

Self Assessment

1. The following statements relate to Probate Estates. Which of the statement(s) is/are correct?
 - I. The Will determines the distribution of all the assets of the deceased
 - II. Probate estate encompasses all property passed to others by a Will.
 - III. The law that prescribes the rules for the grant of representation in Malaysia is the Distribution (Amendment) Act 1997.
 - A. I only
 - B. II only
 - C. III only
 - D. All of the above

2. The probate process proves the validity of the Will and it addresses many issues. Which one of the following is not correct?
 - I. Settlement of the estate
 - II. Distribution of the entire assets of the deceased
 - III. Avoids disputes pertaining to the deceased owner's Will
 - IV. Appointment of personal representatives of the estate
 - A. I only
 - B. II only
 - C. III only
 - D. IV only

3. Which one of the following statements is not correct?
- I. If an estate owner dies without a valid will, all probate property passes under the laws of intestate succession.
 - II. Non-probate property are those that are passed on to beneficiaries by operation of law or by contract.
 - III. Life insurance policies assigned either conditionally or absolutely to third parties are non-probate assets.
 - IV. Tenancy in common is an example of transfer by operation of law.
- A. I only
 - B. II only
 - C. III only
 - D. IV only
4. A number of legislations impact estate planning. Which of the following is no longer relevant?
- A. Wills Act 1959 (Revised 1998)
 - B. Probate and Administration Act 1959 (revised 1972)
 - C. Finance (Estate Duty) Act 1980 (Amended 1984)
 - D. Distribution (Amendment) Act 1997
5. The purposes of preparing a Will should be made known. Which of the statement(s) is/are correct?
- A. Ensuring the right people handle the testator's property.
 - B. Ensuring the right people receive the property.
 - C. Ensuring a smooth transfer of the deceased's property.
 - D. All the above are correct.

6. With reference to the validity of a Will for Non-Muslims which of the statement(s) is/are correct?
- I. All Wills must fully comply with the provisions of the Wills Act 1959.
 - II. The testator must be of sound mind.
 - III. The Will must be in writing.
- A. I only
 - B. II only
 - C. III only
 - D. All of the above
7. Which of the following is not correct concerning Wills?
- A. A Will can also be made by persons aged less than 18.
 - B. The mode of execution of the Will is a factor to take into account for a valid Will.
 - C. Oral Will does not comply with the Wills Act 1959
 - D. There has to be two witnesses to the will.
8. Which of these statement(s) is/are correct concerning Wills and Probate?
- A. The probate process is for the purpose of proving that the Will is valid.
 - B. The probate process gets the Will and the executor named in the Will to be legally approved by the Court.
 - C. There are specific rules and procedures to follow in the probate process.
 - D. All of the above
9. The Distribution Act 1958 (and the Amendment Act 1997) applies to
- A. Peninsular Malaysia and Sabah only.
 - B. Peninsular Malaysia and Sarawak only.
 - C. Sabah and Sarawak only.
 - D. The whole of Malaysia.

10. When a testator signs a Will, the witnesses .

- A. Need to sign in isolation but do not need to read the Will.
- B. Need to sign in the presence of the testator but do not need to read the Will.
- C. Need to read the Will in the presence of each other
- D. Need to read the Will in the presence of the testator.

Answers:1-B, 2-B, 3-D, 4-C, 5-D, 6-D, 7-A, 8-D, 9-B, 10-B

