

Delaware Wills and Trusts Practice Test (Sample)

Study Guide



Everything you need from our exam experts!

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 - 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

- 1. When is a transfer considered an advancement of an inheritance?**
 - A. Only if the recipient agrees**
 - B. If documented in writing by the heir only**
 - C. Declared in writing by the deceased or acknowledged by the heir**
 - D. If it involves real property only**
- 2. What legal document is typically involved in a trust?**
 - A. Affidavit**
 - B. Power of attorney**
 - C. Trust agreement or declaration**
 - D. Last will and testament**
- 3. What happens to a trust's assets if the grantor passes away while the trust is still revocable?**
 - A. The assets are transferred to the beneficiaries**
 - B. The trust becomes irrevocable and the trustee manages the assets**
 - C. The assets return to the estate of the grantor**
 - D. The trust is automatically dissolved**
- 4. What are the requirements for a valid will in Delaware?**
 - A. Written and signed with capacity and two credible witnesses**
 - B. Oral, signed, and notarized by three witnesses**
 - C. Typed, signed, and witnessed by one credible witness**
 - D. Written and executed by the testator alone**
- 5. Under what condition might a holographic will be invalid in Delaware?**
 - A. If it is not witnessed**
 - B. If the handwriting is unclear**
 - C. If the testator is underage**
 - D. If it fails to meet state requirements**

- 6. What is required to create a valid trust in Delaware?**
- A. Defined beneficiary, lawful purpose, and notarization**
 - B. Intent to create a trust, a defined beneficiary, and a lawful purpose**
 - C. Written documentation, financial contribution, and a family member as trustee**
 - D. Approval from a court, a trustee, and a written contract**
- 7. What kind of trust clause ensures that beneficiaries cannot access their interests until certain conditions are met?**
- A. Revocable trust clause**
 - B. Spendthrift clause**
 - C. Discretionary clause**
 - D. Resulting trust clause**
- 8. What must a trustee avoid to fulfill their duty of loyalty?**
- A. Open communication with beneficiaries**
 - B. Conflicts of interest**
 - C. Minimizing expenses related to trust management**
 - D. Involvement in the management of the trust's assets**
- 9. Which term refers to the ascertainable property that is transferred to the trustee for management?**
- A. Corpus**
 - B. Beneficiaries**
 - C. Purpose**
 - D. Intent**
- 10. Under what condition can a child born out of wedlock be considered a child of the father?**
- A. If the father permits it**
 - B. Upon an official adoption by the father**
 - C. Marriage ceremony before or after the child's birth or an adjudication of paternity**
 - D. Only if the father is deceased**

Answers

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

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Explanations

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1. When is a transfer considered an advancement of an inheritance?

- A. Only if the recipient agrees
- B. If documented in writing by the heir only
- C. Declared in writing by the deceased or acknowledged by the heir**
- D. If it involves real property only

A transfer is considered an advancement of an inheritance when it is either declared in writing by the deceased or acknowledged in writing by the heir. This legal principle is important in estate planning and distribution because it helps clarify the intent of the deceased regarding how their estate is to be divided among heirs. When the deceased explicitly states that a transfer to an heir is an advancement, it shows their intention that this transfer is to count against the heir's share of the estate. Similarly, if the heir acknowledges the transfer as such, it further solidifies the understanding that the transfer should be treated as an advance on the inheritance. This documentation is critical for legal clarity and helps reduce disputes among heirs when the estate is settled. The other options do not capture the necessary components for a transfer to be considered an advancement. For instance, simply requiring agreement by the recipient without any documentation or declaration from the deceased leaves ambiguity about the intent behind the transfer. Similarly, documentation solely by the heir might not convey the deceased's intention, and restricting this to real property unnecessarily limits the scope of what can be advanced.

2. What legal document is typically involved in a trust?

- A. Affidavit
- B. Power of attorney
- C. Trust agreement or declaration**
- D. Last will and testament

The legal document that is typically involved in a trust is a trust agreement or declaration. This document outlines the terms of the trust, including the identity of the grantor (the person who creates the trust), the trustee (the person or entity responsible for managing the assets in the trust), and the beneficiaries (those who will receive benefits from the trust). The trust agreement also specifies how the assets in the trust should be managed and distributed, thus serving as the foundational document governing the trust's operation. Understanding this is key in the context of estate planning, as a trust can help manage and protect the assets of the grantor during their lifetime and after their death. The trust agreement is essential for establishing the legal framework within which the trust operates and ensuring that the grantor's intentions are honored. In contrast, the other options serve different purposes: an affidavit is a written statement confirmed by oath for use as evidence in court, a power of attorney grants someone authority to act on behalf of another in legal or financial matters, and a last will and testament outlines how a person's assets should be distributed upon their death, but it does not create a trust. Therefore, the trust agreement or declaration is the correct choice regarding the formation and governance of a trust.

3. What happens to a trust's assets if the grantor passes away while the trust is still revocable?

- A. The assets are transferred to the beneficiaries**
- B. The trust becomes irrevocable and the trustee manages the assets**
- C. The assets return to the estate of the grantor**
- D. The trust is automatically dissolved**

When a grantor of a revocable trust passes away, the trust becomes irrevocable and the trustee is then responsible for managing the assets according to the terms specified in the trust document. The shift from revocable to irrevocable upon the grantor's death is a fundamental principle in trust law, reflecting the finality of the grantor's wishes. This means that while the grantor was alive, they had the ability to change or dissolve the trust at will, but upon their death, that flexibility ceases. As a result, the trustee steps into a pivotal role and continues to manage the assets for the benefit of the designated beneficiaries. This may involve distributing the assets to beneficiaries according to the trust's instructions or managing the trust assets until specific conditions are met. The trust does not get automatically dissolved; rather, it remains in effect and becomes a tool for asset distribution and management after the grantor's passing. Understanding the role of the trustee and the irrevocable nature of the trust after the grantor's death is crucial for both estate planning and the administration of the trust.

4. What are the requirements for a valid will in Delaware?

- A. Written and signed with capacity and two credible witnesses**
- B. Oral, signed, and notarized by three witnesses**
- C. Typed, signed, and witnessed by one credible witness**
- D. Written and executed by the testator alone**

In Delaware, for a will to be considered valid, it must meet specific legal criteria that ensure the authenticity and intent of the testator. A valid will must be written, reflecting the testator's intentions clearly. It must also be signed by the testator, demonstrating their consent and approval of the will's contents. Additionally, the testator must have the legal capacity to understand the implications of creating a will, meaning they should be of sound mind. The requirement for two credible witnesses is crucial as well; their presence during the signing helps to prevent fraudulent claims regarding the will's validity. These witnesses must attest to the testator's signing and capacity, further solidifying the will's legitimacy. This combination of written documentation, signature by the testator, capacity, and witnessing ensures a reliable and enforceable will, protecting the testator's wishes after their passing. This set of requirements outlines a structured approach that confirms the testator's intentions while mitigating the possibility of disputes or misunderstandings among heirs or interested parties regarding the distribution of the estate.

5. Under what condition might a holographic will be invalid in Delaware?

- A. If it is not witnessed**
- B. If the handwriting is unclear**
- C. If the testator is underage**
- D. If it fails to meet state requirements**

A holographic will can indeed be invalid in Delaware if it fails to meet specific state requirements. Delaware law permits holographic wills, which are wills that are handwritten and signed by the testator, without the need for witnesses. However, even though this type of will is recognized, it must still comply with certain criteria to be deemed valid. If a holographic will does not meet the essential formalities established by Delaware law, such as being signed or containing clear testamentary intent, it may be rendered invalid. This emphasis on compliance with the state's requirements illustrates the importance of adhering to legal standards when creating a will, as failure to do so can jeopardize the testator's intentions regarding the distribution of their estate. In contrast, while clarity of handwriting or the age of the testator can raise questions regarding the will's validity, these factors are not absolute disqualifiers under the law unless they lead to an inability to ascertain the testator's intent or proper execution as prescribed by Delaware statutes.

6. What is required to create a valid trust in Delaware?

- A. Defined beneficiary, lawful purpose, and notarization**
- B. Intent to create a trust, a defined beneficiary, and a lawful purpose**
- C. Written documentation, financial contribution, and a family member as trustee**
- D. Approval from a court, a trustee, and a written contract**

To create a valid trust in Delaware, it is essential to establish intent, have a defined beneficiary, and ensure that the purpose of the trust is lawful. The intent to create a trust reflects the grantor's clear desire to establish a trust relationship and delineate how the assets should be managed or distributed. A defined beneficiary is crucial because a trust cannot exist without a person or entity that benefits from it; this ensures that the assets are allocated according to the grantor's wishes. Lastly, the lawful purpose of the trust is vital to its validity, as trusts cannot be established for illegal activities or purposes contrary to public policy. This combination of elements—intent, defined beneficiary, and lawful purpose—forms the foundation of a trust in Delaware, making the structure and operations of the trust legally recognized and enforceable. While other options may introduce components like notarization or court approval, they do not capture the core necessities for establishing a valid trust in Delaware law.

7. What kind of trust clause ensures that beneficiaries cannot access their interests until certain conditions are met?

- A. Revocable trust clause**
- B. Spendthrift clause**
- C. Discretionary clause**
- D. Resulting trust clause**

A spendthrift clause is specifically designed to protect a beneficiary's interest in a trust by restricting their ability to access that interest until certain conditions are fulfilled. This type of clause serves to prevent beneficiaries from prematurely or irresponsibly accessing their inheritance, which can be particularly important if they are minors, have substance abuse issues, or lack financial management skills. By including a spendthrift provision, the trust creator effectively safeguards the assets from the beneficiaries' creditors, ensuring that the trust assets will be used for their intended purposes over time. Other trust clauses serve different functions. A revocable trust clause allows the grantor to modify or dissolve the trust during their lifetime, which does not impose any restrictions on when beneficiaries can access their interests. A discretionary clause gives the trustee the authority to decide when and how much money or assets to distribute to beneficiaries, but it doesn't impose stringent conditions for access to the trust interests as a spendthrift provision would. Lastly, a resulting trust clause comes into play when the intended purpose of a trust fails, allowing the assets to revert to the original grantor or their heirs, rather than limiting beneficiaries' access to their interests.

8. What must a trustee avoid to fulfill their duty of loyalty?

- A. Open communication with beneficiaries**
- B. Conflicts of interest**
- C. Minimizing expenses related to trust management**
- D. Involvement in the management of the trust's assets**

A trustee's duty of loyalty is a fundamental principle in trust law, requiring the trustee to act in the best interests of the beneficiaries without allowing personal interests to interfere. To fulfill this duty, it is critical for a trustee to avoid conflicts of interest. When a trustee has a conflict of interest, they may be tempted to make decisions that benefit themselves rather than the beneficiaries. This could undermine the beneficiaries' trust and the integrity of the trust itself. A trustee is expected to make decisions impartially and solely based on what is best for the beneficiaries. Avoiding conflicts of interest ensures that the trustee's actions are transparent, fair, and aligned with the goals of the trust. This fosters trust among beneficiaries and maintains the legal and ethical standards expected of a trustee. In contrast, open communication with beneficiaries, minimizing expenses, and being involved in asset management are all important aspects of responsible trust administration, provided they are handled appropriately and do not lead to conflicts of interest.

9. Which term refers to the ascertainable property that is transferred to the trustee for management?

- A. Corpus**
- B. Beneficiaries**
- C. Purpose**
- D. Intent**

The term that refers to the ascertainable property that is transferred to the trustee for management is "Corpus." In the context of trusts, corpus is the principal amount of the trust, comprising the assets that are held and managed by the trustee on behalf of the beneficiaries. This property can include various forms of assets such as cash, real estate, stocks, and other investments. Understanding corpus is fundamental in trust law, as it is the base upon which the trust operates. The trustee is responsible for managing the corpus in accordance with the terms of the trust document and for the benefit of the designated beneficiaries. This management can involve investment decisions, distributions to beneficiaries, and other fiduciary responsibilities that are critical to the trust's function. The other terms—beneficiaries, purpose, and intent—refer to different aspects of a trust. Beneficiaries are the individuals or entities entitled to receive benefits from the trust, while purpose relates to the reason for which the trust was created. Intent usually refers to the grantor's wishes or goals in establishing the trust. None of these terms specifically denote the property being managed, making "Corpus" the accurate choice in this context.

10. Under what condition can a child born out of wedlock be considered a child of the father?

- A. If the father permits it**
- B. Upon an official adoption by the father**
- C. Marriage ceremony before or after the child's birth or an adjudication of paternity**
- D. Only if the father is deceased**

A child born out of wedlock can be considered a child of the father upon either a marriage ceremony that occurs before or after the child's birth, or through an adjudication of paternity. This legal recognition is important because it establishes the child's rights to inheritance, support, and other paternal benefits. By allowing such recognition through marriage or an adjudication, the law acknowledges the complex circumstances of parenthood and affirms the parental relationship based on legal processes or commitments. The options about permissive acknowledgment or adoption have specific contexts and do not inherently confer the same rights as those outlined in the correct answer. While an official adoption also legitimizes the relationship, it is not the only means by which a child can gain recognition as the father's child. The notion that a father must be deceased for the child to have any claims is also incorrect, as the legal recognition can be established readily through marriage or legal processes.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://dewillandtrusts.examzify.com>

We wish you the very best on your exam journey. You've got this!