

NEVADA BAR EXAMINATION SCOPE AND CONTENT

Pursuant to Supreme Court Rules 65 and 66, the Nevada Bar examination will be comprised of a written portion and the Multistate Bar Examination prepared by the National Conference of Bar Examiners (NCBE). The written portion consists of eight essays prepared and graded by the Board of Bar Examiners of the State Bar of Nevada and one performance test question prepared by the NCBE and graded by the Board of Bar Examiners.

Essays shall test on legal ethics and may test applicants' knowledge of the following subjects: agency and partnership; community property; conflict of laws; constitutional law; contracts; corporations; domestic relations; pleadings and practice under the Nevada Rules of Civil Procedure and the Federal Rules of Civil Procedure; real property; remedies; Uniform Commercial Code (Articles 2 and 9); wills, estates and trusts. Applicants should be prepared to answer questions that test knowledge of the Nevada Rules of Professional Conduct, the Model Code of Professional Responsibility, and leading federal and state case law.

The subject of each essay will not be designated. Essays will test applicants' knowledge of both fundamental legal principles and Nevada law. Essays will not necessarily be limited to one subject nor necessarily will each listed subject be tested in any given examination.

The following subject matter outline was developed as a guide to the bar examiners in drafting essays in accordance with the provisions of Supreme Court Rule 66. The outline is not intended to provide a comprehensive list of every topic or sub-topic within any given subject.

SUBJECT MATTER OUTLINE

Agency and Partnership

- I. Principles of Agency
 - A. Creation and Types
 - B. Relationship between Principal and Agent
 - 1. Principles of actual authority, apparent authority and inherent agency Power
 - 2. Duties of principal and agent
 - 3. Remedies
 - C. Contractual Liability Arising from Agency
 - 1. Extent and limitations of power of agent to bind principal
 - 2. Ratification
 - 3. Termination
 - D. Vicarious Liability (Respondent Superior)
 - 1. Nature and nature of liability
 - 2. Scope of Employment

- II. Partnerships
 - A. General Principles
 - 1. Nature and definition
 - 2. Types of partnerships
 - 3. Formation of partnerships
 - B. Relations Between Partners
 - 1. Rights and duties
 - 2. Management and control
 - 3. Interests in partnership property
 - 4. Contractual and tort liabilities
 - 5. Enforcement of rights and duties
 - C. Dissolution
 - 1. Dissociation, dissolution and winding up
 - 2. Causes and effects of dissolution
 - 3. Distribution of assets
 - D. Special forms of partnerships
 - 1. Joint ventures
 - 2. Limited partnership
 - 3. limited liability partnerships
 - 4. Professional associations

Community Property

- I. Attributes of Community
 - A. Definition
 - B. Prerequisites for Community Property
 - 1. Valid marriage
 - 2. Registered domestic partners
 - 3. Excluded relationships
 - C. Termination of Community
 - D. Management and Control of Community Property
 - 1. Roles and limitations on management powers
 - 2. Transactions requiring joinder
 - 3. Community and separate liabilities for debt, torts and other obligations
 - 4. Liabilities for torts in commission of acts for the benefit of the community
- II. Characterization as Separate Property or Community Property
 - A. Definitions
 - B. Presumptions
 - C. Source of Funds and Title
 - D. Commingled Assets and Tracing
 - E. Earnings and Income from Community Property
 - F. Mixture of Funds
 - 1. Use of community funds for improvements to separate property
 - 2. Prorating payments on pre-marriage installment purchase
 - 3. Use of separate funds for community living expenses
 - 4. Increase in value of separate property business and professional assets

- G. Effects of premarital or spousal agreements
- H. Gifts
- I. Retirement benefits and life insurance
- J. Disability Benefits
- K. Tort Recoveries
- III. Distribution and Disposition Upon Death
- IV. Distribution and Disposition Upon Dissolution of Marriage

Conflicts of Laws

- I. Choice of Law
 - A. Common Approaches
 - 1. “Vested” rights
 - 2. Jurisdiction with most “significant relationship”
 - 3. Depechage
 - 4. Renvoi
 - B. Application for Specific Areas of Law
 - 1. Contracts
 - 2. Torts
 - 3. Property
 - 4. Corporations
 - 5. Family Law
 - C. Other Considerations
 - 1. Application of substantive laws or procedural rules
 - 2. Domicile
 - 3. Public policy
 - 4. Penal laws
 - 5. Tax laws
- II. Federal Considerations
 - A. Full Faith and Credit
 - B. Enforcement of Foreign Judgments
 - C. Use of state law in federal courts
 - D. Areas of exclusive federal jurisdiction
 - E. Due process
 - F. Privileges and immunities
- III. Proving Foreign Law

Constitutional Law

- I. Federal Powers and Interbranch Relations
 - A. Supreme Court and Judiciary
 - 1. Basis for Authority
 - (a) Original Jurisdiction
 - (b) Appellate Jurisdiction
 - (c) Scope of Congressional powers to define and limit judicial powers
 - 2. Limitations on the Exercise of Federal Judicial Action

- (a) Abstention Doctrine
 - (b) Standing
 - (c) Existence of a case or controversy
 - (d) Ripeness and mootness
 - (e) Political questions
 - (f) Advisory opinions
 - (g) Adequate and independent state grounds
 - (h) Eleventh Amendment
- B. Federal Legislative Powers
 - 1. Power to tax and spend
 - 2. Commerce Powers
 - 3. War powers, foreign affairs and related powers
 - 4. Citizenship and controls on immigration
 - 5. Bankruptcy
 - 6. Admiralty
 - 7. Implied Powers--“Necessary and Proper”
- C. Federal Executive Powers
 - 1. Commander in Chief
 - 2. Treaties
 - 3. Appointment of Officers
 - 4. Pardons
 - 5. Veto
- D. Federal Checks and Balances
 - 1. Separation of Powers
 - 2. Advise and Consent
 - 3. Immunities
 - 4. Non-delegation doctrine
- II. Powers and Limitations of the States in a Federal System
 - A. General Powers to Regulate for the Public, Health and Safety
 - B. Governmental Immunities
 - C. Commerce Powers
 - 1. Dormant Commerce Clause and Taxing interstate commerce
 - (a) Discrimination against interstate commerce
 - (b) Undue burdens
 - (c) Market participant exception
 - 2. Restraints on personal mobility
 - (a) Commerce clause
 - (b) Privileges and Immunities
- III. Individual Rights and Liberties
 - A. General Principles
 - 1. State action
 - 2. Defining interests and rights
 - 3. Standards of review
 - (a) Strict scrutiny
 - (b) Intermediate scrutiny
 - (c) Rational basis

- B. Due Process of Law
 - 1. Incorporated fundamental rights
 - 2. Substantive rights
 - 3. Procedural due process
 - (a) protected interests
 - (b) process required
 - 4. Additional enumerated restrictions
 - (a) Ex post facto laws
 - (b) Bills of Attainder
 - (c) Impairment of obligation of contract
 - 5. Standard of review
- C. Equal Protection
 - 1. Classifications and standards of review
 - (a) Suspect classes
 - (b) Burden on fundamental personal rights
 - (c) Protection of other fundamental interests
- D. First Amendment Freedoms
 - 1. Free exercise clause
 - 2. Establishment clause
- E. Freedom of Speech and Assembly
 - 1. Types of “speech”-protected and unprotected
 - 2. Time, place and manner restrictions
 - 3. Restrictions on content and expressive conduct
 - 4. Prior restraints
 - 5. Public forums
 - 6. Other considerations
 - (a) commercial speech
 - (b) public school students
 - (c) public employees
 - 7. Challenges to reasonableness of regulation
 - (a) vagueness
 - (b) overbroad
- F. Freedom of the Press
- G. Fifth Amendment-Takings Clause

Contracts and Sales of Goods (Including UCC Art. 2)

- I. Types of Contracts
 - A. Express
 - B. Implied in Fact
 - C. Implied in Law
 - D. Void, voidable or unenforceable contracts
- II. Formation of Contracts
 - A. Offer and acceptance
 - 1. Duration/termination of offer
 - 2. Communication of acceptance

- 3. Method and manner of acceptance
 - 4. Acceptance of offer for sale of goods
 - B. Definiteness of Terms
 - 1. Indefiniteness or lack of terms
 - 2. Sale of Goods
 - (a) Quantity/output
 - (b) Price terms
 - (c) implied warranties
 - 3. Vague terms-curing defects
 - C. Consideration
 - D. Modification of terms of contract
 - 1. Requirement for consideration
 - 2. Contracts for sale goods
 - E. Defenses to enforceability
- III. Performance and excuse for nonperformance
 - A. Common law
 - B. Contracts for sale of goods
 - 1. Tender and delivery
 - 2. Payment and method of payments
 - 3. Buyer's right of inspection
 - C. Duty to Perform-Conditions
 - 1. Types of conditions
 - (a) Express
 - (b) Constructive (implied) conditions
 - (c) Condition precedent, Condition subsequent, Condition concurrent
 - 2. Obligation of good faith and fair dealing
 - 3. Anticipatory repudiation
 - 4. Waiver or estoppel
 - 5. Impossibility, Impracticability or frustration of purpose
 - 6. Partial discharge
 - 7. Rescission, cancellation, novation and modification
- IV. Breach
 - A. Types of Breach-materiality
 - B. Perfect Tender Rule for sale of goods
 - 1. Right to reject
 - 2. Revocation of acceptance
 - 3. Exceptions
 - 4. Breach of express and implied warranties
- V. Third-Parties
 - A. Third-party beneficiaries
 - B. Assignment of rights or delegation of duties
 - 1. Non-goods contracts
 - 2. Contracts for sale of goods
 - C. Enforcement
- VI. Remedies and Defenses
 - A. Enforcement by specific performance or injunction

- B. Rescission and reformation
- C. Liquidated damages or penalties
- D. Monetary damages
- E. Restitution
- F. Provisions pertaining to contracts for sales of goods

Corporations

- I. General Characteristics and principles
 - A. Attributes of corporation
 - B. Pre-incorporation activities and transactions
 - C. Defective incorporation
 - D. Disregard of corporate entity
- II. Formation
 - A. Mechanics and requirements of incorporation
 - B. Creation of de facto corporation and corporation by estoppel
 - C. Promoters and Incorporators
- III. Financial Structure
 - A. Types and characteristics of corporate securities
 - B. Dividends, redemptions and distributions
 - C. Liabilities and effects of wrongful distributions
- IV. Management Structure and Control
 - A. Shareholders
 - 1. Voting rights and eligibility
 - 2. Meeting requirements
 - 3. Shareholder agreements
 - 4. Selection and removal of directors
 - 5. Inspection of corporate books and records
 - 6. Preemptive rights
 - 7. Fiduciary duties
 - B. Directors
 - 1. Duties, powers and delegations
 - 2. Fiduciary duties and liabilities
 - 3. Meeting requirements
 - 4. Election, terms and removal of directors
 - 5. Selection and removal of officers
 - C. Officers
 - 1. Duties and powers
 - 2. Fiduciary duties and liabilities
- V. Changes in Corporate Structure
 - A. Amendment of articles of incorporation or bylaws
 - B. Mergers and conversions
 - C. Sales of all or substantially all of corporate property
 - D. Share exchanges
 - E. Dissolution and Liquidation
- VI. Shareholder Actions

- A. Direct Actions
- B. Derivative Actions
- VII. Limited Liability Corporations
- VIII. Closely Held Corporations

Criminal Law and Procedure

- I. General Provisions
 - A. Actus Reus
 - B. Mental State
 - 1. Specific Intent
 - 2. General Intent
 - 3. Strict liability
 - C. Causation
 - D. Criminal Capacity
 - 1. Insanity or diminished capacity
 - 2. Intoxication
 - E. Justification, Excuse and other defenses
 - 1. Mistake (fact or law)
 - 2. Self-defense, defense of others and defense of property
 - 3. Necessity
 - 4. Entrapment
 - 5. Coercion
 - F. Accomplice/Secondary liability
 - G. Limitations on Criminal Prosecution
 - 1. Double Jeopardy
 - 2. Ex Post Facto Laws
 - 3. Bills of Attainder
- II. Crimes Against People
 - A. Homicide
 - B. Assault and Battery
 - C. Kidnapping and false imprisonment
 - D. Sex Offenses
 - E. Robbery
- III. Crimes Against Property Interests
 - A. Theft/Larceny and embezzlement
 - B. Burglary
 - C. Arson
 - D. Possession of stolen property
 - E. Forgery
 - F. Trespass
 - G. Destruction/damage to property
- IV. Inchoate Crimes
 - A. Attempts
 - B. Solicitation
 - C. Conspiracy

- V. Constitutional Protections
 - A. Arrests and detentions
 - B. Search and seizure
 - C. Privilege against self-incrimination
 - D. Right to counsel
 - E. Identification and lineups
 - F. Fair Trials
 - 1. Speedy trial
 - 2. Right to jury trial
 - 3. Confrontation of witnesses
 - 4. Burden of proof and persuasion
 - 5. Guilty pleas
 - 6. Appeals and error

Domestic Relations (Family Law)

- I. Requirements of Domestic Unions
 - A. Marriages
 - B. Rights and Duties of Domestic Partners
 - C. Validity of Common Law Marriages
 - D. Putative Spouse or other mitigative doctrines
- II. Divorce and Annulments
 - A. Jurisdiction and Choice of Law
 - B. Grounds and Defenses
 - 1. Void or voidable marriages
 - 2. Incompatibility, insanity, and separation
 - C. Division of Property-Principles of Community Property
 - D. Alimony
 - 1. Methods of calculating need for and amount of alimony
 - 2. Modification
 - 3. Enforcement remedies
 - 4. Cessation of alimony
- III. Premarital and Separation Agreements
 - A. Recognition and Effect
 - 1. Property distributions
 - 2. Alimony
 - 3. Child Custody, Visitation and Support
 - B. Invalidation
- IV. Child Support
 - A. Parental Responsibilities
 - B. Calculations and Considerations for Amount
 - C. Modifications
 - D. Enforcement Mechanisms and Procedures
 - E. Establishment of Paternity
- V. Child Custody and Visitation
 - A. Jurisdiction-Initial determinations, continuing jurisdiction and enforcement

- B. Standards and Determining Factors
- C. Joint Custody
- D. Modification
- E. Enforcement Actions
 - 1. In-State
 - 2. Uniform Child Custody Jurisdiction and Enforcement Act
- F. Moving Child Out-of-State
- G. Rights of Nonparents
- VI. Adoption
 - A. Procedures and Jurisdiction
 - B. Termination of Parental Rights

Evidence

- I. General Provisions
 - A. Objections and Offers of Proof
 - B. Rulings on evidence
 - C. Preliminary questions
 - D. Limited admissibility
 - E. Scope of Examination
 - F. Form of Questions
 - G. Judicial Notice
 - H. Presumptions
- II. Relevancy
 - A. Determining relevance
 - 1. Definition of relevant evidence
 - 2. Exclusion on grounds of prejudice, confusion or waste of time
 - 3. Exceptions, limitations and special circumstances
 - (a) Use of hypnosis to recall testimony
 - (b) Habit
 - (c) effects of domestic violence
 - (d) sexual conduct of victim
 - (e) subsequent remedial measures
 - (f) compromise and offers to compromise
 - (g) payment of medical and similar expenses
 - (h) liability insurance
 - (i) pleas and offers to plead guilty
 - B. Character evidence
 - 1. Definition and usage
 - 2. Methods of proving character
 - 3. Other crimes and acts
 - 4. Prior sexual misconduct of defendant
- III. Witnesses
 - A. General Provisions
 - 1. Competence
 - 2. Impeachment

3. Writings used to refresh memory
 4. Prior statements
 5. Exclusion of witnesses
 - B. Opinions and Expert Testimony
 1. Ultimate Issues
 2. Lay witnesses
 3. Expert witnesses
 - (a) Qualifications
 - (b) Subject matter-Distinctions between Nevada and Federal Rules
 - (c) Use of Authoritative Texts and Treatises
- IV. Documentary and Physical Evidence
- A. Authentication
 1. Standards
 2. Presumptions of authenticity
 - B. Contents of writings, recordings and photographs
 1. Definition of Original
 2. Use of duplicates
 - (a) Conditions
 - (b) Records of governmental agency
 - (c) Recordings through emergency telephone system (911)
 - (d) Use of certificates of custodian of records
 3. Summaries
 4. Miscellaneous Rules
 - (a) Medical Records
 - (b) Records of casinos and hotels
 - (c) Records of banking and financial institutions
 - (d) Measurements of hazardous waste or material
- V. Hearsay
- A. Definition of hearsay
 - B. Exceptions-Availability of Declarant Immaterial
 - C. Exceptions-Declarant Unavailable
- VI. Privileges
- A. Protected Relationships
 1. Lawyer and Client
 2. Proceedings of Review Committee
 3. Accountant and Client
 4. Psychologist, Doctor, Marriage and Family Therapist, Clinical Professional Counselor, Social Worker and Client
 5. Victim's Advocate and Victim
 6. Husband and wife
 7. Confessor and confessant, and other occupational privileges
 8. Identity of informer
 - B. Waiver

Pleadings and Practice-Nevada Rules of Civil Procedure and Federal Rules of Civil Procedure

- I. Jurisdiction and Venue
 - A. Federal Subject Matter Jurisdiction
 - 1. Federal Question
 - 2. Diversity and amount in controversy
 - 3. Ancillary and pendent jurisdiction
 - 4. Removal
 - B. Personal Jurisdiction
 - 1. Types of jurisdiction
 - 2. Service of Process, voluntary appearance and consent
 - 3. Limitations on jurisdiction
 - (a) statutory
 - (b) Federal constitutional limitations
 - C. Venue, Change of Venue, Transfer and Forum Non Conveniens
- II. Choice of Law
 - A. Use of state substantive law
 - B. Federal common law
- III. Pleadings
 - A. Pleadings allowed
 - B. Pre-answer motions
 - C. Amendments and supplemental pleadings
 - D. Joinder and class actions
 - E. Intervention
- IV. Discovery
 - A. Mandatory pre-trial discovery requirements
 - B. Scope and methods of discovery
 - C. Protective orders
 - D. Sanctions
- V. Pretrial Matters
 - A. Preliminary injunctions and temporary restraining orders
 - B. Summary Judgment
 - C. Offers of judgment
- VI. Trials and Post-Trial Motions
 - A. Right to trial by jury
 - B. Composition and selection of jury
 - C. Motion for judgment as a matter of law
 - D. Motion for new trial or renewal of motion for judgment as a matter of law
 - E. Motion for relief from judgment
- VII. Final Judgment and Appeals
 - A. Verdicts
 - B. Appealability
 - C. Standards of review
 - D. Interlocutory review
 - E. Final judgment rule and exceptions

- F. Effect of judgment
 - 1. Issue preclusion
 - 2. Claim preclusion

Real Property

- I. Types of Real Property Interests
 - A. Creating and Analyzing Present Possessory Estates
 - 1. Fee Simple Absolute
 - 2. Life Estates
 - 3. Estates Subject to Conditions or Possibility of Reverter
 - B. Creating and Analyzing Future Interests
 - 1. Reversionary Interests
 - 2. Executory Interests
 - 3. Remainders
 - 4. Rules of construction limiting creation or recognition of future interests
 - 5. Class gifts
 - 6. Limitations on restricting property rights or alienation of property
 - C. Leaseholds
 - 1. Types of tenancies
 - 2. Creation and termination
 - 3. Tenant duties and right of possession
 - 4. Landlord duties
 - 5. Remedies
 - 6. Consequences and limitations of assignments or subleases
 - 7. Termination of leaseholds
 - 8. Implied warranties and other statutory requirements
 - D. Easements, Profits and Licenses
 - 1. Nature and type
 - 2. Creation and Scope
 - 3. Transfer and Subdivision
 - 4. Termination
 - E. Covenants and Equitable Servitudes
 - 1. Nature and legal requirements for creation
 - 2. Subdivisions
 - 3. Enforcement and remedies
 - 4. Termination
 - F. Adverse Possession
 - G. Fixtures
- II. Conveyancing
 - A. Land Sale Contracts
 - 1. Requirements and enforceability of contract
 - 2. Marketability of Title and defects on title
 - 3. Interests created by execution of contract and risk of loss
 - 4. Performance
 - 5. Breach and remedies

- B. Deeds
 - 1. Formality requirements
 - 2. Rules of construction
- C. Delivery and acceptance
- D. Recording Acts
 - 1. Determining protected interests
 - 2. Notice and resolution of defects in title disputes
- E. Title Assurance-Covenants and Title Insurance
- F. Other Transfers of Title
 - 1. Estoppel by Deed
 - 2. Conveyance by will, ademption, exoneration and lapse
 - 3. Judgment sales
 - 4. Tax liens
- III. Mortgages and Security Devices
 - A. Creation and types of Security Interests
 - B. Rights and duties
 - C. Transfers and restrictions on transfer
 - D. Foreclosure
 - 1. Requirements
 - 2. Determination of priorities and effect on junior interests
 - 3. Redemption
 - 4. Deficiencies
 - 5. One action rule
 - E. Defenses
 - F. Discharge of Mortgage
- IV. Miscellaneous Rights Relating to Land
 - A. Ownership of water and right to use of surface or ground waters
 - B. Support of land
 - C. Extraction of oil, gas and minerals
 - D. Freedom from Interferences and Right to Exclude
 - E. Airspace
- V. Common Interest Properties and Restrictions on Use of Land
 - A. Condominiums and Cooperatives
 - B. Zoning/Land Use Restrictions
 - 1. Authority to regulate
 - 2. Basic forms of regulation
 - 3. Special use permits and variances
 - 4. Enforcement actions
 - 5. Inverse condemnation
 - C. Homeowner Associations
 - D. Covenants, Conditions and Restrictions appurtenant to Parcel Maps and Subdivisions

Secured Transactions (UCC Art. 9)

- I. General Provisions
 - A. Definitions and Rules of Construction
 - B. Applicability
 - C. Principles of interpretation
 - D. Scope of Coverage and Transaction Exclusions
 - E. Jurisdictional Rules
- II. Creation of Security Interest
 - A. Requirements and Methods for Attachment
 - B. Future Advances and After Acquired Property
 - C. Rights and Duties
- III. Perfection and Priority
 - A. General Requirements
 - B. Automatic Perfection and Other Methods of Perfecting
 - C. Proceeds
 - D. Priorities
 - 1. Transactions involving other secured parties
 - 2. Secured party against unsecured creditors
 - 3. Secured party against purchaser of goods and chattel paper
 - 4. Priorities among other conflicting security interests
- IV. Default
 - A. Definition of Default
 - B. Rights and Remedies of Secured Party
 - C. Rights of Debtors

Torts

- I. Negligence
 - A. Duty of Care and standards for liability
 - B. Causation in fact and proximate cause
 - C. Damages
 - 1. Personal injury and emotional distress
 - 2. Property damage
 - 3. Punitive damages
 - 4. Pure economic loss
 - 5. Mitigation of damages
 - D. Defenses
 - 1. Comparative fault/contributory negligence
 - 2. Assumption of the risk
 - 3. Last Clear Chance
- II. Intentional Torts
 - A. Prima facia case
 - 1. voluntary actions
 - 2. intent
 - (a) specific or general intent

- 3. Transferred intent
 - 3. Causation
 - B. Injury to the person
 - C. Harm to property
 - D. Defenses
 - E. Damages
 - III. Strict Liability
 - IV. Injury to economic interests or reputations
 - A. Prima facie case
 - B. Defenses
 - C. Damages
 - V. Product Liability
 - VI. Parties
 - A. Joint and several liability
 - B. Indemnity
 - C. Apportionment of contributions
 - VII. Equitable Remedies
 - A. Factors Giving Rise to Equitable Relief
 - B. Forms and Requirements of Equitable Remedies
 - 1. Interlocutory and Permanent Injunctions
 - 2. Constructive Trust
 - 3. Equitable Lien or Mortgage

Wills, Estates and Trusts

- I. Wills
 - A. Valid Will Requirements
 - 1. Types and characteristics of valid will
 - 2. Execution requirements
 - 3. Attesting requirements and restrictions on witnesses
 - 4. Acceptance of wills signed outside the State of Nevada
 - B. Composition of Will
 - 1. Incorporation of written statement or list and integration
 - 2. Codicils
 - C. Revocation
 - 1. Revocation by operation of law
 - (a) marriage
 - (b) former spouse
 - (c) physical acts
 - (d) another will or codicil
 - 2. Revocation by implication or due to mistake of law or fact
 - 3. Revocation by proxy
 - 4. Partial revocation
 - 5. Revival of revoked will
 - 6. Effect of revocation of subsequent will
 - 7. Presumptions of revocation

- D. Distributions in Favor of Pretermitted Children and Other Kindred
 - 1. Character of rights
 - 2. Manner of distribution from estate
 - 3. Advancements
- E. Joint Wills
- F. Post-execution Changes in Estate or Beneficiaries
 - 1. Lapse in gifts and anti-lapse provisions
 - 2. Ademption
 - 3. Accretions
 - 4. After acquired real property
 - 5. Increases of quantity or value of property
- G. Advancements and Legacies
- H. Simultaneous Death
- II. Contests of Wills
 - A. Enforcement of No-contest Clause
 - B. Grounds for Contest-Validity of Will
 - 1. Statutory defects of execution
 - 2. Lack of testamentary capacity or testamentary intent
 - 3. Mistake, undue influence or fraud
 - C. Procedural Requirements
 - 1. Period of Limitation to File
 - 2. Standing
 - 3. Assessment of Costs
 - 4. Evidence of Execution and Declarations of Testator
- III. Succession
 - A. Property Subject to Distribution
 - B. Distributions to Surviving Spouse
 - C. Distributions to Issue and Adopted Children
 - D. Distributions to Other Kindred
 - E. Escheat
 - F. Vesting of Estate if Both Spouses Die Intestate
- IV. Probate of Wills
 - A. Proof of Will
 - 1. Manner and method of proof
 - 2. Lost or destroyed wills
 - 3. Foreign wills
 - B. Appointment of Personal Representatives
 - C. Powers and Duties of Personal Representatives
- V. Inter Vivos Trusts
 - A. Types and Characteristics of Express Trusts
 - 1. Private
 - 2. Charitable
 - 3. Testamentary or pourover trusts
 - B. Creation and Validity of Trusts
 - 1. Methods and requirements for creation
 - 2. Revocability and rules of construction

3. Designation and identification of beneficiary
4. Existence of trust property and requirement for transfer of interest
5. Trustee
6. Formalities
- C. Administration of Trust
 1. Powers and fiduciary obligations of trustee
 2. Removal of trustee
 3. Successor trustees
 4. Enforcement actions against trustee
 5. Allocation of trust assets
- D. Control of Trusts
 1. Classifications of distribution interests
 2. Alienability of beneficiary's interest in trust property
 3. Limitations on actions of creditors
 4. Support obligations
 5. Right of enforcement of discretionary interest
- E. Special Considerations
 1. Charitable trusts
 2. Trusts providing for the care of animals
 3. Spendthrift Trusts
 4. Resulting and constructive trusts
- VI. Alternatives to Wills and Inter Vivos Trusts
 - A. Joint Tenancy
 - B. Life Insurance and Life Insurance Trusts
 - C. Payable Upon Death Designations with Financial Institutions
 - D. Joint Bank Accounts
 - E. Totten Trust Bank Accounts