

Wills and Trusts Bar Practice Exam (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. What is a fundamental requirement for a validly executed will?**
 - A. It must be notarized**
 - B. It must be signed by the testator in the presence of two witnesses**
 - C. It must be written in the testator's handwriting**
 - D. It must include a self-proving affidavit**
- 2. What is the primary purpose of a guardian designation in a will?**
 - A. To ensure the estate is managed appropriately.**
 - B. To appoint a person to take care of minor children or dependents after the death of the parents.**
 - C. To dictate how debts are settled.**
 - D. To outline funeral arrangements.**
- 3. What is a potential liability of a corporate trustee?**
 - A. Buying its own stock as a trust investment**
 - B. Commingling trust funds with company funds**
 - C. Failing to properly document distributions**
 - D. Charging excessively for management fees**
- 4. What is necessary for a trust to exist at the time of its creation?**
 - A. A notarial seal on the trust document**
 - B. A formal record of the creator's intent**
 - C. Legal title to a specific interest in property**
 - D. A signed and dated will**
- 5. What is a purchase money resulting trust?**
 - A. A trust created for future earnings**
 - B. A presumption of trust when title is in another's name**
 - C. A trust established for the benefit of minors**
 - D. A trust with specified investment returns**

- 6. Can a will prohibit the application of anti-lapse rules?**
- A. No, the anti-lapse rules are always applicable**
 - B. Yes, if the gift is conditional on survival**
 - C. Only if the testator specifies alternate beneficiaries**
 - D. Yes, when explicitly stated in any will**
- 7. What is a necessary requirement for proving a lost will?**
- A. Proof of due execution by attesting witnesses**
 - B. Evidence of the will's original location**
 - C. Testimony from non-attesting witnesses**
 - D. Birth certificate of the testator**
- 8. What is the minimum age requirement to create a valid will in most jurisdictions?**
- A. 16 years old**
 - B. 18 years old**
 - C. 21 years old**
 - D. 25 years old**
- 9. What is the purpose of a self-proving affidavit?**
- A. To affirm the testator's age during probate**
 - B. To serve as a witness for testimony in court**
 - C. To act as a substitute for a live witness testimony**
 - D. To confirm the testator's wishes were written correctly**
- 10. What is a key requirement for beneficiaries of a trust?**
- A. Beneficiaries must be family members**
 - B. Beneficiaries must be ascertainable**
 - C. Beneficiaries must be related to the trustee**
 - D. Beneficiaries can be anonymous individuals**

Answers

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

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Explanations

1. What is a fundamental requirement for a validly executed will?

A. It must be notarized

B. It must be signed by the testator in the presence of two witnesses

C. It must be written in the testator's handwriting

D. It must include a self-proving affidavit

For a will to be considered validly executed, a fundamental requirement is that it must be signed by the testator in the presence of two witnesses. This requirement is grounded in the laws governing wills, which aim to ensure that there is clear evidence of the testator's intentions and that those intentions are safeguarded through proper witnessing. The presence of two witnesses serves multiple purposes: it helps to verify that the testator was of sound mind and acted voluntarily when executing the will, and it can protect against claims of fraud or undue influence. In many jurisdictions, the witnesses must also sign the will to confirm that they witnessed the testator sign it or that the testator acknowledged their signature in their presence. While notarization, handwriting, and self-proving affidavits may enhance the validity or facilitate the probate process, they are not universally required for a will to be valid. Notarization is not a requirement in all jurisdictions; some jurisdictions recognize an attested will (signed by witnesses) as sufficient without the need for a notary. Similarly, a will can be considered valid if it is handwritten, but this is not a requirement. A self-proving affidavit is a tool to expedite probate but is not essential to the validity of the will itself.

2. What is the primary purpose of a guardian designation in a will?

A. To ensure the estate is managed appropriately.

B. To appoint a person to take care of minor children or dependents after the death of the parents.

C. To dictate how debts are settled.

D. To outline funeral arrangements.

The primary purpose of a guardian designation in a will is to appoint a person to take care of minor children or dependents after the death of the parents. This designation is critical for ensuring that minors are provided for by a trusted individual in the event that both parents pass away or become unable to care for them. The choice of guardian typically reflects the parents' values, beliefs, and preferences regarding the upbringing of their children, and it serves to provide peace of mind that their children will be looked after by someone they trust. In contrast, ensuring the estate is managed appropriately primarily relates to the role of an executor or personal representative, who is responsible for administering the estate and fulfilling the terms of the will. Dictating how debts are settled pertains to the overall estate administration process, as the executor is tasked with paying debts before distributing the remaining assets. Outlining funeral arrangements is another aspect of estate planning, but it does not pertain to the immediate care of dependents. Therefore, the guardian designation is specifically intended to secure care for children rather than address these other important estate matters.

3. What is a potential liability of a corporate trustee?

- A. Buying its own stock as a trust investment**
- B. Commingling trust funds with company funds**
- C. Failing to properly document distributions**
- D. Charging excessively for management fees**

A corporate trustee has a fiduciary duty to manage trust assets in the best interests of the beneficiaries. One potential liability arises when a corporate trustee engages in transactions that could create a conflict of interest or deviate from prudent investment practices. Buying its own stock as a trust investment can represent a clear violation of this duty because it can lead to self-dealing, where the trustee prioritizes its own financial interests over those of the beneficiaries. This could compromise the trustee's ability to act impartially and could result in a loss for the beneficiaries if the stock performs poorly. Other options present potential issues but do not align as closely with the core fiduciary responsibilities encountered by a corporate trustee. For example, commingling trust funds with company funds could certainly be a serious breach, but it specifically pertains to the proper management and accounting of funds rather than a conflict of interest in investment choices. Failing to document distributions or charging excessively for management fees are also significant concerns, but they are more about operational negligence or unreasonable fees rather than direct conflicts of interest associated with making investment decisions. Thus, the act of buying its own stock directly relates to how a corporate trustee must navigate conflicts between their interests and those of the trust beneficiaries, making it a particularly significant potential liability.

4. What is necessary for a trust to exist at the time of its creation?

- A. A notarial seal on the trust document**
- B. A formal record of the creator's intent**
- C. Legal title to a specific interest in property**
- D. A signed and dated will**

For a trust to exist at the time of its creation, legal title to a specific interest in property must be established. A trust is fundamentally an arrangement in which one party holds property for the benefit of another. This requires the transfer of legal title to the assets that will fund the trust. Without specific property being placed into the trust, or without the legal title being transferred, the trust cannot operate as intended. While a formal record of the creator's intent is important and can support the establishment of a trust, the mere documentation of intent does not create the trust itself. Additionally, a notarial seal is not a requirement for the validity of a trust in most jurisdictions. A signed and dated will pertains specifically to the testamentary aspects of transferring property upon death, rather than to the immediate creation of an inter vivos trust or the specific need for property title. Thus, legal title to specific property is the essential element needed for a trust to exist.

5. What is a purchase money resulting trust?

- A. A trust created for future earnings
- B. A presumption of trust when title is in another's name**
- C. A trust established for the benefit of minors
- D. A trust with specified investment returns

A purchase money resulting trust arises in situations where one party provides the purchase money for a property, but the title is held in the name of another person. The law presumes that this relationship creates an obligation for the person holding the title to hold the property in trust for the actual purchaser, thus establishing a trust relationship based on the purchase money. This presumption can be rebutted, but it is generally accepted that the person who provided the funds intended to benefit from the property, even though their name is not on the title. In this context, it is important to understand that the purchase money resulting trust is focused on the intention of the parties and the source of the funds used to acquire the property. The other options listed do not accurately reflect the characteristics or legal principles surrounding this type of trust. For instance, a trust created for future earnings would not specifically address the situation where title ownership differs from the source of the purchase funds, nor would it imply the existence of a presumed obligation based on the titleholder's actions. Similarly, trusts established for the benefit of minors and trusts with specified investment returns focus on different purposes and requirements that do not encompass the fundamental aspects of purchase money resulting trusts.

6. Can a will prohibit the application of anti-lapse rules?

- A. No, the anti-lapse rules are always applicable
- B. Yes, if the gift is conditional on survival**
- C. Only if the testator specifies alternate beneficiaries
- D. Yes, when explicitly stated in any will

The correct answer indicates that a will can indeed prevent the application of anti-lapse rules if the gift is conditional upon the beneficiary's survival. Anti-lapse statutes are designed to prevent a gift from failing if a beneficiary predeceases the testator; instead, the property typically passes to the beneficiary's descendants. However, if the testator specifies that a gift is contingent on a beneficiary surviving them, this creates an explicit condition that overrides the default application of anti-lapse rules. In such cases, if the beneficiary does not survive the testator, the gift will not take effect, and the property will not pass to the beneficiary's heirs. This distinguishes the correct answer from the other options. For instance, asserting that anti-lapse rules are always applicable ignores the ability of the testator to create conditions that would prevent their application. Saying that the rules can only be overridden if alternate beneficiaries are specified does not capture the essence of conditionality—it's the condition of survival itself that is key, not merely the presence of alternate beneficiaries. Lastly, suggesting that a will can prohibit these rules when explicitly stated applies in a broader sense than necessary; while clarity in the testator's intention is important, the specific condition of survival serves as a more direct

7. What is a necessary requirement for proving a lost will?

A. Proof of due execution by attesting witnesses

B. Evidence of the will's original location

C. Testimony from non-attesting witnesses

D. Birth certificate of the testator

To prove a lost will, the necessary requirement is to establish that the will was properly executed in accordance with the law. This involves proving due execution, which typically means presenting evidence that the will was signed by the testator in the presence of attesting witnesses, who also signed the will themselves. The rationale behind this requirement is to ensure that the will reflects the true intentions of the testator and that proper formalities were observed, even if the physical document is no longer available. In the context of lost wills, the absence of the original document heightens the need to confirm that execution was valid and meets legal standards. Therefore, the testimony from attesting witnesses or other forms of evidence demonstrating that due execution took place is critical to establishing the validity of the testamentary intent. Other options in the question do not fulfill the essential legal standard for establishing a lost will. Evidence of the will's original location, for example, may provide context but does not satisfy the burden of proof concerning proper execution. Similarly, testimony from non-attesting witnesses may not hold the same weight in proving the formalities of execution, and a birth certificate of the testator is unrelated to the execution of a will. Thus, focusing on acknowledging that the will was duly

8. What is the minimum age requirement to create a valid will in most jurisdictions?

A. 16 years old

B. 18 years old

C. 21 years old

D. 25 years old

In most jurisdictions, the minimum age requirement to create a valid will is 18 years old. This age threshold is based on the legal understanding of capacity, where individuals are considered of legal age to make binding decisions, including the disposition of their property after death. At 18, individuals are typically recognized as adults with the mental competence needed to understand the nature and consequences of their actions in drafting a will. Younger individuals, such as those aged 16 or 21, may not possess the same rights to create a will, as the law usually set the age at 18 to protect those who may not fully comprehend the implications of their decisions. In some jurisdictions, there may be limited exceptions for minors who can create a will if they are married or in military service, but these exceptions are not universal. Thus, the legal standard is predominantly set at 18 years old as the threshold for valid testamentary capacity.

9. What is the purpose of a self-proving affidavit?

- A. To affirm the testator's age during probate
- B. To serve as a witness for testimony in court
- C. To act as a substitute for a live witness testimony**
- D. To confirm the testator's wishes were written correctly

A self-proving affidavit serves the purpose of providing a substitute for live witness testimony. This legal document is typically attached to a will and is signed by the testator and witnesses, affirming that the will was executed properly and in accordance with the law. By including a self-proving affidavit, the probate process can be streamlined. It reduces the need for witnesses to come forward and testify about the execution of the will, which can often be a time-consuming and complicated aspect of probate proceedings. This is particularly beneficial when witnesses may be unavailable, unwilling, or deceased by the time the will is submitted for probate. In the context of this question, the answers related to affirming the testator's age, serving as a direct witness, or confirming the wording of the will do not capture the core function of the self-proving affidavit. Its primary role is to facilitate the acceptance of the will in probate without necessitating the presence of witnesses to provide testimony about the execution of the will.

10. What is a key requirement for beneficiaries of a trust?

- A. Beneficiaries must be family members
- B. Beneficiaries must be ascertainable**
- C. Beneficiaries must be related to the trustee
- D. Beneficiaries can be anonymous individuals

A key requirement for beneficiaries of a trust is that they must be ascertainable. This means that the beneficiaries must be identifiable either at the time the trust is created or should be able to be determined through a specific method outlined in the trust document. The concept of ascertainability is essential to ensure that the trustee can effectively manage the trust assets and make distributions accordingly. A trust cannot have vague or undefined beneficiaries because the trustee would not know to whom to distribute the trust assets, which would violate the fundamental principles of trust law. Having ascertainable beneficiaries allows for clear guidelines on who has rights to the trust property and who can enforce the terms of the trust. This requirement supports the effectiveness and enforceability of a trust, ensuring that the intent of the grantor is realized while providing clarity and legal standing for those named to benefit from the trust.

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://willsandtrustsbar.examzify.com>

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