

# Wills and Trusts Bar Practice Exam (Sample)

## Study Guide



**Everything you need from our exam experts!**

**This is a sample study guide. To access the full version with hundreds of 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. Don't worry about getting everything right, 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, and take breaks to retain information better.**

## 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.**

## 7. Use Other Tools

**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!**

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## **Questions**

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**1. What is the primary function of probate?**

- A. To distribute non-probate assets**
- B. To validate the decedent's last will and testament**
- C. To collect debts owed to the decedent**
- D. To create a trust for minor beneficiaries**

**2. When can a secret trust be enforced?**

- A. When it is communicated verbally**
- B. When a written agreement exists without evidence**
- C. When the beneficiary proves a prior trust agreement**
- D. When the trust is publicized through legal channels**

**3. How can a will be revoked according to action?**

- A. By adding new terms without clear indication**
- B. Through physical destruction or defacing at the testator's direction**
- C. By notifying the beneficiaries verbally**
- D. In the presence of a lawyer without testator's consent**

**4. Who is referred to as a testator?**

- A. A person who manages a trust**
- B. A person who creates a will**
- C. A person who witnesses a will**
- D. A person involved in the probate process**

**5. What type of trust can be created for the life of an animal under UPC?**

- A. A charitable trust**
- B. An honorary trust**
- C. A spendthrift trust**
- D. An irrevocable trust**

**6. What happens if a settlor's alternate charitable gift lapses?**

- A. It can be transferred to the state**
- B. It returns to the settlor if living**
- C. It becomes void immediately**
- D. It remains in limbo**

**7. What is the primary function of a will?**

- A. To serve as a living trust**
- B. To specify how an individual's assets will be distributed after death**
- C. To establish joint tenancy of properties**
- D. To outline the management of a trust**

**8. If a will references "what is in my safe deposit box," what is included in the gift?**

- A. Only the cash within the box**
- B. All documents related to property**
- C. Only tangible property and cash**
- D. The entire contents of the box**

**9. Which action is prohibited for a trustee under duties against self-dealing?**

- A. Buying trust assets for personal use**
- B. Making prudent investments**
- C. Charging a fee for trustee services**
- D. Taking advice from investment consultants**

**10. What are "nuncupative wills"?**

- A. Wills written with the assistance of an attorney.**
- B. Written wills that are signed and sealed.**
- C. Oral wills made in the presence of witnesses, usually valid only under specific conditions.**
- D. Wills that are notarized by a legal official.**

## **Answers**

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

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## **Explanations**

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## 1. What is the primary function of probate?

- A. To distribute non-probate assets
- B. To validate the decedent's last will and testament**
- C. To collect debts owed to the decedent
- D. To create a trust for minor beneficiaries

The primary function of probate is to validate the decedent's last will and testament. When a person passes away, their will must go through a legal process called probate, which ensures that the will is genuine and reflects the true intentions of the deceased. During this process, the court reviews the will, verifies its validity, and oversees the distribution of the decedent's estate according to the terms laid out in the will. This validation step is crucial because it establishes legal authority to administer the estate. It protects the interests of beneficiaries and creditors, as it confirms that the person who is administering the estate is doing so based on an authentic document that accurately represents the wishes of the deceased. Without this validation, disputes could arise, and there would be uncertainty about the rightful heirs and the distribution of the decedent's assets. Thus, the primary focus of probate is to ensure that the will is properly recognized and executed according to the law.

## 2. When can a secret trust be enforced?

- A. When it is communicated verbally
- B. When a written agreement exists without evidence
- C. When the beneficiary proves a prior trust agreement**
- D. When the trust is publicized through legal channels

A secret trust can be enforced when the beneficiary proves a prior trust agreement because this aligns with the underlying principles of trust law, which aim to uphold the intentions of the testator or settlor. In secret trusts, the intention to create a trust is not made obvious in the will or legal document but is instead communicated informally. As a result, for the trust to be enforced, the beneficiary must demonstrate that a valid trust agreement existed, despite its absence from formal documentation. This requirement to prove a prior trust agreement ensures that the intentions of the deceased regarding the trust property are honored while also addressing the issue of evidentiary standards. Since secret trusts are not explicitly documented, relying on verbal communications alone would be problematic for enforcement as they could lead to disputes regarding the terms and existence of the trust. Therefore, the necessity of establishing a prior agreement serves as a safeguard against false claims and further illustrates the importance of intention behind the trust arrangement.

### 3. How can a will be revoked according to action?

- A. By adding new terms without clear indication
- B. Through physical destruction or defacing at the testator's direction**
- C. By notifying the beneficiaries verbally
- D. In the presence of a lawyer without testator's consent

A will can be revoked through specific actions that demonstrate the testator's intention to invalidate the document. One clear method is through physical destruction or defacing of the will, which must be done at the testator's direction. This can involve tearing, burning, or otherwise damaging the will in a way that shows the testator no longer wishes for it to be valid. In this scenario, physical destruction or defacing signifies a clear and deliberate action taken by the testator to revoke the will. This act must be intentional and executed in a manner that reflects the testator's desire to nullify the previous testamentary document. The other choices present various misunderstandings about how revocation occurs. Adding new terms without a clear indication does not constitute revocation—as it could be seen as merely amending the will rather than invalidating it. Verbal notifications to beneficiaries do not hold legal weight in terms of revoking a will, as tangible actions are required to demonstrate intent. Moreover, involving a lawyer without the testator's consent does not have any bearing on revoking a will, as the act of revocation must come from the testator's own volition and expressed intent rather than external pressure or influence. Thus, the action of physically destroying the

### 4. Who is referred to as a testator?

- A. A person who manages a trust
- B. A person who creates a will**
- C. A person who witnesses a will
- D. A person involved in the probate process

A testator is specifically defined as a person who creates a will. This title applies to an individual who has the legal capacity to make a will, thereby expressing their wishes regarding the distribution of their estate after death. A testator engages in the intentional process of drafting and executing a will, outlining how they want their assets to be managed and distributed upon their passing. In contrast, the other roles mentioned do not fit the definition of a testator. For example, someone who manages a trust is typically referred to as a trustee, and their responsibilities involve overseeing the trust according to the terms set forth by the trustor or grantor. A person who witnesses a will is known as a witness, and their role is simply to attest to the testator's execution of the will, ensuring that the document's creation followed the legal requirements for validity. Lastly, a person involved in the probate process could have various roles (like an executor or an attorney) but does not directly imply the creation of a will, as the probate process more primarily concerns the implementation of the will after a testator's death. Thus, the role of the testator is distinct and specifically associated with the act of creating a will, making the correct choice clear.

**5. What type of trust can be created for the life of an animal under UPC?**

- A. A charitable trust**
- B. An honorary trust**
- C. A spendthrift trust**
- D. An irrevocable trust**

The correct answer is an honorary trust. Under the Uniform Probate Code (UPC), an honorary trust is a type of trust that can be established for the benefit of a non-human beneficiary, such as an animal. This trust is intended to provide for the care and maintenance of the animal during its lifetime. The UPC recognizes the validity of honorary trusts, allowing the creator to express their wishes about how their pet or other animal should be cared for after their death. This ensures that the funds are used specifically for the well-being of the animal, highlighting the relationship between the owner and their pet. While charitable trusts are designed for charitable purposes and spendthrift trusts protect beneficiaries from creditors, they do not apply in the case of an animal as the beneficiary. An irrevocable trust pertains to the inability to change or terminate the trust once it is established, which does not specifically address the nuances of animal care or the intent behind providing for an animal's welfare. Thus, honorary trusts stand distinct as the appropriate legal instrument for this situation under the UPC.

**6. What happens if a settlor's alternate charitable gift lapses?**

- A. It can be transferred to the state**
- B. It returns to the settlor if living**
- C. It becomes void immediately**
- D. It remains in limbo**

When a settlor's alternate charitable gift lapses, the gift typically returns to the settlor if the settlor is still alive. This principle is rooted in the doctrine of cy pres and the rules surrounding charitable gifts. If a designated charity is no longer available or the purpose of the gift becomes impossible to fulfill, and no alternate beneficiary has been established or can be identified, the default often reverts back to the settlor. This reversion is intended to respect the settlor's intentions and ensure that their property does not simply remain unallocated or lost, which could potentially happen if there are no other specified beneficiaries. Some jurisdictions might allow the gift to pass to the settlor's estate or a specified alternative, but the common principle reinforces that without a living settlor's instructions to the contrary, it defaults back to the settlor. The options that involve transferring to the state, voiding the gift immediately, or leaving it in limbo are less consistent with trust and estate law principles concerning lapsed gifts and the preferences shown toward honoring the settlor's intent.

## 7. What is the primary function of a will?

- A. To serve as a living trust
- B. To specify how an individual's assets will be distributed after death**
- C. To establish joint tenancy of properties
- D. To outline the management of a trust

The primary function of a will is to specify how an individual's assets will be distributed after death. A will is a legal document that expresses a person's wishes regarding the distribution of their property and the care of any minor children upon their passing. It can designate beneficiaries to receive specific assets, outline the executor who will manage the estate, and provide directions for paying debts and taxes. This key purpose distinguishes a will from other legal instruments, as it directly addresses the distribution of assets and ensures that the deceased's intentions are honored. The concept of a living trust, mentioned in another option, is more about managing and controlling assets during a person's lifetime and can avoid the probate process upon death. Joint tenancy relates to property ownership shared between parties but does not address the comprehensive distribution wishes of an individual after death as a will does. Similarly, the management of a trust involves different considerations and is separate from how a will articulates posthumous asset distribution. Thus, the correct answer accurately captures the fundamental role of a will in estate planning.

## 8. If a will references "what is in my safe deposit box," what is included in the gift?

- A. Only the cash within the box
- B. All documents related to property
- C. Only tangible property and cash**
- D. The entire contents of the box

When a will references "what is in my safe deposit box," the intent is generally to include all tangible property stored within that box. This typically encompasses not only cash but also any physical objects or items of value that might be stored there. Since tangible property can include various items such as jewelry, collectibles, or other assets, the gift can be interpreted to encompass all such physical items along with cash. However, it does not extend to intangible assets or just documents related to property unless they are specifically mentioned or part of a broader term covering tangible things. Hence, the gift would not include merely documents or intangible property like stocks or bonds. The reference to tangible property ensures clarity around what is being bequeathed, leading to the inclusion of both cash and physical items, reinforcing the understanding that the entire contents relevant to tangible goods are part of the gift. In summary, the correct answer acknowledges that while the gift includes tangible items (like cash) that have substantial physical presence, it does not extend to intangible aspects such as documents related to property unless specified otherwise.

## 9. Which action is prohibited for a trustee under duties against self-dealing?

- A. Buying trust assets for personal use**
- B. Making prudent investments**
- C. Charging a fee for trustee services**
- D. Taking advice from investment consultants**

The action of buying trust assets for personal use is prohibited for a trustee under the duties against self-dealing because it creates a clear conflict of interest. Trustees have a fiduciary duty to act in the best interests of the trust and its beneficiaries, which includes the obligation to avoid any transactions that could benefit themselves at the expense of the trust. When a trustee purchases trust assets for their personal use, it undermines this duty, as the trustee has a personal financial interest in the transaction that may not align with the interests of the beneficiaries. In contrast, making prudent investments, charging a fee for trustee services, and taking advice from investment consultants are all actions that are permissible under the trustee's duties, provided they align with the best interests of the beneficiaries and comply with relevant laws and trust terms. For example, prudent investments are necessary for trust management, and charging reasonable fees for services is typically acceptable if disclosed to the beneficiaries. Seeking advice from professionals can enhance the trustee's decision-making and is often encouraged.

## 10. What are “nuncupative wills”?

- A. Wills written with the assistance of an attorney.**
- B. Written wills that are signed and sealed.**
- C. Oral wills made in the presence of witnesses, usually valid only under specific conditions.**
- D. Wills that are notarized by a legal official.**

Nuncupative wills are indeed oral wills that are made in the presence of witnesses. Such wills typically arise in specific circumstances, for example, when an individual is on their deathbed or in imminent danger, and they may lack the ability to create a formal written will. This type of will tends to be recognized only under certain conditions dictated by law, which may require the presence of a specified number of witnesses and sometimes a demonstration of the testator's intent. The significance of this legal concept lies in its nature; it allows individuals to express their final wishes orally when written wills cannot be suitably executed. This flexibility provides a means for the testator to ensure that their wishes are known even in urgent situations. The formal requirements can vary significantly by jurisdiction, which enforces the idea that while nuncupative wills can be valid, they are subject to strict legal standards to ensure their authenticity and to prevent fraud. This understanding of nuncupative wills highlights the importance of witnessing and intent in the estate planning process, particularly when considering scenarios where an individual may not be able to create a more traditional written will.

# 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](mailto:hello@examzify.com).**

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

**<https://willsandtrustsbar.examzify.com>**

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

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