Name: Score:

25 Multiple choice questions

Definition 1 of 25

To validly be placed in trust, the bequest must meet these four requirements:

- in existence
- 1) physical destruction
2) declares in one of the forms prescribed for testaments or in an authentic act
3) Identifies and clearly revokes the testament by writing that is entirely handwritten and signed by the testator
- 1) Must release HEMS (heath, education, maintenance, and support) annually after taking into account all other income and support received by FH
2) No charges or conditions exception SS usufruct or income interest, spendthrift restraints, class trust, of shifting the interest in principal
3) The term of the trust does not exceed life of FH (except for SS usufruct or income interest)
4) the principal is delivered free of trust at termination
- 1) identify the donor and donee AND
2) describe the things donated

Definition 2 of 25

_____ is defined as "the supposed or real return to the mass of the succession which an heir makes of property which he received in advance of his share or otherwise, in order that such property may be divided together with the other effects of the succession."

- onerous
- Collation
- alienated
- contribution

Definition 3 of 25

If the child was in utero at the time DIV was made or the testator's death, the child must still be _____ in order to receive.

- born alive
- subrogated
- revocable
- recompense

Definition 4 of 25

A donation mortis causa is a divestiture of the totality or a portion of property in a written testament, which is _____ during life.

- recompense
- domiciled
- revocable
- negotiated

Definition 5 of 25

A finding that a donation is the product of fraud, duress, or undue influence does not nullify the entire act of donation or testament. Rather, _____ that is the product of such vice is declared null.

- gratuitously
- only the provision
- nature and consequences
- contribution

LIVEWORKSHEETS

Definition 6 of 25

For a non-certificated security, delivery to the purchaser occurs when the purchaser is _____ as the owner.

- reconciled
- registered
- in utero
- lesser

Definition 7 of 25

Intestate SP: If the deceased is survived by his maternal grandmother and his paternal grandmother and grandfather, then the maternal grandmother takes _____ and his paternal grandparents each take 1/4.

- yes
- 1/2
- parents
- end

Definition 8 of 25

A revocation for ingratitude does not affect an alienation, lease, or encumbrance made by the donee _____ the action to revoke is filed.

- before
- 5 years
- 1 year
- in utero

Definition 9 of 25

"To my friend, Mark, I leave my home on Maple Street. The rest of my estate, I leave to my two children." Mark, who has two children, predeceases the testator. To whom should the home pass?

- the children (children are universal)
- the donor's diminishing capacity makes them more susceptible to influence
- other joint legatees
- advice, persuasion, kindness, and assistance

Definition 10 of 25

Intestate SP: If both parents survive the deceased, the usufruct shall be _____ and _____.

- parents
- insurance proceeds
- No (the are separate claims)
- joint and successive

Definition 11 of 25

Can a testamentary disposition be left to the choice of a third part? (Not the same as allowing the executor authority on allocating assets in order to fulfill legacy)

- may
- yes
- end
- No

LIVEWORKSHEETS

Definition 12 of 25

Does a claim of undue influence have to be brought with a claim for lack of capacity?

- No (conflict wit the rules of professional conduct)
- a reasonable rate of interest
- No (the are separate claims)
- joint and successive

Definition 13 of 25

The remainder of the estate, after the forced portion, is called the _____ and may be freely alienated

- preponderance of the evidence
- reputed not written
- immovable is located
- disposable portions

Definition 14 of 25

when the testator does not assign shares

- security
- joint
- in kind
- intent

Definition 15 of 25

The husband of the mother is presumed to be the father of a child born during the marriage or within _____ days from the date of termination of the marriage.

- yes
- 300
- Manuel
- cashed

Definition 16 of 25

For a contestation and establishment action, the current husband must acknowledge the child by _____.

- authentic act
- disposable portions
- in utero
- negotiated

Definition 17 of 25

Collation is based on idea that ancestor intends to treat children equally and any gift given by an ancestor prior to death was merely an _____ of the child's inheritance.

- advancement
- most recent
- contribution
- ad infinitum

LIVEWORKSHEETS

Definition 18 of 25

Avowal action must be bought within _____ from child's death.

- 1 year
- legitime
- presumed
- Intestate

Definition 19 of 25

A minor under the age of _____ is incapable of making donations, except in favor of his spouse or children

- 16
- 2
- 1/2
- may

Definition 20 of 25

Is a check considered a valid donation even if the check is cashed after the death of the donor?

- Yes (b/c donor no longer had any property right in check once he endorsed it)
- siblings
- preponderance of the evidence
- No (must be incapable for caring for self or administering estate)

Definition 21 of 25

If it cannot be ascertained whether the testator intended a greater or lesser quantity, the court must impose [greater/lesser].

- lesser
- Manuel
- issued
- 1 year

Definition 22 of 25

Can adopted children inherit from both their adoptive and biological family?

- yes
- 1/2
- 1/4
- onerous

Definition 23 of 25

the donor's transfer of his own check, as the issuer, is not a valid donation until _____ by the donee,

- Manuel
- neither
- recompense
- cashed

LIVEWORKSHEETS

Definition 24 of 25

An unborn child, who was not *in utero* at the death of the parent, can nonetheless inherit from the deceased parent provided that: (i) the child is born to a surviving spouse; (ii) the decedent specifically authorized in writing the surviving spouse to use his or her gametes; and (iii) the child is born within _____ years from the birth of the death of the decedent.

- 3
- 1) not a child of the usufructuary or 2) Forced heir
- life
- death

Definition 25 of 25

Collation can be excluded if the decedent unequivocally indicates that what he gave to a descendant was intended as an _____ or an advantage

- representation
- undue influence
- martial portion
- extra portion

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