



Quiz

Practice and Procedure in Grants of Probate

1. When is it appropriate to commence probate proceedings in solemn form?
 - a. When there is an informal will
 - b. When the will has been lost
 - c. When there are issues arising as to the essential validity of the will
 - d. When an applicant is seeking letters of administration
2. Which of the following is *not* necessary to prove in the case of a lost will?
 - a. The terms of the will
 - b. Who last had possession of the will
 - c. That the will was not deliberately destroyed by the testator
 - d. That the testator's conduct before his death was consistent with the terms of the lost will
3. Which of the following is correct?
 - a. For a will to be valid, it must be signed and acknowledged by the testator in the presence of two witnesses
 - b. There is no requirement that both witnesses to the testator's signature be present at the same time
 - c. A will can be executed in accordance with the *Electronic Transactions Act 1999* (Cth)

- d. An audio recording can be considered a formal will in certain circumstances

4. Which of the following describes the position under the *Succession Act* as to divorce?
- a. Divorce revokes all gifts and appointments contained in the will to a former spouse
 - b. Divorce revokes the will in its entirety
 - c. Following divorce, the former spouse is taken to have predeceased the testator for the purpose of any appointments or gifts contained in the will
 - d. An appointment of a former spouse is deemed to have been omitted
5. In what circumstance will the Court grant administration to a person other than a person with an interest?
- a. Where there are special circumstances
 - b. Where the applicant is a guardian applying on behalf of an infant beneficiary
 - c. Where the applicant is a nominee of a person with a physical incapacity
 - d. All of the above

Answers:

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