

DEAD Legal and Regulatory Practice Test (Sample)

Study Guide



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SAMPLE

Questions

- 1. What must a funeral director do to adhere to ethical standards regarding the press?**
 - A. Disclose all information**
 - B. Exercise discretion in releasing confidential information**
 - C. Encourage public relations**
 - D. Publish all services offered**
- 2. Which of the following is classified as a necessary expense when settling an estate?**
 - A. Funeral Expenses**
 - B. Legal Fees**
 - C. Medical Bill**
 - D. Taxes Owed**
- 3. What is the name of price lists that are prepared for special situations, such as for children or indigent persons?**
 - A. Standard Price Lists**
 - B. Alternative Price Lists**
 - C. Discount Price Lists**
 - D. Specialty Price Lists**
- 4. What term refers to beliefs held in high esteem that guide one's life?**
 - A. Values**
 - B. Principles**
 - C. Ethics**
 - D. Morals**
- 5. Which of the following is classified as movable personal property?**
 - A. Real estate**
 - B. Furniture**
 - C. Stocks and bonds**
 - D. Intellectual property**

- 6. In estate planning, who is a person that creates a valid will?**
- A. Administrator**
 - B. Executor**
 - C. Testator**
 - D. Beneficiary**
- 7. What document required by the FTC includes mandatory disclosures about charges for funeral goods and services?**
- A. Funeral Service Agreement**
 - B. Statement of Funeral Goods and Services Selected**
 - C. Funeral Contract**
 - D. Price Disclosure Agreement**
- 8. If Mr. Bowinkle dies without a will and his son Jon is appointed to handle the estate affairs, what is Jon's legal title?**
- A. Executor**
 - B. Guardian**
 - C. Administrator**
 - D. Beneficiary**
- 9. What term describes the instructions left by a deceased individual regarding the management of their estate?**
- A. Trust**
 - B. Will**
 - C. Directive**
 - D. Codicil**
- 10. What type of contract allows either party to consider it a joint obligation or a group of individual obligations?**
- A. Fixed contract**
 - B. Joint contract**
 - C. Joint and several contract**
 - D. Exclusive contract**

Answers

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1. B
2. C
3. B
4. A
5. B
6. C
7. B
8. C
9. B
10. C

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Explanations

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1. What must a funeral director do to adhere to ethical standards regarding the press?
 - A. Disclose all information
 - B. Exercise discretion in releasing confidential information**
 - C. Encourage public relations
 - D. Publish all services offered

A funeral director's ethical standards regarding the press necessitate the careful handling of sensitive information. Exercising discretion in releasing confidential information is paramount in maintaining the trust of families and respecting their privacy during a vulnerable time. Funeral directors are often privy to personal and potentially distressing details about the deceased and their families, which must be safeguarded to protect their dignity and confidentiality. Being selective about what information is shared with the media ensures that the privacy of individuals is respected. This can include avoiding the disclosure of personal facts about the family or the circumstances surrounding a death that can lead to additional distress for those affected. Ethical standards dictate that while some information might be public, it is the responsibility of the funeral director to determine what and how much to share while adhering to legal and ethical guidelines. The other choices do not align with the expectation of maintaining confidentiality. For example, disclosing all information could lead to a violation of privacy rights. Encouraging public relations or publishing all services offered is more aligned with marketing than with ethical obligations surrounding client confidentiality. Therefore, the requirement to exercise discretion in releasing information is the fundamental principle that underpins the ethical standards expected of a funeral director in relation to the press.

2. Which of the following is classified as a necessary expense when settling an estate?
 - A. Funeral Expenses
 - B. Legal Fees
 - C. Medical Bill**
 - D. Taxes Owed

In the context of settling an estate, necessary expenses refer to costs that are essential for the administration of the estate and the fulfillment of its obligations. While medical bills may be associated with a deceased person's care, they are not considered a necessary expense when it comes to the estate settlement process itself. Instead, expenses like funeral costs, legal fees, and taxes owed directly relate to the management and settlement responsibilities of the estate. Funeral expenses are typically recognized as necessary because they are unavoidable costs that must be paid shortly after death. Similarly, legal fees are necessary for navigating the complexities of estate law and ensuring that the estate is settled correctly and according to legal requirements. Taxes owed are also critical since they represent debts that must be paid by the estate and can significantly impact its final distribution to beneficiaries. In conclusion, viewing medical bills as a necessary expense in estate settlement overlooks the primary focus on costs directly linked to funeral arrangements, legal compliance, and tax obligations during the estate administration process.

3. What is the name of price lists that are prepared for special situations, such as for children or indigent persons?

A. Standard Price Lists

B. Alternative Price Lists

C. Discount Price Lists

D. Specialty Price Lists

The correct term for price lists that are prepared for specific situations, including those designed for children or low-income individuals, is "Alternative Price Lists." These lists recognize that certain demographic groups may have different financial capacities and aim to provide them access to services or products at a reduced rate wherever possible. In this context, the term "alternative" signifies a variation from the standard pricing model, tailored to accommodate the particular needs of vulnerable populations. This approach is essential in promoting equity and access in various sectors, such as healthcare, education, and social services. By implementing these alternative pricing strategies, organizations can ensure that essential services remain accessible to those who might otherwise face barriers due to financial constraints. Other terms, though they may sound relevant or similar, do not capture the specific intent and application of altering prices based on situational needs.

4. What term refers to beliefs held in high esteem that guide one's life?

A. Values

B. Principles

C. Ethics

D. Morals

The term that refers to beliefs held in high esteem that guide one's life is "values." Values represent an individual's deeply held priorities and convictions, which inform their decisions and behavior. They can encompass a wide range of concepts, including what individuals consider important, such as honesty, integrity, loyalty, and respect. These underlying beliefs shape not only personal conduct but also interactions with others and responses to various situations. While principles, ethics, and morals may also relate to behavior and decision-making, they each have specific meanings and applications. Principles typically refer to fundamental truths or propositions that serve as the foundation for a system of belief or behavior; ethics is often associated with a systematic framework of reasoning about right and wrong that can vary between cultures or professions; and morals generally pertain to specific beliefs about right and wrong behavior that may be more individualistic or socially influenced. Values serve as the broader guiding framework that encompasses these concepts, highlighting their foundational role in shaping one's approach to life.

5. Which of the following is classified as movable personal property?

A. Real estate

B. Furniture

C. Stocks and bonds

D. Intellectual property

Movable personal property refers to assets that are not fixed to one location and can be moved from place to place. Furniture fits this definition perfectly, as it includes items that can be physically relocated, such as chairs, tables, and sofas, without affecting the foundational property itself. Real estate, on the other hand, refers to land and anything permanently attached to it, which makes it immovable. Stocks and bonds are considered financial instruments rather than personal property, as they represent ownership or debt but cannot be physically moved. Intellectual property encompasses intangible assets like copyrights, trademarks, and patents, which do not fall under the category of personal property in the traditional sense since they are not physical items. Therefore, furniture is the clear example of movable personal property among the provided options.

6. In estate planning, who is a person that creates a valid will?

A. Administrator

B. Executor

C. Testator

D. Beneficiary

In estate planning, the individual who creates a valid will is referred to as the testator. This person expresses their wishes regarding the distribution of their assets and other matters after their death. The will serves as a formal document that outlines how the testator wants their estate to be managed, including appointing guardians for minor children, if applicable, and naming an executor to carry out the directives specified in the will. The concept of the testator is rooted in legal definitions and processes related to wills and estates, emphasizing the personal intent and authority of the individual creating the will. Understanding this role is essential for anyone involved in estate planning, as it establishes the foundation upon which the entire estate distribution process is built. The other roles within an estate—such as the administrator, who manages estates that do not have a will, the executor, who is appointed to implement the terms of the will, and the beneficiary, who is the recipient of the assets—highlight different functions but do not pertain to the actual act of creating a will itself.

7. What document required by the FTC includes mandatory disclosures about charges for funeral goods and services?

A. Funeral Service Agreement

B. Statement of Funeral Goods and Services Selected

C. Funeral Contract

D. Price Disclosure Agreement

The correct answer is the Statement of Funeral Goods and Services Selected, which is a document mandated by the Federal Trade Commission (FTC) under the Funeral Rule. This document is crucial because it outlines all the funeral goods and services that the consumer has selected, along with their associated costs. It serves to ensure transparency in the pricing of funeral services, helping consumers make informed decisions about their purchases. Under the Funeral Rule, funeral providers must provide this statement in writing at the time of arrangement, which protects the consumer from unexpected charges and aids in understanding the specific costs involved in the selected services. This requirement reinforces consumer rights and emphasizes ethical practices within the funeral industry. Other options, while related to funeral services, do not specifically meet the FTC's stipulations for mandatory disclosures in a way that the Statement of Funeral Goods and Services Selected does.

8. If Mr. Bowinkle dies without a will and his son Jon is appointed to handle the estate affairs, what is Jon's legal title?

A. Executor

B. Guardian

C. Administrator

D. Beneficiary

When a person dies without a will, the legal process that handles the distribution of their estate is known as intestacy. In such cases, the court will appoint someone to oversee the administration of the deceased's estate. This appointed individual is known as an administrator. Jon, having been appointed to handle the estate affairs of Mr. Bowinkle, assumes the role of an administrator. This title reflects his responsibility to manage the estate, ensure debts are settled, and distribute the assets according to state intestacy laws. The term "executor" specifically refers to someone appointed in a will, which does not apply in this scenario since Mr. Bowinkle died without a will. The titles of guardian and beneficiary are also not applicable in this context; a guardian relates to the care of dependents, and a beneficiary is someone entitled to inherit assets. Therefore, the most appropriate legal title for Jon is "administrator."

9. What term describes the instructions left by a deceased individual regarding the management of their estate?

- A. Trust
- B. Will**
- C. Directive
- D. Codicil

The term that describes the instructions left by a deceased individual regarding the management of their estate is a will. A will is a legal document in which an individual outlines how their assets and affairs should be handled after their death. This includes specifying beneficiaries, appointing executors to administer the estate, and detailing any special wishes or instructions regarding personal property. In legal contexts, a will serves as an essential tool for ensuring that a person's final wishes are honored, providing clarity and direction to surviving family members and legal representatives. It is different from a trust, which is a fiduciary arrangement that can manage assets during a person's lifetime and after death, and a codicil, which is an amendment or addition to an existing will. A directive generally refers to a broader category of instructions that might include advance healthcare directives or living wills, but it does not specifically pertain to the management of an estate after death.

10. What type of contract allows either party to consider it a joint obligation or a group of individual obligations?

- A. Fixed contract
- B. Joint contract
- C. Joint and several contract**
- D. Exclusive contract

A joint and several contract is one where obligations are structured in such a way that each party can be held individually responsible for the entire obligation, as well as collectively with other parties involved. This means that if one party fails to fulfill their part of the agreement, the other parties can be pursued for the full obligation, ensuring that the contract can still be enforced and obligations met, regardless of individual party performance. This type of arrangement is particularly useful in business partnerships and other collaborative endeavors, as it provides flexibility and security for parties involved. It allows for either party to seek compensation or performance from any one of the obligated parties without needing to go through each individual obligation separately, thus streamlining the enforcement of the contract. In contrast, other types of contracts, such as fixed contracts or exclusive contracts, do not possess these characteristics of joint and several obligations, focusing instead on singular obligations or exclusive rights without the liability share among multiple parties. A joint contract does imply shared duties, but it does not inherently carry the same legal implications regarding individual liability that a joint and several contract does.