

Wills Test Specifications
Part A of the General Bar Examination
(Published March 19, 2020)

- I. Intestate succession
 - A. Intestate estate
 - B. Rules for distributing intestate estate
 - 1. Spouse's share
 - 2. Share of other heirs
 - 3. Inheritance per stirpes
 - 4. Half-blood heirs
 - 5. Afterborn heirs
 - 6. Adopted persons and persons born out of wedlock
 - 7. Debts owed to the decedent
 - 8. Escheat
- II. Wills
 - A. Execution
 - 1. Capacity
 - 2. Requirements for witnesses
 - 3. Requirements relating to signatures
 - B. Self-proving wills
 - 1. Requirements for self-proving will

2. Effect of self-proving will
- C. Revocation
1. By writing
 2. By act
 3. Effect of subsequent marriage, divorce, birth or adoption
 4. Revival by revocation
 5. Revocation of codicil
- D. Republication of wills
1. By codicil
 2. By reexecution
- E. Devise to a trustee
- F. References to other documents or events
1. Incorporation by reference
 2. Separate writing identifying devises of tangible property
- G. Effect of fraud, duress, mistake and undue influence
- H. Will contests
1. Time for bringing will contest
 2. Penalty clauses for will contest
 3. Burdens of proof
- I. Gifts to lawyers and other disqualified persons

- III. Elective share of surviving spouse
 - A. Differences between elective estate and probate estate
 - B. Right to, and amount of, elective share
 - C. Time limit to exercise elective share
 - D. Effect of election on homestead and other interests
 - E. Effect of election on homestead, exempt property, and allowances
- IV. Pretermitted spouse and children
- V. Exempt property and allowances
 - A. Homestead
 - B. Exempt property
 - C. Family allowance
- VI. Rules of construction
 - A. Intent of testator as controlling principle
 - 1. Reformation to correct mistakes
 - 2. Wills read to devise all of testator's property
 - B. Antilapse for deceased devisee
 - C. Class gifts
 - D. Simultaneous death
 - E. Failure of testamentary provision
 - F. Ademption

1. Nonademption of specific devises
2. Changes in securities
3. Ademption by satisfaction

G. Decedent's killer not entitled to receive property under will

VII. Contractual arrangements relating to death

- A. Agreements concerning succession
- B. Waiver of spousal rights
- C. Waiver of homestead rights

VIII. Administration of estates

A. Probate

1. Venue of probate proceedings
2. Proof of wills
3. Probate of will written in foreign language
4. Lost or destroyed wills
5. Discovery of later will
6. Estates of missing persons
7. Effect of probate
8. Revocation of probate

B. Personal representatives

1. Qualifications

2. Preferences in appointment
3. Nonresidents
4. Duties and powers
 - a. Possession of estate
 - b. General powers and authorized transactions
 - c. Fiduciary duties and breach
 - d. Conflicts of interest
5. Removal
6. Suspension of statutes of limitation in favor of personal representative
7. Joint personal representatives
8. Individual liability of personal representative
9. Exculpation of personal representative
10. Final discharge

C. Creditors

1. Caveat
2. Notifying creditors
3. Limitations on presentment of claims
4. Payment of and objection to claims
5. Order of payment of expenses and obligations

6. Compromise
 7. Limitations on claims against estates
- D. Special provisions for distribution
1. Delivery of devises and distributive shares
 2. Encumbered property; liability for payment
 3. Order in which assets abate
 4. Advancement
 5. Improper distribution; liability of distributor or payee
 6. Private contracts among interested persons

IX. Small estates

- A. Availability of summary administration
- B. Availability of disposition of property without administration