

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2023**

**QUESTION 1 (40 POINTS)**

Mike married Nancy in 1995 in New Orleans. Mike and Nancy had two children: Owen, who is 28 years old, and Perry, who died last year when he was 22 years old. Owen has one daughter, Rosemary. Perry left behind one son, Saul; one daughter, Tina; and their mother who is also Perry's girlfriend, Quinn. At Mike and Nancy's 10th wedding anniversary party, Mike's mother handed them a lottery ticket, which turned out to be a winning ticket for which Mike and Nancy received over \$10 million. They kept these winnings in a joint account separate from anything else. Mike and Nancy lived in a home in Lafayette Parish that Mike inherited as his separate property from his grandfather (the "Family Home").

Mike died intestate last month at the age of 52. He is survived by Nancy, Owen, Quinn, Rosemary, Saul, Tina and Mike's sister Laura. Nancy waited until the next day to tell any of the family members that Mike had died.

At the time of Mike's death, Mike and Nancy had the following property as part of their community property: a 2017 Lexus sedan, a 2018 Ford sedan, a condominium in New Orleans (the "Condo") and the remaining proceeds in their account from their lottery winnings.

At the time of his death, Mike owned as his separate property not only the Family Home but also a Peugeot station wagon that Mike bought in high school and a 1/250<sup>th</sup> royalty interest in oil-producing property located in Vermilion Parish (the "Oil Tract"). For years, Mike's royalty interest in the Oil Tract has steadily produced around \$3,000 each month.

Mike had no debts at the time of his death, and no one entitled to any portion of Mike's estate renounced any interest in his estate.

*Please answer the following seven subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.*

- 1.1 Upon Mike's death, who owned interests in the Family Home; and in what proportions? Explain. (10 points)**
- 1.2 Upon Mike's death, who owned an interest in each of the three vehicles (the Lexus, Ford and Peugeot); and in what proportions? Explain. (10 points)**
- 1.3 Assume for this question 1.3 only that on Owen's birthday just weeks before Mike's death, Mike and Nancy handed to Owen an envelope containing the keys to the Condo and a signed note stating "Happy Birthday. The Condo is yours." Upon Mike's death, who owned the Condo, and in what proportions? Explain. (4 points)**
- 1.4 Assume for this question 1.4 only that on Owen's birthday just weeks before Mike's death, Mike and Nancy validly donated the Condo to Owen and that, on the day Mike died, Owen mailed to Mike and Nancy a card thanking them for the Condo and stating that he did not need and would not accept anything else from them ever again. At Mike's funeral the following week, Owen told his mother: "What I said in that card last week still stands." Is Owen's renunciation valid? Explain. (6 points)**
- 1.5 Was the donation of the lottery ticket to Mike and Nancy valid? Explain. (3 points)**
- 1.6 Who is entitled to the royalty proceeds paid on production from the Oil Tract after Mike's death; and in what proportions? Explain. (3 points)**
- 1.7 Assume solely for Question 1.7 that Owen validly renounced whatever interest he had in Mike's estate. Who succeeds to the interest that would have gone to Owen but for his valid renunciation; and in what proportion(s)? Explain. (4 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2023**

**QUESTION 2 (40 POINTS)**

David died last week. He was originally from North Carolina, but met and married his wife, Hope, in Iberia Parish, Louisiana. The couple resided in Iberia Parish until David's death. David was survived by Hope, their daughter Sally (40 years old), their daughter Elizabeth (38 years old), their son Ike (35 years old), David's nephew Koel (20 years old), and two grandchildren, Elizabeth's son Taylor (4 years old, permanently incapacitated due to Down syndrome) and Ike's daughter Charlotte (1 year old); David was also survived by his friend Abe. Koel is the only child of David's brother Jesse, who died in 2015.

On June 15, 2008, David executed a testament, the dispositive provisions of which read as follows in the following order:

1. I appoint Ike the independent executor of my last will and testament. If Ike cannot so serve, I appoint Ike's wife as independent executrix.
2. I leave to my wife Hope all of my interest in the family home I inherited from my father (the "Family Home").
3. I leave my 2005 F-250 truck (the "Truck") to Ike.
4. I leave my pipeline business to Ike and my brother, Jesse.
5. I leave Elizabeth all of my great-grandmother's good china; this is family property, and Elizabeth is to take good care of it and leave it to Ike when she dies.
6. I leave my 2005 F-250 truck (the "Truck") to my friend Abe.
7. Sally never let me stay at her house, so she is out.
8. I leave \$10,000 to the charity of my executor's choice.
9. I leave the residue of my estate equally to Elizabeth and Ike, or the survivor between them.
10. I direct that anything bequeathed herein to Elizabeth be placed in trust with Hope as trustee, for the benefit of Elizabeth. This trust shall be known as the "Elizabeth Trust." Elizabeth shall be the income beneficiary of this trust and shall be entitled to whatever trust income the trustee feels is needed. The trust shall exist for Elizabeth's lifetime, and at her death, its assets shall go to Ike.

This testament was in writing and executed before an attorney during a business trip to Tennessee. Even though it was not executed in the presence of a notary and two witnesses, the testament was in valid form in conformance with the laws of Tennessee. David never executed any further testaments or codicils.

David and Hope divorced in January 2020; they still loved each other, they just could not live together, so neither changed any estate planning documents. In June 2020, Elizabeth was in an accident that left her incurably quadriplegic. Everyone else survived David and was healthy unless otherwise indicated.

***Please answer the following ten subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.***

**2.1 Is David's will valid in Louisiana? Explain. (2 points)**

TEST CONTINUES ON NEXT PAGE

- 2.2 As executor, Ike chooses to give the \$10,000 bequest to charity to the ASPCA, an organization David vehemently opposed because he disagreed with its policies. Is the bequest valid? Explain. (3 points)
- 2.3 Is the bequest of the Family Home to Hope a valid legacy? Explain. (3 points)
- 2.4 Who inherits the Truck? Explain. (4 points)
- 2.5 Is the bequest of the china a valid legacy? Explain. (4 points)
- 2.6 Who inherits the pipeline business? Explain. (4 points)
- 2.7 *Assume solely for this Question 2.7* that, when Ike finished school, David gave him a note which read “As your dad, I am so proud of you for graduating today; when I die you can have my Rolex watch as your present.” and that the note was written by Hope, but David signed it. Has the note conferred ownership of the Rolex watch to Ike upon David’s death? Explain. (3 points)
- 2.8 Can the trust mentioned in paragraph 10 of David’s testament validly hold Elizabeth’s legacy? Does the trust satisfy any requirements applicable to rights Elizabeth may have in David’s estate? Explain. (8 points)
- 2.9 *Assume solely for this question 2.9* that Elizabeth did not survive the accident and died in June 2020. Does Taylor inherit anything from David? Explain. (5 points)
- 2.10 Sally was upset about her father’s will because she expected to receive some part of his estate when he died. Sally thinks David must not have been thinking clearly when he executed his will. What must Sally prove to challenge David’s will on the grounds of lack of testamentary capacity, and what is the burden of proof? Explain. (4 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2023**

**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1 Donation by ascendant
- 3.2 Dispensation from collation
- 3.3 Effect of child born after execution of testament
- 3.4 Trustee qualifications
- 3.5 Repeated legacy; intent
- 3.6 Olographic testament
- 3.7 Ingratitude
- 3.8 Joint legacy
- 3.9 Legatee/fiduciary as witness
- 3.10 Multiple testators

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
FEBRUARY 2023**

**QUESTION 1 (40 POINTS)**

Albert and Becky were married to each other and lived together in Louisiana until he died last month. Albert and Becky had four children together during their marriage: Cade (who died a year ago at age 30, having had two children, Ginger and Howard, who are both alive and under the age of 10), Diana (who is now age 28), Eric (who is now age 25), and Francis (who is now age 20). Each of these survivors has always been mentally and physically healthy. Becky as well as Albert's mother, Irene, and his only sibling, June, are also still alive.

Albert never made a will and testament. At the time he died, Albert owned the following property:

- A condominium (the “*Condo*”), which was community property of Albert and Becky and which had a value of \$600,000 at the time of his death; and
- An original vinyl LP of “Love Me Tender,” autographed by Elvis Presley (the “*Elvis Record*”), which was Albert's separate property and which had a value of \$100,000 at the time of his death.

At the time of his death, the total of the debts and liabilities attributed to Albert was \$300,000. Two years before his death, Albert validly gave \$100,000 in cash to Diana.

*Please answer the following six subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.*

- 1.1 Who succeeds to Albert's interest in the Condo; and in what proportions? Explain fully. (10 points)**
- 1.2 Is there a forced portion of Albert's estate; and if so, what is the monetary value of the forced portion? Explain fully. (15 points)**
- 1.3 Francis thinks Diana was treated more favorably than the other children because Diana received a monetary gift from Albert before his death. Francis wants to reduce what Diana receives from the succession. What steps might Francis take in the succession, if any, to prevent Diana from receiving the same share of the Condo and Elvis Record as Francis? Explain fully. (4 points)**
- 1.4 Assume the following facts solely for this Question 1.4. Eric's relationship with Albert had been strained for years because Albert wouldn't financially support him; at every family holiday, Eric announced to the family: “Dad never does anything for me. I don't want anything from him after he dies.” After Albert died, Becky called Eric to tell him that his father had died without a last will and testament. In response, Eric said: “You know how I felt about Dad. I've said it consistently for years.”**  
**Has Eric validly renounced his interest in Albert's succession? Explain fully. (5 points)**
- 1.5 Assume solely for this Question 1.5 that Albert never had any children, but was survived by his wife, Becky, and also by his mother, Irene, and his sister, June. Who inherits the Elvis Record and Albert's share of the Condo? Explain fully. (4 points)**
- 1.6 Assume solely for this Question 1.6 that, before her marriage to Albert, Becky had another child, Karen, who is still alive, and that Albert loved his stepchild and treated her like she was his biological child. Should Karen inherit any interest in the Elvis Record? Explain fully. (2 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
FEBRUARY 2023**

**QUESTION 2 (40 POINTS)**

Steve, a lifetime domiciliary of Louisiana, died last week at the age of 59. He married his high school sweetheart, Alana, when he was age 19, and they had one son, Luc, when Steve was 29. Steve was divorced from Alana by age 30, and married Kristin when he was 32. No children were born or adopted from this second marriage. Steve made a valid last will and testament on his 40<sup>th</sup> birthday. Steve is survived by his former wife, Alana; his widow, Kristin; his only child, Luc; and his friend, Brad. All of Steve's siblings and parents died before him.

The dispositive provisions of Steve's valid last will and testament provide the following:

1. I leave my entire antique motorcycle collection to my friend Brad.
2. I leave my home and the cash sum of \$500,000 in a trust for my son Luc, with his mother as trustee.
3. I leave my primary vehicle to my wife.
4. I leave \$100,000 to my sister Stacey, but if she dies first, I leave that sum to a charity to be designated by my executrix.
5. I leave \$5,000 to my son Luc's mother, Alana.
6. I leave everything else to my son Luc.
7. I name Alana my independent executrix.

Both at the time he signed this will and at the time he died, Steve owned five antique motorcycles as his separate property: namely, his antique 1948 Harley Davidson motorcycle, which he drove every day except when it was raining, and four antique Ducati motorcycles, which he drove only occasionally. At that time of his death, he also owned as his additional separate property a 1987 Yugo Hatchback automobile, which was his backup car.

***Please answer the following seven subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.***

- 2.1 In light of Steve's divorce from Alana, is (a) Steve's bequest to Alana valid and (b) Steve's designation of Alana as his independent executrix valid? Explain fully. (5 points)**
- 2.2 Who succeeds to each of Steve's six vehicles (the 1948 Harley Davidson motorcycle, the four Ducati motorcycles, and the 1987 automobile)? Explain fully. (9 points)**
- 2.3 Is the dispositive provision in Steve's will that his executrix designate a charity to receive cash if Stacey dies first, valid? Explain fully. (10 points)**
- 2.4 Is the second dispositive provision in Steve's will sufficient to create a trust under Louisiana law? Explain fully. (4 points)**

***Assume solely for Questions 2.5-2.7 below that the trust for the benefit of Luc is valid.***

- 2.5 How often must Luc receive trust income? Explain fully. (4 points)**

TEST CONTINUES ON NEXT PAGE

- 2.6 During the administration of the trust for Luc, Luc suffered an uninsured, medical emergency. Because he had no means of paying his medical bills, Luc requested that his mother as trustee pay the bills from Luc's trust assets. Luc's mother Alana is aware that the will makes no provision for invading the trust principal. If Alana wishes to use the trust assets to assist Luc, how should she respond to his request? Explain fully. (4 points)**
- 2.7 Alana informed Luc that administration of Luc's trust is a burden on her and thus that she is going to start charging the trust a fee for her services. Alana has researched commercial trustees and learned that the going rate for trustee services in her community for similar trusts is \$1,500 per year. Because Luc is "family," she informed him that she is going to charge only \$1,000 per year. Luc objected, pointing out that the will makes no provision for compensating the trustee. Who is correct with respect to this issue, Alana or Luc? Explain fully. (4 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
FEBRUARY 2023**

**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1     Forced heirs
- 3.2     Inheritance by collateral relatives
- 3.3     Beneficiaries of testamentary trusts
- 3.4     Form of trusts
- 3.5     In terrorem clauses
- 3.6     Effect of adoption on inheritance rights
- 3.7     Joint legacy
- 3.8     Trustees
- 3.9     Conflict of laws
- 3.10    Donations

[End of Question 3]

END OF CIVIL CODE II TEST



**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2022**

**QUESTION 1 (40 POINTS)**

Ricky died last month in New Orleans. He was born and raised in Louisiana, but spent his twenties working as a wine sommelier at a hotel in California. After losing his job at the hotel, Ricky moved back to Louisiana, where he met and married Cindy.

At the time of Ricky's death, he had the following assets:

- A townhouse he bought with Cindy during their marriage as community property (the "***Townhouse***").
- A 200-bottle wine collection that he acquired during his time in California and thus was his separate property (the "***Wine Collection***").
- A 1869 Morgan Silver Dollar that Ricky inherited from his father and thus was his separate property (the "***Silver Dollar***").
- A vineyard that was located on 20 acres in Ouachita Parish and was Ricky's separate property (the "***Vineyard***").

Ricky died intestate. At the time of his death, Ricky was survived by his wife, Cindy; their three adult children, Jane, Tim and Adam; his father, Frank; and his sister, Emily.

*Please answer the following five subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.*

- 1.1 Who succeeds to Ricky's interest in the Townhouse; and in what proportions? Explain fully. (8 points)**
- 1.2 Who succeeds to the interest in the Wine Collection; and in what proportions? Explain fully. (4 points)**

*For Questions 1.3 and 1.4 ONLY, assume that Jane has a 10-year-old daughter, Ava, who witnessed Jane poison Ricky's drink on the night he died. Ava told her uncle Tim about what she saw.*

- 1.3 What step(s) may Tim reasonably take to attempt to prohibit Jane from benefiting through inheritance from a death she caused, and what is the time limitation for Tim to take such step(s)? Explain fully. (14 points)**
- 1.4 For this Question 1.4 ONLY, assume the step(s) taken by Tim are successful. Who is entitled to inherit the Silver Dollar? Explain fully. (6 points)**
- 1.5 For this Question 1.5 ONLY, assume that Ricky did not marry and had no children. Who is entitled to inherit Ricky's interest in the Vineyard? Explain fully. (8 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2022**

**QUESTION 2 (40 POINTS)**

**PART A (30 POINTS)**

Alice, a lifelong Louisiana domiciliary, died instantly in a car wreck. She had a valid last will and testament. Alice's husband predeceased her, and his succession proceedings are concluded. Alice gave birth to three children who survived her, Yvonne, Xavier, and Wes, and one child, Zeke, who predeceased her after she signed her will. Zeke left two children, Ursula and Vern, who are both still alive.

The morning before she died, Alice borrowed \$100,000 from Wes and signed a promissory note providing for monthly interest-only payments and a balloon payment of all outstanding amounts due at Alice's death. With her untimely death, Alice never made any payments toward the satisfaction of the debt owed to Wes. Other than this debt to Wes, Alice's succession has no estate debts—other than minimum administrative expenses, for which there is ample cash in the residue of the succession to pay.

The dispositive provisions of Alice's valid last will and testament provide the following:

1. I leave my Alphonse Mucha color lithograph entitled *Nestlé's Food for Infants* (the "**Lithograph**") to Yvonne; if Yvonne does not survive me, I leave the Lithograph to the Lithograph Collection at the Metropolitan Museum of Art.
2. I leave the immovable property and improvements known as Blackacre Warehouse (the "**Warehouse**") to Xavier. The Warehouse is subject to a twenty-year, triple net lease generating \$5,000 per month in rental income.
3. I leave to Yvonne, Xavier, and Wes the cash sum of \$100,000 each.
4. I leave the residue of my estate to Big Bank, but in trust and as trustee of the Alice Testamentary Trust (the "**Trust**"), hereby established. My friend Tricia Tremont shall enjoy the income of the Trust for the remainder of her life. The principal beneficiaries of the Trust shall be Yvonne, Xavier, Wes, and Zeke, in equal shares. The Trust shall last for two hundred years and shall be a spendthrift trust. I expressly relieve Big Bank from any and all liability for its acts or inaction with respect to its service as my trustee.
5. I appoint Big Bank as independent executor for my succession.

*Please answer the following six subquestions. Explain each answer; an answer without explanation will receive no credit.*

- 2.1 With respect to the Lithograph, is the substitution of the Lithograph Collection at the Metropolitan Museum of Art a permitted substitution under the Louisiana Civil Code? Explain fully. (5 points)
- 2.2 Alice's succession has been under administration for seven months, and the independent executor as successor to the lessor has collected \$35,000 in rental income from the Warehouse lessee. There have been no administrative expenses to the succession associated with the Warehouse. The independent executor informed the Trust beneficiaries that this \$35,000 passes to the residue of the succession and will be added to the Trust for their benefit. Is the independent executor's treatment of the \$35,000 correct? Explain fully. (5 points)

TEST CONTINUES ON NEXT PAGE

- 2.3 The independent executor is preparing to distribute the cash legacies to Yvonne, Xavier, and Wes and proposed to distribute \$200,000 to Wes, which it states constitutes Wes' cash legacy and repayment of the debt Alice owed Wes at the time of her death. Yvonne objects, stating the \$100,000 legacy in the will to Wes constitutes Alice's repayment to Wes of the debt. Is the independent executor's proposed payment of \$200,000 to Wes correct? Explain fully. (5 points).
- 2.4 Wes has two money judgments against him, one in favor of Acme Bank for default on a loan and one in favor of his former wife for failure to pay child support. Is his interest in the Trust protected from these creditors? Explain fully. (5 points)
- 2.5 What is the maximum term of the Trust? Explain fully. (5 points)
- 2.6 Part of the Trust corpus consisted of a prime commercial real estate parcel. Big Bank decided to sell the parcel to itself for a new branch location and paid the Trust the appraised value of the parcel. The Trust did not need the liquidity or further diversification of assets generated by the sale.

The Trust beneficiaries protested the sale. Big Bank responded with two arguments: first, that it paid the appraised value, so the beneficiaries have nothing about which to complain; and second, that, even if the beneficiaries were harmed by the sale, Alice's will expressly exempts Big Bank from liability for its actions.

Is Big Bank likely to succeed with either of its arguments? Explain fully (5 points)

#### **PART B (10 POINTS)**

**For Part B, assume the facts of Part A and add the following:** Alice's father, Tom, was an unmarried lifelong Texas domiciliary and died in Texas several years before Alice's death. He left a valid, typewritten Texas will in which he left all of his property, "wherever situated, real or personal," to his only child, Alice. Inasmuch as Tom's will was a Texas instrument, it did not contain the attestation clause in accordance with Civil Code Article 1577.

Tom's family was under the impression that Tom had depleted all his assets to remain in a nursing home and thus died without assets. Therefore, no succession or probate proceedings were instituted following his death.

After Alice's death, a landman for an oil company contacted her independent executor and informed her that Tom still owned mineral rights in Caddo Parish, Louisiana (the "***Mineral Rights***") and that the oil company would like to lease them from Alice's succession.

The landman informed the independent executor that because there are no assets other than the Mineral Rights, they need only record Tom's last will and testament in the conveyance records of Caddo Parish to clear title to the Mineral Rights and permit the independent executor to lease the Mineral Rights to the oil company.

*Please answer the following two subquestions. Explain each answer; an answer without explanation will receive no credit.*

- 2.7 Will recordation of Tom's original Texas will in the Caddo Parish conveyance records permit Alice's independent executor effectively to lease the Mineral Rights? Explain fully. (5 points)
- 2.8 In light of the fact that Tom's will lacks an attestation clause in accordance with Civil Code Article 1577, is Tom's will valid under Louisiana law? Explain fully. (5 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2022**

**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1 Donations
- 3.2 Form of testament
- 3.3 In terrorem clauses
- 3.4 Collation
- 3.5 Form of trusts
- 3.6 Conflict of laws; property in successions
- 3.7 Trustees
- 3.8 Effect of child born after execution of testament
- 3.9 Undue influence
- 3.10 Intestate succession of immoveable property

[End of Question 3]

END OF CIVIL CODE II TEST

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
FEBRUARY 2022**

**QUESTION 1 (40 POINTS)**

**Part A.**

Ryan died last year without a will. He lived his entire life in Louisiana, except for the few years he spent at college in California. While in California, he met and married Anna, who was a budding tennis star. After college, Anna put her professional aspirations on hold and moved with Ryan to Louisiana, where they lived until his death last year. From their marriage, two children were born: Lila, who is 35, and Charlie, who is 30. Lila has a five-year old daughter named Sophie, and Charlie has twin four-year old sons named Dylan and Graham. All children are healthy and survived Ryan, as did Anna.

Ryan died owning the following property:

- The family home in Louisiana (the “*Family Home*”), which he and Anna purchased during their marriage with community funds;
- A ten-court tennis center in Louisiana (the “*Tennis Center*”), which was also community property between Ryan and Anna;
- A duplex in Louisiana (the “*Duplex*”), which Ryan inherited from his Uncle Buck during his marriage to Anna;
- A tennis racquet signed by Andre Agassi (the “*Racquet*”), which Anna’s best friend gave to Ryan as a wedding gift before the wedding; and
- A second-edition, autographed original of Ernest Hemingway’s *For Whom the Bell Tolls* (the “*Book*”), which Ryan purchased before going to college in California.

- 1.1. Who succeeds to Ryan’s interest in the Family Home; and in what proportions? Explain fully. (8 points)**
- 1.2. Not long after Ryan’s death, Anna married Tom, her tennis instructor, who has been working at the Tennis Center. To what interest, if any, would she be entitled in the Tennis Center upon her remarriage? Explain fully. (4 points)**

*Assume solely for Question 1.3 that Charlie predeceased Ryan.*

- 1.3. Who succeeds to Ryan’s interest in the Duplex; and in what proportions? Explain fully. (8 points)**

*Assume solely for Question 1.4 that Ryan had remarked on several occasions that he planned to adopt Owen, another young tennis pro at the Tennis Center. Ryan had even gone so far as to enter both of them into the ‘Father/Son’ Division in the Tennis Center’s annual Champions Tournament. Just prior to his death, Ryan formally and legally adopted Owen.*

- 1.4. Who succeeds to Ryan’s interest in the Book? Explain fully. (4 points)**

TEST CONTINUES ON NEXT PAGE

**Part B.**

Assume for Part B of this Question 1 the facts as stated in Part A, except for the following: (1) assume Lila is the only child born to Ryan and Anna; (2) Owen was not adopted by Ryan; and (3) at Ryan's funeral, Lila, who hates tennis, declared out loud to two witnesses: "Dad has passed and I know I should be getting Dad's stuff, but I don't want anything that reminds me of tennis. I want my mother to get the Racquet and the Tennis Center." Lila then picked up the Racquet and put it into Anna's hands.

- 1.5. Is Lila's declaration, without more, sufficient to renounce her interest in the Tennis Center? Explain fully. (6 points)
- 1.6. If Lila successfully renounces the Tennis Center and the Racquet, may she still inherit her interest in the Book? Explain fully. (4 points)
- 1.7. Does Lila's daughter Sophie have any rights to the tennis racquet? (6 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
FEBRUARY 2022**

**QUESTION 2 (40 POINTS)**

Aaron died in August 2021. He was a domiciliary of the State of Louisiana. His wife predeceased him, and her succession proceedings are concluded.

Of Aaron's marriage, four children were born: Betty, Carl, Debra, and Ellen, none of whom is a forced heir. Aaron had two grandchildren, Frank and Frannie, both of whom are Debra's children.

Aaron left a valid notarial testament, the dispositive provisions of which read in the following order:

1. I leave Betty my family home.
2. I leave Carl my Super Fine Authentic Persian Isfahan Signed Hand Knotted Silk Area Rug; if Carl does not survive me, I leave the rug to the Smithsonian.
3. I leave my farm Blackacre to Debra and my good friend George.
4. I have set aside \$100,000 in Big Bank Account Number 1234. I wish to leave \$75,000 from that account to charity. I wish to leave \$25,000 from that account to those persons who are most kind and caring for me in my last illness, be they family, sitters, or friends. I direct my executor to select the charities and determine how much of the \$75,000 each should receive. I further direct my executor to select those persons who are most kind and caring for me in my last illness and determine how much of the \$25,000 each should receive.
5. I leave my friend Hilda the cash sum of \$50,000. If Hilda predeceases me or disclaims the \$10,000 legacy made herein, such cash is to go to my friend Irving.
6. I leave the residue of my estate to Big Bank in trust and as trustee of the Aaron Testamentary Trust, hereby established. My friend Jane shall enjoy the income of the trust for the remainder of her life. The principal beneficiaries of the trust shall be Betty, Carl, Debra, and Ellen, in equal shares. The trust shall terminate when the last of Jane, Betty, Carl, Debra, and Ellen dies.

Debra predeceased Aaron. She was thirty years old at the time of her death and had no mental or physical disabilities.

The day before Aaron's death, Aaron's family home was completely destroyed by fire. The home was fully insured for fire damage, and the insurance company is prepared to pay an insurance settlement of \$350,000.

A year after Aaron died, Jane died intestate and was survived by her only child, Karen.

- 2.1. **What, if anything, is Betty entitled to receive as a result of Aaron's death? Explain fully. (4 points)**
- 2.2. **Is the bequest to the Smithsonian valid under the Louisiana Civil Code? Explain fully. (4 points)**
- 2.3. **Who inherits Blackacre; and if more than one person, in what proportions? Explain fully. (8 points)**

TEST CONTINUES ON NEXT PAGE

- 2.4. Are the bequests from the Big Bank Account Number 1234 valid bequests? Explain fully. (6 points).**
- 2.5. Hilda and Big Bank disagree over the amount of Hilda's legacy from Aaron's succession. What is the correct amount of her legacy? Explain fully. (6 points)**
- 2.6. How often must Jane receive Trust income? Explain fully. (4 points)**
- 2.7. Following Jane's death, who is entitled to income from the trust and, if more than one person, in what proportions? Explain fully. (8 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE



**LOUISIANA BAR EXAMINATION  
CIVIL CODE II  
FEBRUARY 2022**

**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1. Collation
- 3.2. Trusts
- 3.3. Undue influence
- 3.4. Inheritance by collateral relatives
- 3.5. Effect of child born after execution of testament
- 3.6. Form of a testament
- 3.7. Ingratitude
- 3.8. Inheritance of installment obligation
- 3.9. Form of trusts
- 3.10. Conflict of laws

[End of Question 3]

[END OF CIVIL CODE II TEST]

**LOUISIANA STATE BAR EXAMINATION  
CIVIL CODE II  
JULY 2021**

**QUESTION 1 (100 POINTS)**

**PART A  
(50 Points)**

Xavier, a lifelong Louisiana domiciliary, died intestate. He never married and never had any children. His parents, Oscar and Nancy, both predeceased him. Oscar's parents, Paul and Queenie, both predeceased Xavier. Paul's mother, Tessie predeceased Xavier, and Paul's father, Steve, survived Xavier. Nancy's father, Uriah predeceased Xavier, and Nancy's mother, Roxanne, survived Xavier. Xavier had no other relations either by affinity, consanguinity or adoption.

Xavier owned just the following assets when he died: farm property in Lafourche Parish known as "Blackacre," a \$1 million cash account standing in his name, a condominium in New Orleans, and an antique car.

**1.1 Who succeeds to Xavier's interest in Blackacre? Explain fully. (10 Points)**

**1.2 *For purposes of this Question 1.2 only* assume that both Steve and Roxanne also predeceased Xavier. How should Xavier's interest in Blackacre be distributed? Explain fully. (10 Points)**

***For Questions 1.3 through 1.5 only, assume the following:***

Xavier died with a valid last will and testament, the dispositive provisions of which read as follows:

1. I devise my New Orleans condo to my friend, Trevon Truxillo.
2. I bequeath one-half of the cash standing in my name to the Orleans Parish Animal Rescue Society.
3. I bequeath one-half of the cash standing in my name to my confidant and pastor, the Reverend John Smith.
4. I bequeath my antique car to my friend, Susan Stamford. Susan is to take good care of this car and then leave it to her son.
5. I devise and bequeath the residue of my estate, including any lapsed or renounced legacies, to my friend, Bob Baker.

Trevon determined that he does not want to inherit the New Orleans condo. He timely filed in Xavier's succession proceeding an authentic act which states: "I renounce my interest in Xavier's New Orleans condo in favor of Xavier's friend, Bob Baker."

TEST CONTINUES ON NEXT PAGE

- 1.3 **Has Trevon made a proper renunciation under the Louisiana Civil Code such that he has escaped any possible obligation to pay Xavier's estate debts attributable to the New Orleans condo? Explain fully. (10 Points)**
- 1.4 **Who inherits the antique car? Explain fully. (10 Points)**
- 1.5 ***Assume for this question only* that Bob believes that both the Orleans Parish Animal Rescue Society and the Reverend John Smith exerted undue influence on Xavier to secure their respective legacies. What is the standard of proof Bob must establish if he wishes to successfully challenge these two legacies? Explain fully. (10 Points).**

**PART B  
(50 Points)**

Belle died last month. She lived in Louisiana her entire life. She never married. She is survived by her four children, each of whom has always lived in Northwest Louisiana. Belle's children are:

- Davey, who was 40 at the time of Belle's death;
- Evan, who was 35 at the time of Belle's death;
- Felix, who was 30 at the time of Belle's death; and
- Gail, who was 19 at the time of Belle's death.

Three of Belle's children are healthy. However, Evan, who at the age of 18 suffered a significant brain and spine injury, requires around-the-clock medical care.

At the time of Belle's death, her only asset was her personal residence in Caddo Parish, Louisiana. Belle never made any donations before she died.

Belle left a valid notarial testament, signed in 2009, in which she left her entire estate to Irielle, her favorite neighbor.

- 1.6 **To what interest in the Caddo Parish property is each of Davey, Evan, Felix, Gail, and Irielle entitled? Explain fully. (20 Points)**
- 1.7 ***For purposes of this only*, assume that prior to Belle's death, Central Credit Union secured a final judgment against Gail, who had defaulted on a \$200,000 personal loan. Gail is unwilling to appear in Belle's succession, so Central Credit Union appears in her stead and asserts Gail's rights as a forced heir. Will Central Credit Union be entitled to receive any interest in Belle's estate? Explain fully. (10 Points)**

TEST CONTINUES ON NEXT PAGE

***For Questions 1.8 and 1.9 only***, assume that, in addition to the Caddo Parish property, which was worth \$200,000 at that time, Belle also owned the following assets at her death:

- A Chase Bank account, which had a balance of \$50,000 at that time; and
- A first edition, signed copy of W. Somerset Maugham's masterpiece "Of Human Bondage," which was worth \$100,000 at that time.

Belle's liabilities/debts at the time of her death totaled \$150,000.

One year before her death, Belle donated \$30,000 in cash to Felix to encourage him to return to college.

**1.8 What is the value of the forced portion in Belle's succession? Explain fully. (10 Points)**

**1.9 Evan and Gail disapproved of their mother's attempts to coax their brother Felix back to school. In the succession, they would like to claw back the money their mother gave to Felix before her death. Are they likely to succeed? Explain fully. (10 Points)**

[End of Civil Code II Test]