



Quiz

An Overview of Succession and Family Provision Law

1. Which of the following is *not* a category of eligible person under the *Succession Act 2006* (NSW)?
 - a. De facto partner
 - b. Grandchild
 - c. Niece or nephew
 - d. Carer
2. What must a claimant establish once it has been shown that they are an eligible person?
 - a. That the provision under the will or intestacy was unfair
 - b. That the provision under the will or intestacy was not proper and adequate
 - c. That the provision under the will or intestacy was too much or too little
 - d. That they have greater need than other beneficiaries
3. Which of the following is *not* a relevant consideration in the exercise of the Court's discretion under s 60 of the *Succession Act 2006* (NSW)?
 - a. The size of the estate
 - b. The relationship between the claimant and the deceased
 - c. Conduct disentitling

- d. The category of eligible person into which the claimant falls, as some categories take priority over others

4. On what grounds could an unsuccessful claimant appeal from a decision of a trial judge rejecting a claim for provision?
 - a. By showing that the trial judge failed to take into account relevant material
 - b. By demonstrating that the claimant did not receive enough under the provisions of the will
 - c. By demonstrating that the judge made the wrong decision on the evidence before him or her
 - d. None of the above – only an error of law will be grounds for an appeal

5. Which of the following reflects the position as to costs in family provisions cases in NSW?
 - a. Costs will ordinarily follow the event
 - b. Indemnity costs may be awarded where a Calderbank offer or offer of compromise is invoked
 - c. A successful executor will ordinarily receive costs on an indemnity basis
 - d. All of the above

Answers:

1. c 2. b 3. d 4. a 5. d