

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
JULY 2021**

QUESTION 1 (100 POINTS)

**PART A
(50 Points)**

Xavier, a lifelong Louisiana domiciliary, died intestate. He never married and never had any children. His parents, Oscar and Nancy, both predeceased him. Oscar's parents, Paul and Queenie, both predeceased Xavier. Paul's mother, Tessie predeceased Xavier, and Paul's father, Steve, survived Xavier. Nancy's father, Uriah predeceased Xavier, and Nancy's mother, Roxanne, survived Xavier. Xavier had no other relations either by affinity, consanguinity or adoption.

Xavier owned just the following assets when he died: farm property in Lafourche Parish known as "Blackacre," a \$1 million cash account standing in his name, a condominium in New Orleans, and an antique car.

1.1 Who succeeds to Xavier's interest in Blackacre? Explain fully. (10 Points)

1.2 For purposes of this Question 1.2 only assume that both Steve and Roxanne also predeceased Xavier. How should Xavier's interest in Blackacre be distributed? Explain fully. (10 Points)

For Questions 1.3 through 1.5 only, assume the following:

Xavier died with a valid last will and testament, the dispositive provisions of which read as follows:

1. I devise my New Orleans condo to my friend, Trevon Truxillo.
2. I bequeath one-half of the cash standing in my name to the Orleans Parish Animal Rescue Society.
3. I bequeath one-half of the cash standing in my name to my confidant and pastor, the Reverend John Smith.
4. I bequeath my antique car to my friend, Susan Stamford. Susan is to take good care of this car and then leave it to her son.
5. I devise and bequeath the residue of my estate, including any lapsed or renounced legacies, to my friend, Bob Baker.

Trevon determined that he does not want to inherit the New Orleans condo. He timely filed in Xavier's succession proceeding an authentic act which states: "I renounce my interest in Xavier's New Orleans condo in favor of Xavier's friend, Bob Baker."

TEST CONTINUES ON NEXT PAGE

- 1.3 Has Trevon made a proper renunciation under the Louisiana Civil Code such that he has escaped any possible obligation to pay Xavier’s estate debts attributable to the New Orleans condo? Explain fully. (10 Points)**
- 1.4 Who inherits the antique car? Explain fully. (10 Points)**
- 1.5 Assume for this question only that Bob believes that both the Orleans Parish Animal Rescue Society and the Reverend John Smith exerted undue influence on Xavier to secure their respective legacies. What is the standard of proof Bob must establish if he wishes to successfully challenge these two legacies? Explain fully. (10 Points).**

**PART B
(50 Points)**

Belle died last month. She lived in Louisiana her entire life. She never married. She is survived by her four children, each of whom has always lived in Northwest Louisiana. Belle’s children are:

- Davey, who was 40 at the time of Belle’s death;
- Evan, who was 35 at the time of Belle’s death;
- Felix, who was 30 at the time of Belle’s death; and
- Gail, who was 19 at the time of Belle’s death.

Three of Belle’s children are healthy. However, Evan, who at the age of 18 suffered a significant brain and spine injury, requires around-the-clock medical care.

At the time of Belle’s death, her only asset was her personal residence in Caddo Parish, Louisiana. Belle never made any donations before she died.

Belle left a valid notarial testament, signed in 2009, in which she left her entire estate to Irielle, her favorite neighbor.

- 1.6 To what interest in the Caddo Parish property is each of Davey, Evan, Felix, Gail, and Irielle entitled? Explain fully. (20 Points)**
- 1.7 For purposes of this only, assume that prior to Belle’s death, Central Credit Union secured a final judgment against Gail, who had defaulted on a \$200,000 personal loan. Gail is unwilling to appear in Belle’s succession, so Central Credit Union appears in her stead and asserts Gail’s rights as a forced heir. Will Central Credit Union be entitled to receive any interest in Belle’s estate? Explain fully. (10 Points)**

TEST CONTINUES ON NEXT PAGE

For Questions 1.8 and 1.9 only, assume that, in addition to the Caddo Parish property, which was worth \$200,000 at that time, Belle also owned the following assets at her death:

- A Chase Bank account, which had a balance of \$50,000 at that time; and
- A first edition, signed copy of W. Somerset Maugham's masterpiece "Of Human Bondage," which was worth \$100,000 at that time.

Belle's liabilities/debts at the time of her death totaled \$150,000.

One year before her death, Belle donated \$30,000 in cash to Felix to encourage him to return to college.

1.8 What is the value of the forced portion in Belle's succession? Explain fully. (10 Points)

1.9 Evan and Gail disapproved of their mother's attempts to coax their brother Felix back to school. In the succession, they would like to claw back the money their mother gave to Felix before her death. Are they likely to succeed? Explain fully. (10 Points)

[End of Civil Code II Test]

**LOUISIANA STATE BAR EXAMINATION
CIVIL CODE II
FEBRUARY 2021**

QUESTION 1 (100 POINTS)

Please answer the following questions. These questions are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

**PART A
(50 Points)**

Albert, a lifelong Louisiana domiciliary, died without a will. He was survived by his spouse, Bessie. Albert and Bessie never executed a matrimonial agreement. Albert and Bessie had five children: Carl, Debra, Ed, Jack, and Kendall, all of whom are over 25 years old and mentally and physically healthy. Carl has two children, Fred and Gertrude. Debra has one child, Harry. Ed has one child, Ivan. The only property Albert owned at the time of his death were a separate property account with \$1 million and his undivided one-half community interest in the Family Home. Albert had no debts at the time of his death.

A year before Albert's death, he and Carl had a falling out, and Carl wrote, dated, signed, and delivered a letter to Albert which read in relevant part: "I hate you. I never want anything to do with you again. I don't even want any inheritance from you and irrevocably renounce my inheritance." Albert's succession was opened and after Carl learned about the \$1 million in cash, he had a change of heart and decided he would like to inherit from Albert.

Six months before Albert died, Big National Bank obtained a valid, final judgment against Debra for \$100,000. A week after Albert died, Debra formally renounced her inheritance from Albert. Big National Bank has not taken any action in Albert's succession with respect to Debra's interest in the Family Home.

- 1.1 Who succeeds to Albert's interest in the Family Home? Explain fully. (25 Points)**
- 1.2 What legal action must Big National Bank take to obtain an interest in Albert's \$1 million separate property account? If Big National Bank is successful in such action, to what amounts of Albert's \$1 million separate property account does each of Big National Bank, Debra, and Harry succeed? Explain fully. (10 Points)**
- 1.3 Assume for purposes of this Question 1.3 only, that Jack and Kendall were teenagers at the time of Albert's death and that Albert died with a valid last will and testament leaving his entire estate in equal shares to his five children, subject to a usufruct for life to Bessie. To what percentage of Albert's succession are Jack and Kendall each entitled and is the usufruct for life to Bessie valid? Explain fully. (15 Points)**

TEST CONTINUES ON NEXT PAGE

PART B
(50 POINTS)

Mary, a lifelong Louisiana domiciliary, died with a valid last will and testament. She is survived by her children, Ned, Oscar, Penny, and Quinton, all of whom are over thirty years old and in good mental and physical health. The relevant portions of Mary's will read as follows:

1. I leave the family farm, Blackacre, to Ned and Oscar in equal shares. The devise of Blackacre is made subject to the condition that no part of such land shall be sold, mortgaged, or in any way alienated unless the said land or part thereof proposed to be sold, conveyed, or alienated has first been offered to the other co-owner thereof on equal terms and such co-owner has refused to purchase such land. In the event any sale, conveyance, or alienation of said Blackacre is made in violation of this condition, the right, title, and interest of such purported sale, conveyance, or alienation shall become the property of the other devisee of Blackacre under this will.
2. I leave to Penny all of my interest in my mother's succession, currently under administration in Caddo Parish, Louisiana.
3. I leave to Quinton the 100 shares of the common stock of IBM Corporation in my brokerage account.
4. I also leave to Quinton the 100 shares of common stock I own in Intel, Inc.
5. I appoint Ned as independent executor of my succession.
6. I leave the residue of my estate to the Community Foundation of Northwest Louisiana.
7. I name the Xanadu Law Firm, APLC as attorney for my succession.

After Mary executed her will but before she died, the following events occurred:

- Mary executed an authentic act by which she donated all of her interest in her mother's succession to Ned. Ned did not sign the act of donation but did write, sign, date, and hand-deliver to Mary a letter thanking her for the donation of the succession rights and stating that he "accepted the gift with the greatest gratitude."
- Mary visited her broker and told him that she wished to donate her IBM Corporation stock to Oscar. The broker had her execute the forms the brokerage firm needed to transfer the stock. The forms recited that the transfer was a gift and directed the transfer to Oscar. The forms were signed by Mary. They did not recite that Oscar accepted the donation. The brokerage firm transferred the IBM stock to Oscar's brokerage account.
- The Intel, Inc. stock split; thus, Mary had 200 shares when she died (rather than just the 100 shares she had at the time she signed her will).

TEST CONTINUES ON NEXT PAGE

At the time Mary died, no judgment of possession had been entered in the succession for Mary's mother. One month after the judgment of possession was entered in Mary's succession, Oscar, without informing Ned, sold his interest in Blackacre to Jones Land Company, LLC.

- 1.4 Who inherits the Intel, Inc. stock? Explain fully. (10 Points)**
- 1.5 Penny brought an action in Mary's succession alleging that the acceptance by Ned of the succession rights in Mary's mother's succession was not valid. Is Penny correct? Explain fully. (10 Points)**
- 1.6 Quinton brought an action in Mary's succession alleging that Mary's donation of the IBM Corporation stock to Oscar was not valid. Is Quinton correct? Explain fully. (10 Points)**
- 1.7 Must Ned employ the Xanadu Law Firm, APLC as attorney for the succession? Explain fully. (10 Points)**
- 1.8 One week after Ned learned that Oscar sold Oscar's interest in Blackacre, Ned filed a petition to reopen Mary's succession for the purpose of securing a declaration that pursuant to Mary's will, he is entitled to be declared the owner of the entirety of Blackacre. Is Ned entitled to such a declaration? Explain fully. (10 Points).**

[End of Civil Code II Test]

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

QUESTION 1 (100 POINTS)

PART A (30 POINTS)

Henry and Irene were married in Louisiana and domiciled in Louisiana for their entire marriage. They never executed a matrimonial agreement. Henry and Irene had three children together:

- Jason, age 50;
- Karen, who died in 2015 with two children, Mary and Neil, who are in their late twenties; and
- Lyle, age 35.

Jason, Lyle, Mary and Neil have never been married, never had any children and have always been mentally and physically healthy. Henry neither fathered nor adopted any other children.

Henry died intestate in Louisiana in 2019. He is survived by Irene, Jason, Lyle, Mary, Neil and by his mother, Mom, and his only sibling, Samuel.

At the time of his death, Henry owned the following immovable property located in Louisiana:

- Community Property: his undivided one-half interest in a home (the “*Family Home*”) that he and Irene purchased during their marriage with community funds.
- Separate Property: naked ownership of an undivided one-half interest in the family fishing camp (the “*Camp*”), inherited from his father and subject to the usufruct of Mom.
- Separate Property: certain mineral interests (the “*Mineral Interests*”) purchased by Henry prior to his marriage to Irene.

1.1 Who succeeds to Henry’s interest in the Family Home; and in what proportions? Explain fully. (10 Points)

TEST CONTINUES ON NEXT PAGE

- 1.2** *Assume solely for Question 1.2 that Jason does not wish to inherit the Camp, but is interested in inheriting his share of the other assets. What steps, if any, are available to Jason to accomplish his goals? If he is successful, who should inherit his interest in the Camp? Explain fully. (10 Points)*
- 1.3** *At the time of his death, Henry's interest in all of his assets had a value of \$1 million. 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 Henry's heirs. No other assets are under administration. After the judgment of possession and the distribution of assets, one of Harry's creditors asserted and established a timely, valid claim in the amount of \$1.5 million. What is Mary's liability for Henry's \$1.5 million debt? Explain fully. (10 Points)*

PART B (20 POINTS)

Hector and Willow were married in Louisiana and domiciled in Louisiana for their entire marriage. They never executed a matrimonial agreement and never had any children. Hector died intestate in Louisiana in 2020 and is survived by Willow; his father, Dad; and his brother, Bob.

At the time of his death, Hector owned the following immovable property:

- As community property, an undivided one-half interest in the family home that he and Willow had purchased during their marriage with community property funds.
- As his separate property, an apartment building that he had purchased before his marriage to Willow.

- 1.4** *Who succeeds to Hector's interest in the family home? Explain fully. (10 Points)*
- 1.5** *Who succeeds to Hector's interest in the apartment building? Explain fully. (10 Points)*

TEST CONTINUES ON NEXT PAGE

PART C (50 POINTS)

Howard and Ester, after many years of marriage, were divorced in 2018, settling their community property affairs before his death so that all assets discussed below were owned by Howard at the time of his death. Howard died in 2019, survived by Ester, his sons Jake and Larry, and his granddaughter Gayle, whose mother, Howard's daughter, had predeceased Howard. Howard left a putative notarial testament, dated January 4, 2015, the dispositive provisions of which read as follows:

1. I leave my wife Ester all of my interest in the family home (the "***Family Home***").
2. I leave my interest in ACME Brick, L.L.C. to my son Jake and my good friend Tom.
3. I leave my son Larry my grandmother's sterling silver service ("***Granny's Silver***"). Larry is to take good care of Granny's Silver and at his death deliver it to my granddaughter Gayle.
4. I leave the residue of my estate to the Community Foundation of North Louisiana.

This document was in writing, dated, signed 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 consisting of the notary's secretary and the secretary's daughter, who was seventeen years old at the time of execution. Howard's friend Tom died in 2017 and is survived by his daughter Donna.

1.6 Is the form of Howard's putative testament valid? Explain fully. (10 Points)

ASSUME FOR THE REMAINDER OF PART C (QUESTIONS 1.7 – 1.10) THAT HOWARD'S TESTAMENT IS IN VALID FORM.

1.7 Who inherits the Family Home? Explain fully. (10 Points)

1.8 Is the bequest of Granny's Silver valid? Explain fully. (10 Points)

1.9 Who should inherit the ACME Brick, L.L.C. membership interests? Explain fully. (10 Points)

TEST CONTINUES ON NEXT PAGE

1.10 One month before he died in 2019, Howard purchased a 1940 Indian Chief Motorcycle (the “Chief”). Howard was storing the Chief in a commercial garage at the time of his death, and none of his family knew of the purchase. After the Chief was discovered during the succession administration, Howard’s granddaughter Gayle 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 1940 Indian Chief Motorcycle for sale and buy it. If I do, I hereby donate that motorcycle to my granddaughter Gayle.” Following this statement, Gayle formally accepted the donation, and the document then reads as follows: “THUS DONE AND PASSED in my office at Shreveport, 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 Howard, Gayle, two competent witnesses, and a notary public.

Did Howard make a valid *inter vivos* or testamentary donation of the Chief to Gayle? Explain fully. (10 Points)

[End of Civil Code II Test]

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

QUESTION 1 (100 POINTS)

Aaron and his wife, Barbara, were married in Louisiana and domiciled in Louisiana for their entire marriage. They never executed a matrimonial agreement. Aaron and Barbara had three children together: Carol, who was born in 1991; Doug, who was born in 1994, both of whom are physically and mentally competent; and Ed, who was born in 1997 and died in 2018, leaving his children, Hilda, Ivan, and Jack. Aaron fathered no other children.

Aaron died in Louisiana in 2019, survived by Barbara, Carol, Doug, Hilda, Ivan, and Jack. Aaron is also survived by his mother, Mom, and his only sibling, Lisa.

In 2017, Aaron executed a Louisiana testament, valid in form, the dispositive provisions of which read in the following order:

1. I leave Carol my 2016 Blue Tesla Model S Performance (my “Tesla”).
2. I leave Doug my *circa* 1850 Trephination Drill (the “Drill”). If Doug does not survive me, I leave the Drill to the New Orleans Pharmacy Museum on Chartres Street.
3. I leave Doug my gold watch (the “Watch”).
4. Because it is our old family homestead, I ask that Mom decide who should inherit my interest in the family farm (the “Farm”).
5. I leave Lisa my Clementine Hunter painting *Hog Killing* (the “Clementine Hunter”).
6. I leave Doug my Blue 2016 Tesla Model S Performance (my “Tesla”).
7. I leave the residue of my estate, which I estimate to have a value in excess of \$10 million, to my surviving children, Carol and Doug, in equal shares.

TEST CONTINUES ON NEXT PAGE

At the time of his death, Aaron owned the articles of movable property listed in the testament, except for the Watch, which he had hand delivered to Carol prior to his death, as well as the following immovable property located in Louisiana:

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

PART A
(50 POINTS)

- 1.1 Who inherits the Tesla? Discuss. (10 Points)**
- 1.2 With respect to the Drill, is the substitution of the New Orleans Pharmacy Museum on Chartres Street a permitted substitution under the Louisiana Civil Code? Discuss. (10 Points)**
- 1.3 Assume that Mom filed an affidavit in Aaron’s succession proceeding awarding Aaron’s interest in the Farm to Lisa. Is this a valid disposition of Aaron’s interest in the Farm? Discuss. (10 Points)**
- 1.4 Can Doug successfully require Carol to return the Watch to Aaron’s succession, so that ownership of the Watch can pass via his testament? Discuss. (10 Points)**
- 1.5 Hilda, Ivan, and Jack were omitted from Aaron’s will. What rights (if any) do they have with respect to Aaron’s succession? Discuss. (10 Points)**

PART B
(50 POINTS)

ASSUME FOR PART B OF THE EXAM THAT AARON DID NOT LEAVE A TESTAMENT AND DIED INTESTATE.

- 1.6 Who succeeds to Aaron’s interest in the Family Home? Discuss. (15 Points)**
- 1.7 *For Question 1.7 only, assume Barbara married Mark in January 2020. What effect, if any, does that marriage have on ownership of the Family Home? Discuss. (5 Points)***

TEST CONTINUES ON NEXT PAGE

- 1.8** *For Question 1.8 only*, assume that Doug does not wish to be in the chain of title to the Family Home. What action must he take to effectuate his wish, and what are the legal requirements for such action? May Doug nonetheless inherit a portion of the Timberland? Discuss. (10 Points)

FOR QUESTION 1.9 AND 1.10 ONLY, ASSUME THAT AARON NEVER HAD ANY CHILDREN.

- 1.9** Who succeeds to Aaron's interest in the Family Home? Discuss. (10 Points)
- 1.10** Who succeeds to Aaron's interest in the Timberland? Discuss. (10 Points)

[End of Civil Code II Test]

**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
CIVIL CODE II
FEBRUARY 2020**

**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
CIVIL CODE II
FEBRUARY 2020**

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
CIVIL CODE II
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]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
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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]

TEST CONTINUES ON NEXT PAGE

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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