

Exam:

Exam Form:

C2502

Response

1. How much money, if any, will Natalie receive?

Will Validity:**Types of Will**

There are two major types of will : Formal and Holographic. A formal will is typed without handwriting. On the other hand, a holographic is handwritten.

Here, this is a formal will because Tammy executed a valid typewritten will. Therefore, Tammy had a valid formal will before her death.

Formation:

A valid formal will exists when there are a testator's signature and two witnesses signed. Because the facts describe it is a valid typewritten will, Tammy's had all elements.

Modification

A testator is permitted to change, modify, or terminate a will anytime before her death. However, there are some rules to follow.

Codicil

Codicil is a tool to modify, change, terminate, or republish a existing will. Codicil requires the same formality of the will formality.

Here, Tammy crossed out the sum "\$10,000" in Article 1 and wrote above it the number "\$20,000," her initials and the date. This is not a valid modification because her will is a formal will, it requires formally modify the existing formal will. Tammy did not type and not have two witnesses to sign. Therefore, her original will is invalid.

Revoke

A testator may revoke a will physically, such as burn or crossed out.

Here, Tammy crossed out part of Article 1 by hand; thus, she revoked the will and the new writing (\$20,000) is not affective.

DRR Twist

The court may use DRR Twist to save the original will. The court is trying to reflect the testator's intent at the time she tried to modify. Also, the court look at whether it was innocent mistake. If the court find it was an innocent mistake and established testator's true intent, the court may revive the original will. In this situation, the court may not add or increase any items or amount of money.

Here, Tammy crossed out the sum \$10,000 and wrote above it \$20,000. Her intent is to give money to Natalie. Her original intent was \$10,000 but later she changed her mind to add extra \$10,000. Because the court may not increase the amount when using DRR Twist, Natalie is most likely entitled to \$10,000.

Although Natalie may argue Tammy's latest intent is \$20, 000 as benefits to Natalie, thus, she has right to receive \$20,000 instead of \$10,000, this argument is not persuasive, because according to the California law, the court is not allowed to increase the benefits to the beneficiaries.

In conclusion, Natalie most likely receives \$10,000 if the court decideds to utilize DRR Twist.

2. Will Frank inherit the medals?

I give my coin collection to my friend, Frank.

Integration logical physical connection Will must exist or personal items less 25k total

Integration as References

A testator has a will integration when she / he has another documents or items that are extension of a valid will. To have a valid integration, a testator must state the items in the will, and the will must exist when making the integration. And the will clearly indicates where the integrated items are located. Also, there must be physical (stapled) or logical connection (page number) existed.

Here, Tammy does not have proper integration regarding the medals because there is no physical nor logical connection, and her will does not indicate about the medals or the album.

Although Frank may argue that Tammy will indicates that "I give my coin collection to my friend, Frank" thus, he is entitled to the medal collections; however, this argument is not persuasive because there is no logical connection as "most coin collectors do not consider medals to be coins." If she wanted to leave the medals to Frank, she must say so in her will.

California rule for personal items

In California, a testator leaves her personal items if the total value does not exceed \$25,000. A testator needs to write down the name of person whom she intends to be beneficiary of the item.

Here, Tammy included a typewritten note signed by her which stated "I wanted Frank to take care of the album..." This note might satisfy a valid note to give her personal item to Frank. However, the facts does not state the value of the album and the medals. If it is significantly over the limitation, the court may not validate the note. It is depends on the value of the albums and the medals. Frank may have to investigate the total price and report to the court.

In conclusion, Frank may or may not inherit the medals, depends on the value of the items.

3. How is the court likely to rule on NTC's petition?

I give the remainder of my estate to the Northern Trust Company (NTC), in trust, to establish a foundation dedicated to finding a cure for RG syndrome, a disease that impairs a person's eyesight.

Validity of Trust

A settler (who makes a trust) has a valid trust when he includes name, ascertainable beneficiaries, res (assets), trustee (who manage the trust), and purpose of the trust. Here, there is no fact about the formation; thus, we presume there is a valid trust.

Types of Trust

Express Private Trust is most popular. A settler also makes Charitable Trust. In Charitable Trust, a beneficiary is an organization, school, or non-profit entity to help people and communities.

Here, Tammy is giving her assets to the Northern Trust Company to establish a foundation dedicated to finding a cure for RG syndrome. This is most likely a charitable trust because she is using the assets for her inheritance, but using for the people in communities.

Therefore she created a charitable trust.

Modify the Trust

A testator is allowed to modify her trust before her death unless she states "not able to modify. After her death, it is difficult change; however, it is possible. Exceptions includes the purpose of the trust has been diminished or completed. Also, the court use Cy Press doctrine. Cy Press doctrine refers to when the items in assets is no longer exist or the purpose has been completed. The court may change substance (as change to similar items) not change in form (change to completely different items).

The purpose of Cy Press is for the court to respect the good will of the settler.

Here, the court may change the purpose of the trust because a complete and inexpensive cure was found for RG syndrome soon after Tammy died, and NTC would like to establish a scholarship as a local ophthalmology school. Under Cy Press doctrine, this is a change in substance because the original purpose to find the cure for RG has been accomplished, and the new purpose to establish a local ophthalmology school has a strong connection to Tammy's original purpose.

Although Tammy's other beneficiary argues that Tammy's original purpose has been eliminated; thus, the assets should go back to her estate, not to the school scholarship; however, this argument is not strong because testators must be faithful to the intent of the settler. Also, establishing a scholarship is great for the community.

Therefore, the court is likely to admit NTC to change the purpose and allow to establish the scholarship.

Exam:	February 2025 California Bar Exam
Exam Form:	C2502

Response

3. How is the court likely to rule on NTC's petition? I give the remainder of my estate to the Northern Trust Company (NTC), in trust, to establish a foundation dedicated to finding a cure for RG syndrome, a disease that impairs a person's eyesight. Validity of Trust A settler (who makes a trust) has a valid trust when he includes name, ascertainable beneficiaries, res (assets), trustee (who manage the trust), and purpose of the trust. Here, there is no fact about the formation; thus, we presume there is a valid trust. Types of Trust Express Private Trust is most popular. A settler also makes Charitable Trust. In Charitable Trust, a beneficiary is an organization, school, or non-profit entity to help people and communities. Here, Tammy is giving her assets to the Northern Trust Company to establish a foundation dedicated to finding a cure for RG syndrome. This is most likely a charitable trust because she is using the assets for her inheritance, but using for the people in communities. Therefore she created a charitable trust. Modify the Trust A testator is allowed to modify her trust before her death unless she states "not able to modify. After her death, it is difficult change; however, it is possible. Exceptions includes the purpose of the trust has been diminished or completed. Also, the court use Cy Press doctrine. Cy Press doctrine refers to when the items in assets is no longer exist or the purpose has been completed. The court may change substance (as change to similar items) not change in form (change to completely different items). The purpose of Cy Press is for the court to respect the good will of the settler. Here, the court may change the purpose of the trust because a complete an inexpensive cure was found for RG syndrome soon after Tammy died, and NTC would like to establish a scholarship as a local ophthalmology school. Under Cy Press doctrine, this is change in substance because the original purpose to find the cure for RG has been accomplished, and the new purpose to establish in a local ophthalmology school has strong connection to Tammy's original purpose. Although Tammy's other beneficiary argue that Tammy's original purpose has been eliminated; thus, the assets should go back to her estate, not to the school scholarship; however, this argument is not strong because testators must be faithful to the intent of the settler. Also, establishing a scholarship is great for community. Therefore, the court likely to admit NTC to change the purpose and allow to establish the scholarship.