

DELAWARE WILLS AND TRUSTS PRACTICE TEST (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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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

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1. Can oral wills be valid in Delaware?

- A. Yes, they are recognized in all circumstances
- B. Yes, if witnessed by two people
- C. Generally, no; Delaware requires a written will for validity
- D. They are only valid for military personnel

2. What is a testamentary trust?

- A. A trust created during the grantor's lifetime
- B. A trust that goes into effect upon the testator's death
- C. A revocable trust
- D. A trust that cannot be changed

3. When should a will be updated?

- A. Whenever there is a significant life change or event
- B. Only if the testator moves to a different state
- C. Each time a new asset is acquired
- D. Once every five years without fail

4. Can a minor inherit under a will in Delaware?

- A. No, minors cannot inherit assets
- B. Yes, but a guardian must be appointed to manage the assets until they reach adulthood
- C. Yes, minors are allowed to manage their inherited assets
- D. No, only adults can inherit

5. When can a trust be contested in Delaware?

- A. Only if it was created under duress
- B. When there are claims of lack of capacity, undue influence, or improper execution
- C. If beneficiaries disagree about asset distribution
- D. When a trust is not formally recorded

6. In order to establish undue influence, what must the result demonstrate?

- A. Beneficiary was a family member
- B. It resulted in customarily expected bequests
- C. Influence was not possible
- D. Result demonstrating its effect

7. What does "probate" refer to?

- A. The process of creating a trust
- B. The process of validating and executing a will through the court system
- C. The process of settling a trust's financial obligations
- D. The process of redistributing assets to beneficiaries

8. Who is responsible for ensuring that a will properly follows legal requirements in Delaware?

- A. The beneficiaries of the will
- B. The testator alone
- C. The executor of the will
- D. The attorney who drafts the will

9. 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

10. What characteristic distinguishes a statutory business trust from other business forms?

- A. It requires more than one trustee
- B. It is created under specific regulatory conditions
- C. Its profits are not taxable
- D. It operates at a loss

Answers

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

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Explanations

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1. Can oral wills be valid in Delaware?

- A. Yes, they are recognized in all circumstances
- B. Yes, if witnessed by two people
- C. Generally, no; Delaware requires a written will for validity**
- D. They are only valid for military personnel

In Delaware, the general rule is that for a will to be valid, it must be in writing and signed by the testator. This requirement upholds the principle of having a clear and definitive expression of a person's testamentary intentions. Written wills provide a tangible record that can be easily referenced and validated, which is why Delaware law emphasizes this format. While there may be some jurisdictions that recognize oral wills under specific circumstances, in Delaware, the lack of a written document would render an oral will invalid, regardless of any potential witnesses. This reinforces the importance of adhering to legal formalities in will execution to protect the deceased's intentions and prevent disputes among potential heirs. The other options suggest various scenarios where oral wills might be valid, such as under certain conditions or for specific groups, but none of these align with Delaware's strict requirement for a written will. Thus, the emphasis on written wills in Delaware law ensures clarity and legal enforceability in estate planning.

2. What is a testamentary trust?

- A. A trust created during the grantor's lifetime
- B. A trust that goes into effect upon the testator's death**
- C. A revocable trust
- D. A trust that cannot be changed

A testamentary trust is specifically defined as a trust that is established through a will and does not take effect until the grantor, or testator, passes away. This type of trust is designed to manage and distribute the testator's assets according to the terms outlined in the will after their death. The testamentary trust allows the testator to specify how and when the assets will be distributed to beneficiaries, which can include provisions for minor beneficiaries or those who may not be financially responsible. Consequently, this structure provides control and protection over the assets long after the testator's passing. The other options describe different types of trusts or characteristics that don't align with the definition of a testamentary trust. A trust created during the grantor's lifetime refers to living trusts, which are different and can be either revocable or irrevocable. A revocable trust, by its nature, can be altered or revoked during the grantor's lifetime, distinguishing it clearly from the permanent disposition seen in testamentary trusts. Lastly, a trust that cannot be changed, often referred to as an irrevocable trust, signifies a lack of flexibility that is not applicable to testamentary trusts, which are inherently only established upon the death of the grantor and based on the provisions of

3. When should a will be updated?

A. Whenever there is a significant life change or event

B. Only if the testator moves to a different state

C. Each time a new asset is acquired

D. Once every five years without fail

A will should be updated whenever there is a significant life change or event because such changes can impact the testator's wishes regarding the distribution of their assets, guardianship of minor children, or any other important provisions included in the will. Key life events that warrant an update include marriage, divorce, the birth or adoption of children, the death of an heir, changes in financial status, or any other event that would significantly alter the testator's intentions. This approach ensures that the will accurately reflects the testator's current circumstances and desires. Making updates in response to major life events helps to avoid conflicts or complications that can arise if the will does not align with the testator's current situation or intentions. Updating a will only if the testator moves to a different state, each time a new asset is acquired, or adhering to a rigid timeline like every five years does not address the necessity of aligning the will with the actual changes in the testator's life, which can create potential legal challenges and disputes among beneficiaries. It's essential to prioritize significant events rather than adhere to arbitrary timelines or conditions that may not reflect the need for an updated will.

4. Can a minor inherit under a will in Delaware?

A. No, minors cannot inherit assets

B. Yes, but a guardian must be appointed to manage the assets until they reach adulthood

C. Yes, minors are allowed to manage their inherited assets

D. No, only adults can inherit

In Delaware, a minor can indeed inherit under a will, making the assertion that a guardian must be appointed to manage the assets until the minor reaches adulthood correct. This is consistent with the legal framework protecting the interests of minors, as they are not yet considered legally competent to manage their financial affairs. When a minor inherits assets, such as money or property, a guardian is typically appointed to oversee those assets. This guardian is responsible for managing the inherited property and ensuring that it is preserved and used appropriately until the minor reaches the age of majority, which in Delaware is 18 years old. This legal mechanism helps safeguard the minor's inheritance from being mismanaged or squandered prematurely, reflecting the legal and ethical responsibility to protect the welfare of minors in matters of inheritance. The other options incorrectly assert that minors cannot inherit or manage their assets. By allowing minors to inherit with appropriate oversight, the law recognizes their rights while also ensuring their financial protection during their formative years.

5. When can a trust be contested in Delaware?

- A. Only if it was created under duress
- B. When there are claims of lack of capacity, undue influence, or improper execution**
- C. If beneficiaries disagree about asset distribution
- D. When a trust is not formally recorded

A trust in Delaware can be contested primarily on specific legal grounds defined by statutory and common law principles. The correct answer, which highlights the conditions under which a trust can be disputed, mentions lack of capacity, undue influence, or improper execution. Lack of capacity refers to the situation where the settlor (the person creating the trust) did not have the mental capability to understand the nature and implications of their actions when the trust was established. This is a fundamental criterion since creating a trust requires a clear understanding of what a trust is and how it operates. Undue influence occurs when an external party manipulates or coerces the settlor into creating a trust or including specific provisions that they wouldn't have chosen otherwise if left to their own devices. Proving undue influence requires demonstrating that the influencer had a confidential relationship with the settlor and exploited that trust in a way that unfairly benefited them. Improper execution pertains to the failure to comply with statutory requirements for the creation of a trust, such as witnessing or signing in accordance with the law. If these legal formalities are not observed, a trust may be invalidated. The other options, while they touch on issues that could arise in the context of trusts, do not constitute legitimate grounds for

6. In order to establish undue influence, what must the result demonstrate?

- A. Beneficiary was a family member
- B. It resulted in customarily expected bequests
- C. Influence was not possible
- D. Result demonstrating its effect**

To establish undue influence in the context of wills and trusts, it is essential to demonstrate a result that clearly indicates the influence exerted on the testator. This means that the outcome must provide compelling evidence that the testator's decisions were not made freely or independently, but rather were significantly affected by external pressures from another party. The requirement for a result to demonstrate such an effect typically involves showing that the changes made to the will or trust favored one party at the expense of another or altered the testator's intentions in a way that would not be expected under normal circumstances. This could manifest as unexpected distributions or the disinheritance of natural heirs without a reasonable explanation. Overall, focusing on the result of the testator's decision and its implications allows for an assessment of whether the influence was undue, capturing the crux of the matter in undue influence cases.

7. What does "probate" refer to?

- A. The process of creating a trust
- B. The process of validating and executing a will through the court system**
- C. The process of settling a trust's financial obligations
- D. The process of redistributing assets to beneficiaries

Probate refers specifically to the legal process through which a deceased person's will is validated and executed by the court system. This process involves several steps, including the proving of the will's authenticity, the appointment of an executor, and the distribution of the deceased's assets according to the terms set forth in the will. During probate, the court oversees the administration of the estate, ensuring that debts and taxes are settled before any remaining assets are distributed to the beneficiaries. In contrast, other processes mentioned involve different legal actions. Creating a trust is a distinct legal process aimed at asset management during an individual's lifetime and potentially beyond, rather than dealing specifically with validating a will. Settling a trust's financial obligations pertains to the administration of a trust, which is separate from the probate process. Lastly, redistributing assets to beneficiaries can occur under both probate and trust administration but does not fully encompass the scope of what probate entails. Therefore, the focus on the execution and validation of a will makes the selected answer the most accurate definition of "probate."

8. Who is responsible for ensuring that a will properly follows legal requirements in Delaware?

- A. The beneficiaries of the will
- B. The testator alone
- C. The executor of the will**
- D. The attorney who drafts the will

The executor of the will holds significant responsibility in ensuring that the will complies with legal requirements in Delaware. This role involves administering the estate according to the terms outlined in the will, which includes ensuring that the document meets all statutory requirements so that it can be legally enforced. While the testator must ensure that their wishes are clearly articulated in the will, the executor has the practical duty of overseeing the will's execution after the testator's death. This includes filing the will with the probate court and ensuring that it adheres to state laws, such as the proper witnessing and signing criteria established by Delaware law. Although an attorney may be engaged to draft the will and advise on legal standards, it is ultimately the executor who takes on the responsibility of navigating the probate process and ensuring compliance with legal requirements. This role is crucial in preventing disputes or challenges that could arise due to improper execution or issues related to the will's validity. Beneficiaries, while interested parties, do not bear the responsibility of ensuring the will's legal compliance.

9. 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.

10. What characteristic distinguishes a statutory business trust from other business forms?

- A. It requires more than one trustee
- B. It is created under specific regulatory conditions**
- C. Its profits are not taxable
- D. It operates at a loss

A statutory business trust is distinguished from other business forms primarily because it is created under specific regulatory conditions established by state law. This means that there are particular statutory requirements that must be fulfilled in order to form and maintain such a trust, which provides a clear legal framework for its operation. The creation of a statutory business trust involves adherence to legal guidelines set by the state, which often include filing requirements, governance structures, and compliance with fiduciary obligations. This regulatory framework is designed to protect the interests of shareholders and beneficiaries, ensuring that the trust operates within the bounds of the law. Other business forms, such as corporations or partnerships, may have their own set of regulatory requirements, but the unique aspect of a statutory business trust lies in its specific designation under statutory law, which influences how it is managed and taxed. Understanding this characteristic is crucial for individuals or entities considering forming a business trust, as it informs them about the necessary steps and the legal protections available.

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:

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

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