONLY, ASSUME THAT DOREEN DOES NOT WISH TO INHERIT ANY INTEREST IN BLACKACRE BUT WANTS TO INHERIT HER SHARE OF THE OTHER ASSETS IN HARRY'S ESTATE.

1.5. What steps, if any, are available to Doreen to accomplish her desire to inherit her share of all of Harry's estate other than Blackacre? Discuss. If she is successful, who inherits interests in Blackacre and in what amount? (4 points)

FOR SUBQUESTION 1.6 ONLY, ASSUME THAT WANDA IS INDEBTED TO BANK, WHICH OBTAINED A JUDGMENT AGAINST HER FOR AN UNPAID NOTE AND THAT SHE DOES NOT WISH FOR BANK TO SEIZE HER INHERITANCE FROM HARRY AND THUS MAKES A TIMELY, EXPRESS, AND WRITTEN RENUNCIATION OF HER INHERITANCE FROM HARRY.

1.6. What options, if any, are available to Bank with respect to Wanda's inheritance from Harry? Discuss. (4 points)

FOR SUBQUESTIONS 1.7, 1.8 AND 1.9 ONLY, ASSUME THAT HARRY NEVER HAD ANY CHILDREN.

1.7. Who should inherit Harry's interest in Blackacre? Discuss. (4 points)

1.8. Who should inherit Harry's interest in the Family Home? Discuss. (4 points)

1.9. Who should inherit the Farm and the Farm Equipment? Discuss. (4 points)

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION
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JULY 2018**

QUESTION 2 — 40 POINTS

Duncan died August 10, 2017. He was a domiciliary of the State of Louisiana. He divorced Jordan in 2012. They never reconciled.

Duncan had five children: Brooke, born January 3, 1988; George and Fred, both born June 14, 1990; Ernie, born October 3, 1992; and Anne, born July 19, 1995. Duncan also had three grandchildren: Lisa and Hailey, both born of Brooke; and Vernon, born of Anne.

On May 1, 2010, Duncan signed a testament, the dispositive provisions of which read as follows in the following order:

1. I appoint Jordan the independent executrix of my last will and testament. If Jordan cannot so serve, I appoint Brooke as independent executrix.
2. I leave Jordan all of my interest in the family home (the “Family Home”).
3. I leave my 2009 Honda Accord automobile (the “Accord”) to George.
4. I leave my interest in ACME Brick, L.L.C. to Brooke and my good friend Tom.
5. I leave Brooke my grandmother’s sterling silver service (“Granny’s Silver”). Brooke is to take good care of Granny’s Silver and at her death deliver it to Lisa and Hailey.
6. I leave my 2009 Honda Accord automobile (the “Accord”) to Fred.
7. I leave the residue of my estate to Brooke, George, Fred, and Ernie, in equal shares.
8. Because Anne married outside our faith and against my direct wishes, I hereby disinherit her. I know she was 18 years old and an adult at the time of her marriage, but she knew I did not approve of the marriage. In the event the laws of Louisiana require me to leave some legacy to Anne, I direct that such legacy for her benefit be made in trust to TrustCo, but in trust and as trustee for the benefit of Anne. This trust shall be known as the “Anne Trust.” Anne shall be the income beneficiary of this trust and shall be entitled to whatever trust income applicable law requires she receive. The trust shall exist for Anne’s lifetime, and at her death, its assets shall go to Brooke, George, Fred, and Ernie, in equal shares.

This document was typewritten, dated May 1, 2010, signed by Duncan on each page and at the end, and bore the attestation clause appearing in Civil Code Article 1577. The document was executed in the presence of a notary public and two witnesses, namely, the notary’s secretary and the secretary’s daughter, who was seventeen years old at the time of execution. Duncan never executed any further testaments or codicils.

Duncan’s friend Tom died intestate in 2015 and was survived by his only child Sonny.

All of Duncan’s descendants are still alive, as are his ex-wife Jordan and his friend Tom’s son, Sonny.

Please answer the nine subquestions on the next page. All subquestions in Question 2 are worth up to four points except subquestion 2.9 which is worth up to eight points. Explain each answer; an answer without an explanation will receive no credit.

TEST CONTINUES ON NEXT PAGE

2.1. Is Duncan’s testament in valid form? Discuss. (4 points)

ASSUME FOR THE REMAINDER OF QUESTION 2 THAT DUNCAN’S TESTAMENT IS IN VALID FORM.

2.2. Is the bequest of the Family Home to Jordan a valid legacy? Discuss. (4 points)

2.3. Who should inherit the 2009 Honda Accord automobile? Discuss. (4 points)

2.4. Is the bequest of Granny’s Silver a valid legacy? Discuss. (4 points)

2.5. Who should inherit the ACME Brick, L.L.C. membership interest? Discuss. (4 points)

2.6. One month before he died, Duncan purchased a 1938 Rolls Royce Wraith motorcar (the “Rolls”). Duncan was storing the Rolls in a commercial garage at the time of his death. None of his children knew he had purchased the Rolls, and it was discovered by the succession representative only when he received a rental invoice from the garage. After the Rolls was discovered, Duncan’s son Ernie produced and delivered to the succession representative a typed, properly executed Act of Donation and Acceptance, in authentic form and dated August 29, 2015, which read in relevant part: “I hope one day to find a 1938 Rolls Royce Wraith for sale and buy it. If I do, I hereby donate that motorcar to my son, Ernie.” Following this statement, Ernie formally accepted the donation, and the document then reads as follows: “THUS DONE AND PASSED in my office at Baton Rouge, Louisiana, on this 29th day of August, 2015, in the presence of the undersigned competent witnesses and notary after reading of the whole,” followed by the signatures of Duncan, Ernie, two competent witnesses, and a notary public.

Did Duncan make a valid inter vivos or testamentary donation of the Rolls to Ernie? Discuss. (4 points)

2.7. Has Duncan effectively disinherited Anne? Discuss. (4 points)

FOR THE REMAINDER OF QUESTION 2, ASSUME THAT DUNCAN NEVER SOUGHT TO DISINHERIT ANNE AND THUS THAT DUNCAN HAD OMITTED THE FIRST TWO SENTENCES FROM PARAGRAPH 8 OF HIS LAST TESTAMENT.

2.8. What portion, if any, of Duncan’s estate should Anne inherit? Discuss. (4 points)

2.9. Should the Anne Trust fail? Discuss. (8 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2018**

QUESTION 3 — 20 POINTS

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

- 3.1. liabilities of a trustee

- 3.2. devolution of separate property

- 3.3. form of trusts

- 3.4. ingratitude as a basis for not inheriting

- 3.5. form of testaments

- 3.6. conflict of laws

- 3.7. delegation of testamentary legacies

- 3.8. presumption of paternity for inheritance purposes

- 3.9. termination of trusts

- 3.10. collation

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION — CIVIL CODE II
FEBRUARY 2018**

QUESTION 1 — 40 POINTS

Fred died intestate last month. At the time of his death, he was domiciled in Louisiana and was married to Marge. They never executed a matrimonial agreement.

Fred had two children during his marriage with Marge: Steven and Doris, neither of whom is a forced heir. Well before his marriage to Marge, Fred fathered a child, Mike. Mike was given up for adoption shortly after his birth, and Fred has neither seen nor talked to Mike.

Fred is survived by Marge, Steven, Doris and Mike and also by Fred's brother, Brian, and Fred's mother, Gran. Fred is also survived by his predeceased sister Carlotta's husband, Marvin, and her two children, Nicole and William.

At the time of his death, Fred owned the following property:

- A home (the "Family Home") that he and Marge purchased during their marriage with community funds.
- A brokerage account (the "Brokerage Account") established by Fred and Marge during their marriage which was funded by a portion of each of their salaries.
- Naked ownership of one-sixth of Blackacre, the farm and residence where Fred was raised and where Gran still lives. Fred inherited this interest from his father while Fred was married to Marge.
- Naked ownership of one-sixth of Whiteacre, an industrial parcel. Fred inherited this interest from his father while Fred was married to Marge. Whiteacre, a former refinery, is abandoned and heavily polluted.
- A gold watch (the "Watch") given to Fred by his father.
- A signed, first edition of Kurt Vonnegut's novel, *Slaughterhouse-Five*.
- A vintage Mustang automobile (the "Mustang") that a friend donated to Fred on his fortieth birthday.
- An Albert Bierstadt western landscape painting (the "Bierstadt").

1.1. Who inherits Fred's one-half community interest in the Family Home? Discuss. (4 points)

1.2. What rights, if any, does Marge have in Blackacre? Discuss. (4 points)

1.3. What might the successors to Fred's interest in Whiteacre do to avoid being in the chain of title to the polluted property? Discuss. (4 points)

1.4. If some of the successors to Whiteacre take the steps necessary to avoid being in the chain of title to Whiteacre, are they precluded from inheriting any interest in Blackacre? Discuss. (4 points)

FOR QUESTIONS 1.5. AND 1.6. ONLY, ASSUME THAT FRED NEVER FATHERED ANY CHILDREN

1.5. Who inherits Fred's interest in the Brokerage Account? Discuss. (4 points)

1.6. Who inherits Fred's interest in the Mustang? Discuss. (4 points)

TEST CONTINUES ON NEXT PAGE

FOR QUESTIONS 1.7. TO 1.10. BELOW, ASSUME THAT FRED DID NOT DIE INTTESTATE BUT INSTEAD DIED WITH A VALIDLY EXECUTED LAST WILL AND TESTAMENT, THE DISPOSITIVE PROVISIONS OF WHICH READ AS FOLLOWS:

1. I leave my interest in our Family Home to Marge.
2. I leave my signed, first edition of Kurt Vonnegut's *Slaughterhouse-Five* to Brian.
3. I leave my Mustang to Steven.
4. I leave my Watch to Steven. At his death, I hope he gives it to his son, or, if he has no son, to William.
5. I leave Doris all my books, records, and collectable coins and stamps.
6. I leave my Mustang to Nicole.
7. I leave my Bierstadt to Doris. If Doris predeceases me or renounces this bequest, the Bierstadt shall go to the American Museum of Western Art in Denver, Colorado.
8. I name Marge as my executor. I direct that the residue of my estate be divided into two equal shares: the first share shall go to such of my children, in whatever shares, as my executor, in her sole discretion, shall determine; the second share shall go to such public charities, in whatever shares, as my executor, in her sole discretion, shall determine.

- 1.7. Is the disposition of Fred's Watch an invalid prohibited substitution? Discuss. (4 points)**
- 1.8. Who inherits the signed, first edition of Kurt Vonnegut's *Slaughterhouse-Five*, and who inherits the Mustang? Discuss. (4 points)**
- 1.9. Does Fred's will validly dispose of the residue of his estate? Discuss. (4 points)**
- 1.10. If Doris had predeceased Fred, would the bequest of the Bierstadt to the American Museum of Western Art be valid? Discuss. (4 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION — CIVIL CODE II
FEBRUARY 2018**

QUESTION 2 — 40 POINTS

Delores died in Harris County, Texas earlier this month. She never married. She had five children, each of whom survived her and have always lived in Caddo Parish, Louisiana:

- Frieda, who was age 35 at the time of Delores' death.
- Lynette, who was age 33 at the time of Delores' death.
- Stan, who was age 30 at the time of Delores' death.
- Wilbur, who was age 27 at the time of Delores' death.
- Sally, who was age 23 at the time of Delores' death.

Delores was born and lived in Caddo Parish until ten years ago when she had a falling out with her children and moved to Harris County, Texas. Each of Delores' children is healthy except Stan who, before Delores' death, suffered a permanent brain injury giving him the mental age of a three-year old.

Two years ago, Delores executed a will in Harris County, Texas leaving her entire estate to a public charity (the "Charity"). This will was written and in proper Texas form; however, it lacked the attestation clause required under Louisiana Civil Code Article 1577.

At the time of her death, Delores' only asset was 500 acres of immovable property in DeSoto Parish, which she had inherited from her father prior to her move to Harris County, Texas. Delores never made any *inter vivos* donations.

The Charity probated Delores' will in Harris County, Texas and recorded an exemplified copy of the Order of Probate in the conveyance records of DeSoto Parish.

- 2.1. Is Delores' will valid in Louisiana? Discuss. (5 points)**
- 2.2. Is the recordation of an exemplified copy of the Texas probate order in the DeSoto Parish conveyance records sufficient to place the Charity in possession of any interest in the DeSoto Parish property? Discuss why or why not; and if not, discuss what further procedural steps are required. (5 points)**
- 2.3. What interest in the DeSoto Parish property is each of the following parties entitled to receive from Delores' succession: the Charity, Frieda, Lynette, Stan, Wilbur and Sally? Discuss as to each such party. (25 points)**
- 2.4. In the event Frieda wishes to challenge Delores' will on the grounds of lack of testamentary capacity, what burden of proof must she meet? Discuss. (5 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION — CIVIL CODE II
FEBRUARY 2018

QUESTION 3 — 20 POINTS

Ten multiple choice questions, each worth 2 points, tested the following areas of law:

- 3.1. Trusts; alienation
- 3.2. Competency of witnesses to testaments
- 3.3. Form of trusts
- 3.4. Form of testament
- 3.5. Joint legacy
- 3.6. Representation of trust beneficiaries
- 3.7. Distribution of legacies
- 3.8. Filiation
- 3.9. Donations
- 3.10. Trust formation

[End of Question 3]

END OF CIVIL CODE II TEST