

**Trusts Test Specifications**  
**Part A of the General Bar Examination**  
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- I. Trust creation and purposes
  - A. Requirements for creating a trust
  - B. Oral trusts
  - C. Rules of construction for trust instrument
  - D. Trusts without a definite person as beneficiary
    - 1. Charitable trusts
    - 2. Trusts for care of animal
    - 3. Trusts for non-charitable purpose
    - 4. Trustee to select beneficiary from indefinite class
  - E. Trusts with testamentary aspects
- II. Revocable and irrevocable trusts
- III. Modification or termination
  - A. Judicial modification of irrevocable trust
    - 1. Statutory bases for modification
    - 2. Standing to seek modification
  - B. Non-judicial modification of irrevocable trust
  - C. Revocation or amendment of revocable trust
  - D. Cy pres

#### IV. Trustees

##### A. Trustee's duties

1. Duty to administer in good faith
2. Duty of loyalty
3. Duty of impartiality
4. Duty of prudent administration
5. Trust accountings and duty to keep beneficiaries informed
6. Trustee's power to delegate
7. Trustee's duty to settlor of revocable trust

##### B. Trustee's powers

1. Power to buy, sell, invest, mortgage, or pledge trust property
2. Power to prosecute, defend, or compromise lawsuits

##### C. Trustee's compensation and reimbursement for trust expenses

##### D. Breach of trust

1. Remedies for breach of trust
2. Damages for breach of trust
3. Rules regarding trustee's personal liability
4. Attorney's fees and costs
5. Exculpatory clauses

##### E. Trustee's removal or resignation

##### F. Rules regarding co-trustees

- V. Creditors' rights
  - A. Spendthrift provisions
  - B. Discretionary trusts
  - C. Attachment of present or future distributions
  - D. Claims against settlor
  
- VI. Judicial proceedings involving trusts
  - A. Governing law, jurisdiction, venue, and principal place of administration
  - B. Nonjudicial settlement agreements
  - C. Penalty clauses for instituting judicial proceedings
  - D. Attorney General's standing with respect to charitable trusts