

Exam:

Exam Form:

C2502

Response

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

Validity of original will

In CA to have a valid will the testator has to have the intent and capacity, it has to have valid beneficiaries and must be signed by two uninterested witness. However CA allows a witness to be present and sign the will even if they are a beneficiary. A will is usually made to avoid probate litigation in CA.

Here, the will was validly type it appears to be a valid will written by Tammy with three articles and three beneficiaries 1. \$10,000 should go to Natalie. 2. Coin collection should go to friend frank. 3. remainder should go to Northern trust company for finding a cure for RG syndrome. Since it was validly type it appears it is a valid will by Tammy.

Thus, the original will is valid.

The Crossing out of \$10,000 and writing \$20,000 by Tammy**Codocile to original will by writing \$20,000**

A codocile is usually a modification or addition to the will normally it has to conform to the same format and formalities as the original will.

Here, Natalie would argue that When Tammy crossed out the \$10,000 and put \$20,000 it was a valid codicile to the original will. However the court would probably find that this is more of a holographic codicile since it does not conform to the same formalities as the original will. (discussed below)

Thus, although Tammy meant to add this to her will as a codocile the court would not likely find this is a complete codicile since it was not signed in front of two witnesses, it was only signed by Tammy and it does not conform with the formalities of the orignal will.

Holographic codocile

A holographic codocile is a modification to the original will that does not conform to the same formalities as the original will. Normally the testator will sign and initial the change they wish to make without having witnesses present etc. It merely has to be signed by the testator and dated to be valid.

Here, the court would find that there is a holographic codicile that is valid and Natalie is entitled to "\$20,000," because Tammy wrote this in her initials and the date. Although it does not conform to the formalities of a will like a codicile usually does, it is still a codicile just a holographic one, since it is only signed and dated by Tammy without the formalities.

Thus, Natalie will receive \$20,000 since this is a holographic codicile. It is clear Tammy had the intent to give this to her since she signed it and initialed it.

2. Will Frank inherit the medals? Discuss.

Will Terms

In the will, Frank is entitled to the coin collection because that is what he is supposed to be given.

Typewritten note by Tammy

Codicile to original will for medals

A codicile is usually a modification or addition to the will normally it has to conform to the same format and formalities as the original will.

Here, Frank would argue that Tammy's note is a codicile to the will, since she signed it and stated that she intended and wanted Frank to take care of her album while she was gone. However similar to Natalie's prior issue, this codicile does not conform to the original format and formalities, which means the court would look at whether this is a holographic codicile (See below).

Thus, the court would find that this codicile does not conform to the formalities of the original will and is therefore invalid.

Holographic codicile

A holographic codicile is a modification to the original will that does not conform to the same formalities as the original will. Normally the testator will sign and initial the change they wish to make without having witnesses present etc. It merely has to be signed and dated to be valid.

Here, Frank would argue that this is a holographic codicile because although the codicile does not conform to the formalities as the original will, it still was written and signed by Tammy. The codicile stated that she wanted Frank to take care of the album after she is gone. Frank will emphasize that the album at this point included the medals when Tammy wrote her note.

Thus, the court would find that this is a valid holographic codicile because Tammy signed and wrote in the album her intent, that Frank take care of her album after she passed away.

Possible Issue with intent

Courts have to look at the intent of the testator and whether they intended to give the item to the beneficiary.

Here, Frank would argue that it is obvious through the holographic codocile that Tammy also intended to give him her valuable medals because she wanted him to take care of them when she was gone.

The court however might have an issue with the fact that most coin collectors do not consider medals to be coins, and as such, could question Frank about his plans with the medals/coins or whether they belong in the will to disburse to NTC.

Thus, the court would likely find that Frank is entitled to the medals and the coins because that was tammy's primary intent in the note she wrote and signed in her holographic codocile to her original will. If they were to find otherwise, Frank would only be entitled to the coins, and the medals would go back into the will as a remainder for NTC.

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

Cy pres doctrine

The cypres doctrine allows you to change the purpose of the trust if the original purpose no longer exists and the court finds that the purpose is similar or related to the original purpose.

Here, the Northern Trust company was assigned with forming a foundation dedicated to finding a cure for RG syndrome which impairs a persons eysights. However by the time, Tammy passes, an inexpensive and complete cure is found for RG syndrome. NTC can petition for the change of purpose of trust to establish a scholarship at a local ophthamology school and the court would likely find that this is similar to the original purpose Tammy wanted.

Thus, the court would likely grant the petition of NTC to establish a scholarship at a local ophathalmology school because it is still for a purpose of helping those with issues with their eyes by helping the doctors of tomorrow.

ID: 104253

Q2

Exam:	February 2025 California Bar Exam
Exam Form:	C2502

Response

coin collection to friend frankremainder to northern trust company to establish foundation dedicated to finding a cure for RG syndrome impairs persons eyesight.