

**QUESTION 1**  
**(One Hour)**

Tom has scheduled an appointment to meet with you next week. Tom has just learned that he was nominated by his brother, Daniel, to serve as Daniel's successor trustee. Daniel passed away only a week ago. Ahead of his appointment with you, Tom has provided you with a copy of the trust document. Tom also tells you that he is a beneficiary of the trust and that there are several beneficiaries, both family and non-family. The trust has significant assets, including three parcels of real property, various investment accounts, a checking account, and two collector cars that were once owned by Tom and Daniel's grandfather. However, Tom has already learned of some significant debts as well and he is concerned about how they will get paid.

In reviewing the trust document, you note a trust provision that states:

"Distribution of 1234 Law School Drive. Settlor's real property located at 1234 Law School Drive, Santa Rosa, California, shall be distributed to Settlor's son, Anthony, for life and then to the oldest of Settlor's best friend, Ben's, children when he or she reaches 30 years old."

The remaining trust estate is to be divided equally among Tom, his two sisters, and two of Daniel's best friends, Ben and Albert.

What issues should you discuss with Tom? What advice would you give him?

**QUESTION 2**  
**(One Hour)**

On February 1, 2005, Susie, a widow, executed a will at the age of 75 leaving her estate to her only child, Mary. Thereafter Mary and Susie became estranged after a heated political debate. On March 2, 2010, Susie executed a will leaving her estate to her granddaughter, Carla. Susie kept both original wills in her possession. Susie and Mary remained estranged until January 2018 after Mary received a call from Carla informing Mary that Susie had fallen at her home and was in the hospital. Mary rushed to the hospital to be with her mother. In the two months that followed Susie's fall, Mary came and took care of Susie at Susie's home every day. However, having suffered a severe fracture in her hip, Susie never recovered and died in her home on March 15, 2018. Just before she died, Susie asked Mary to call Susie's attorney and schedule a time for the attorney to come to her house and meet with Susie. Susie's attorney drafted a new will leaving her entire estate to Mary however, the attorney's schedule was so busy that she could not schedule the signing appointment with Susie until April of 2018. On March 14, 2018, Susie took the March 2, 2010 will and ripped into in half.

If you represent Susie's granddaughter, Carla. What issues has she presented to you and what advice would you give her?

**QUESTION 3**  
**(One Hour)**

On December 1, 1980, John met with his attorney, Ivan, to sign his last will and testament. The will provides in relevant part:

“I leave my entire estate to my son Matthew.”

“Any share created for a beneficiary under this trust instrument shall be distributed outright to that individual if that individual has reached the age of twenty-five (25) years at the time of my death. If the individual has not reached the age of twenty-five (25) years at that time, the share created for that individual shall be held, administered, and distributed in a separate trust according to the following terms:

At any time or times during the trust term, the Trustee shall pay to or apply for the benefit of the beneficiary as much of the net income and principal of the trust as the Trustee deems proper for the health, education, support, and maintenance of that beneficiary. All decisions of the Trustee regarding payments under this subsection, if any, are within the Trustee's absolute discretion.

The interests of the beneficiary in principal or income are not transferable by voluntary or involuntary assignment or by operation of law, shall be free from the claims of creditors and from attachment, execution, bankruptcy, and other legal process, to the maximum extent permitted by law, and may not be otherwise voluntarily or involuntarily alienated or encumbered.”

Ivan and his secretary, Robert, attended John's signing appointment. During the execution ceremony, Robert noticed a typographical error in the attestation clause and left the room to fix the document. While he was away, John signed the will. When Robert returned, Ivan and Robert signed the corrected attestation clause.

In 2000, John has a second son, Timothy, with John's then girlfriend.

In 2010, Matthew died in a car accident. Matthew is survived by two daughters, Tracy and Tonya.

On March 15, 2018, John passes away without having updated his will.

Discuss all interests, liabilities, and duties of the parties.