



Quiz

Avoiding Uncertainty when Drafting a Will

1. What was the main issue in *Arnot v Arnot* [2017] NSWSC 1741 ("Arnot")?
 - a. Whether, under the terms of the will, the deceased intended to pass her interest in both the flat and the car space by the one gift even though the flat was not referred to
 - b. Whether, under the terms of the will, the deceased intended to pass her interest in the flat, the car space, and the car by the one gift even though the car space and the car were not referred to
 - c. Whether, under the terms of the will, the deceased intended to pass her interest in both the flat and the car space by the one gift even though the car space was not referred to
 - d. Whether the executors treated all of the beneficiaries even-handedly
2. What evidence the judge primarily rely on in reaching a determination?
 - a. The codicil to the deceased's will
 - b. How the deceased used the property in their lifetime
 - c. Whether the flat and the car space were purchased at the same time
 - d. None of the above
3. What would have been the ramifications of finding that the flat and car space were described separately?
 - a. The car space would fall to residue

- b. The interest in the flat and the car space would pass in the one gift
 - c. The interest in the flat and the car space would pass separately
 - d. None of the above
4. Which of the following did not form part of the Court's ruling in *Arnot*?
- a. The deceased intended to pass interest in the flat and the car space to the two named beneficiaries
 - b. The executors had fulfilled their obligation to make reasonable enquiry
 - c. The executors had preferred the interests of one class of beneficiaries over another class
 - d. The executors did not prefer the interests of one class of beneficiaries over another class
5. Which of the following is something practitioners can take away from *Arnot*?
- a. Precision in language and attention to detail is critical
 - b. Searching of property titles is important
 - c. Uncertainty was created by separate lots and certificates of title
 - d. All of the above

Answers:

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