

SUCCESSION QUESTIONS FOR EXIT EXAM PREPARATION

1. Which of the following is false?
 - A. Governing law in case of intestate succession of movable property is usually the law of last domicile of the deceased.
 - B. Governing law in case of succession to immovable property is usually the law of the country where the property is located.
 - C.** As opposed to contracts, the parties are not generally free to choose the governing law in tort matters.
 - D. The traditional rule governing choice of law in tort matters is the law of the place of wrong.
2. Mr G and his siblings have succeeded their deceased mother. Mr G paid the debt of their mother after partition of the succession has been made. What right Mr G can have against his siblings?
 - A. sue one or all of his siblings to recover the amount he paid in excess of his share of the debt.
 - B. he can only sue only one of his siblings as they are joint guarantors to each other concerning the succession
 - C. he can forcefully take a property from his siblings to cover the excess amount he paid.
 - D.** A and B
 - E. B and C
3. All but one of the following is not the function of a liquidator.
 - A. Search for a Will of the deceased
 - B. Determination of persons who are called to the succession
 - C. Determination of the property that constitutes the succession
 - D. Administration of the succession
 - E. Payment of debts of the succession
 - F.** None
4. Which of the following is not true about liquidators?
 - A. A testator can designate a liquidator by a will
 - B.** Heirs-at-law automatically assume the capacity of liquidators
 - C. A court can appoint a liquidator to replace a dishonest liquidator appointed by the testator
 - D. An heir who has renounced a succession can serve as a liquidator
 - E. A liquidator may be remunerated for the service.
5. The court may invalidate a will made under undue influence having regard to:
 - A. The conditions of the testator.
 - B. The identity of the person who exerts the undue influence on the testator.
 - C. The gravity of the influence.
 - D. A and B.
 - E.** All.
6. which of the following is not true about annulment of partition of the succession?
 - A. Annulment is made in the same manner as annulment of contracts
 - B. creditors can apply for annulment if the partition is made in fraud of their right and without their participation.
 - C.** if there is omitted property during partition; the heirs can apply for annulment of the whole partition.

- D. Erroneous valuation of a property or failure to collate by a descendant will only leads to correction of partition, not annulment.
- E. None of the above.
7. Which of the following is false about liquidation?
- A. the first thing the liquidator shall do is search for a will
- B. partition cannot take place before the succession is fully liquidated
- ☒ C. liquidators by law prevail over other forms of liquidator appointments
- D. the liquidated estate is exclusive security of creditors of the deceased
- E. the liquidator is required to administer and preserve the things making up the succession
8. If the testator bequeathed the only property he has to his friend in his first will but later made another will and bequeathed the same property for his relative. Who is the rightful beneficiary of the will?
- A. The state
- ☒ B. the relative
- C. both the friend and the relative
- D. the friend
- E. 2nd degree heirs
9. Which one of the following does not vitiate consent with respect to will?
- ☒ A. Fraud.
- B. Duress.
- C. Error.
- D. Undue influence
- E. None.
10. Where Ato Ayalew, in his will, ordered a legacy hvfavor of his friend, Adamu, he ordered the legatee to change his religion as a requirement to take the legacy. Which one of the following is true about this legacy?
- A. Adamu can benefit from the legacy only after complying with the requirement.
- ☒ B. Adamu can benefit from the legacy even without complying with the requirement.
- C. The liquidators should ensure the accomplishment of the requirement.
- D. A and C.
- E. None.
11. One of the following is a right of the heirs and legatees?
- A. they are free to accept or renounce the succession.
- B. creditors of the heirs or legatees cannot force them to accept the succession.
- C. they are not obliged to accept the succession in a special form or accept it impliedly.
- D. a legatee by singular title can renounce the succession but accept the legacy.
- ☒ E. All of the above.
12. Which one of the following is true about oral will?
- A. the only contents of oral will are funeral arrangements, legacies less than 500 birr, and appointment of guardian or tutor
- B. two witnesses are required in the making
- C. only persons who feel imminent death can make oral will
- D. it shall lapse if the testator is still alive after three months of the making of the will
- ☒ E. All of the above
13. If an heir dies shortly after the death of the deceased, which one of the following is true?
- A. His right to succeed shall pass to his co-heirs.
- B. He loses the capacity to succeed.
- ☒ C. His right to succeed shall pass to his heirs.
- D. He will be declared unworthy.
- E. He is considered as failing to meet the survivorship requirement.

14. One of the following is a reason for the court to appoint a liquidator?
- A. when the testamentary liquidator is one of the co-heirs
 - B.** when there are minor heirs who don't have a guardian or tutor
 - C. when the heirs-at-law are jointly acting to execute the liquidation
 - D. when one of several liquidators is authorized by all to act alone
 - E. when the heirs apply to the court for certificate of heir.
15. Succession through representation comes to the picture when,
- A. The heir appoints an agent according to the law.
 - B. The person who is to be called to succeed directly died before the death of the deceased.
 - C. The person who is to be called to succeed directly died before the opening of the succession.
 - D.** B&C.
 - E. All.
16. Which one of the following is not true about public will?
- A.** It shall be of no effect unless it's dated
 - B. It shall be of no effect unless it's signed by the testator and the witnesses forthwith
 - C. It can be valid notwithstanding that it's written by a third party
 - D. It shall be of no effect unless it's attended by four witnesses
 - E. It shall be of no effect unless it's read in the presence of the testator and the witnesses
17. Which of the following is true about **collation**?
- A. an heir who conceals in bad faith a property which is a subject of collation will be deprived of his share on that property.
 - B. an heir is not required to collate more than his share in the succession.
 - C. only descendants are obliged to collate a property they had received.
 - D. descendants who renounced the succession are not required to collate a property they had received.
 - E.** All of the above
18. Which one of the following is **not** true about public will?
- A. It shall be of no effect unless it is attended by four witnesses.
 - B. It can be valid notwithstanding that it is written by a third party.
 - C. It shall be of no effect unless it is read in the presence of the testator and witnesses.
 - D. It shall be of no effect unless it is signed by the testator and the witnesses forthwith
 - E. A&B.
19. How should the existence and contents of a will be proved for the purpose of execution of a will?
- A. By four witnesses who attended the making of the will.
 - B.** By producing the will itself.
 - C. By witnesses who can testify the destruction of a will by a third party.
 - D. By the testimony of the heirs of the testator.
 - E. A&B.
20. Which one of the following is true if the testator bequeathed a thing to two or more persons without specifying the portion of each?
- A. The will shall be invalidated owing to undefined object.
 - B. The legatees shall take their part according to their degree of relationship with the deceased.
 - C.** The legatees shall have equal rights to the thing bequeathed to them. D. The legacy shall pass to the heirs-at-law
 - D. A&D.
21. Which one of the following statements is **true about acceptance** of succession by heirs?
- A. It can be revoked.

- B. Conditional acceptance is allowed under the law.
 - C. An heir may accept a succession through his agent.
 - D.** An heir may tacitly accept the succession.
 - E. Acceptance may be made by the creditors of the heirs.
22. Mr D has received a house in the form of a donation from his father for his establishment at the time of his marriage. Upon the death of his father:
- A. Mr D's co-heirs cannot ask him to collate the house.
 - B. the house donated to Mr D is exempted from collation.
 - C. the law obliges Mr D to collate the house in kind.
 - D.** Mr D is only required to collate the value of the house
 - E. None of the above.
23. Which one of the following is **true about the right of creditors of inheritance coming after partition?**
- A. Creditors have the right to divide and forward their claim to the co-heirs in proportion to the value of the share received by each.
 - B. Creditors cannot claim payment from any of the co-heirs.
 - C.** As the co-heirs are jointly and severally liable, creditors can claim the whole payment from any of them?
 - D. Creditors have better right than the personal creditors of the co-petitioner's in as much as the property of the succession is concerned.
 - E. There is no any exceptional situation whereby creditors may claim from a co-heir more than the value of the share the latter received.
24. One of the following is a **ground for judicial appointment of a liquidator?**
- A. disagreement between co-heirs
 - B. renunciation of the succession by all of the heirs
 - C. existence of minor heirs without a representative
 - D. if the appointed liquidator is dishonest
 - E.** All of the above
25. Which of the following persons can **never make a valid will?**
- A.** Minors.
 - B. Judicially interdicted persons.
 - C. Legally interdicted persons.
 - D. Insane persons.
 - E. Persons under violence.
26. Which one of the following is a **peculiar feature of holographic will compared to public will?**
- A. It has to be attested by four witnesses.
 - B. It should be read in the presence of four witnesses.
 - C.** It should be entirely written by the testator.
 - D. It should be dated.
 - E. It should not contain cancellations.
27. One of the following validly made **wills does not warrant judicial intervention?**
- A. A will made by a judicially interdicted person
 - B.** A will made by a legally interdicted person
 - C. A will made under undue influence
 - D. A will made in favor of the spouse
 - E. A will made in favor of a witness
28. Which of the following is true about Succession law?
- A. It provides for identical treatment of men and women and children irrespective of their background
 - B. creates a balance between the right of the deceased and the rights of his heirs

- C. the law of succession has no connection with other private laws
 - D. it can be testate, intestate or both
 - E. the court can invalidate a will if there is non-observance of the requirements of making a valid will
29. One of the following is **wrong about opening of succession?**
- A.** liquidators are not obliged to call those who got interest in the succession on the opening day
 - B. place of opening of a succession is the principal residence of the deceased
 - C. there is a possibility for opening a will at the notary office
 - D. Will opening day can be postponed after 40 days of the death of the deceased for different reasons
30. Things that make up the succession are:
- A. proprietary and non-proprietary rights of the deceased
 - B. obligations of the deceased
 - C. things the deceased has no right to transfer
 - D.** A and B
31. **Unworthiness of an heir cannot be a ground for incapacity** of the heir if:
- A. the heir has been convicted for killing the deceased or his ascendant, descendants or spouse
 - B. the heir has intentionally destroyed the last will of the deceased
 - C. the reason for unworthiness occurred after the death of the deceased
 - D. the deceased gave a legacy to the heir while knowing the fact that the heir has falsely accused the deceased for a crime that is punishable by 15 years
 - E.** C and D
32. Which one of the following is **wrong about descendants' succession?**
- A. no other degree heir is allowed to succeed intestate if there are descendants
 - B. they have equal right concerning the succession
 - C. they can represent their ascendants for the succession of another person
 - D.** descendants and legatees by **universal title** shall partake the property during intestate succession
 - E. A and C
33. **Representation of succession** can take place if:
- A. there is legal bond between the deceased and the heir called to represent
 - B. the heir who will be represented is not unworthy
 - C. the heir who will be represented has not renounced the succession
 - D.** All of the above
34. The relation between **co-heirs after partition:**
- A. in principle, there is no legal or contractual binding relation among them.
 - B. operation of the law can extend their relation after partition.
 - C. the testator cannot extend their relation after partition at all.
 - D.** A and B
 - E. A and C
35. One of the following is **not true about wills:**
- A.** beneficiaries of the will shall give their consent to the testator before he dies to make the will valid
 - B. making a will is a unilateral declaration
 - C. there are legal requirements to make a will
 - D. husband and wife can't make their will in one document
 - E. All of the above
36. What does it mean when we say **will have ambulatory nature?**
- A. the testator shall be taken to hospital by ambulance at the time of his death

- ☒ B. a will can only be effective after the death of the testator
 - C. the testator has the freedom to make a will
 - D. the will can be invalidated for different reasons
 - E. the testator is not in a position to defend the will after he dies
37. Which among the following best describes the right of the testator?
- ☒ A. the testator can appoint anyone to select beneficiaries from among a specified group of person
 - B. the testator cannot put a condition on his will
 - C. the testator by his will can prevent representation of his non-surviving heir
 - D. the testator can tacitly or impliedly disinherit his descendants
 - E. All except B
38. Entail under Ethiopian law of succession:
- A. the holder in tail is required to return the thing upon expiry of a certain period. Death of the legatee or fulfillment of a specified condition
 - B. if the holder in tail refused to accept the legacy, the testator can appoint another person by his will to receive the thing.
 - C. alienation or attachment of the property by the holder in tail is prohibited
 - D. The testator cannot determine the fate of the thing after it is transferred to the person called to succeed
 - ☒ E. All of the above
39. One of the following can result in invalidation of a will
- A. there is erasures, cancellations or words written over and the testator explained nothing about it
 - B. the will cannot be understood without referring to other documents which are not written and signed by the testator
 - C. non-observance of the legal requirements of will making
 - D. failure to deposit a public will at the notary office within seven years after making the will
 - ☒ E. All except D
40. Which one of the following is not a requirement for making a valid holograph will?
- A. indication on the will the fact that it is a will
 - ☒ B. presence of witnesses while the testator is making it
 - C. if it's written by a typewriter, handwritten indication of this fact is required
 - D. another person's single word on the will is prohibited
 - E. it must be deposited in the notary office within seven years after making it.
41. Revocation of a will can be effected by all of the following except:
- A. expressly revoking it in the same format a will is made
 - B. physically destroying the will
 - ☒ C. depositing it with a third party
 - D. making another contradictory will
 - E. selling the thing listed on the will
42. Which one of the following is false about lapse of wills?
- A. Birth of a child can result in lapse of the will
 - B. dissolution of a marriage other than death can result in lapse of a will made for a spouse
 - ☒ C. if the testator orders in his will on how the will can lapse, it shall lapse based on his order
 - D. a public will cannot lapse if the testator failed to deposit it in the notary office or with third parties
 - E. None of the above
43. Disharison under Ethiopian succession law:
- A. the testator can only disinherit his descendants expressly
 - B. appointing a universal title legatee amounts to tacit disharison
 - C. effectively disinherited heirs shall be regarded as though they haven't survived the

- deceased
- D. justifiable but not necessarily true reason is required to disinherit descendants
- E.** All of the above
44. One of the following is **true about a liquidator?**
- A. the liquidator is free to accept the task
- B. the liquidator is liable for intentional or negligent damages he can cause.
- C. the testator or the court can limit the power or give directions to the liquidator concerning his functions.
- D. resignation of the liquidator can be refused if it's made at inconvenient time and without another is appointed
- E.** All of the above
45. Among the following, which one is true about opening of the will?
- A. persons present or represented and persons not present on opening day shall declare their intention to nullify the will or the partition within 15 days after opening day or absolutely 5 years after the death of the deceased.
- B. on opening day, the liquidator shall call only the beneficiaries of the will.
- C. arbitrators must be present on opening day.
- D.** application to nullify the will or the partition can be made to the liquidator, arbitrators or court.
- E. opening day is always 40 days after the death of the deceased.
46. Which one of the following is **false about acceptance of the succession?**
- A.** acts of preservation and administration of the estate amounts to acceptance.
- B. acceptance is irrevocable and it cannot be annulled by the court.
- C. an heir who misappropriates or conceals a thing from the succession is deemed to have accepted the succession.
- D. conditional acceptance amounts to not decided at all.
- E. acceptance cannot be partial.
47. Mr X, who is the relative of the deceased applied for certificate of heir and the court granted him. Mr Y, who is the only descendant of the deceased, knows about Mr X's certificate of heir after 6 months of the decision of the court. What will be the right thing to do for Mr Y?
- A. partake the property with Mr X as though Mr X is co-heir based on his certificate of heir.
- B. sue Mr X for unlawful enrichment before Mr X took any property from the succession.
- C.** apply for petitio hereditatis
- D. take the matter to arbitration and ask for annulment of Mr X's certificate of heir.
- E. B and D
48. Mr X is the creditor of the deceased and knows about the partition of the succession by the heirs and legatees after the property was merged with the personal property of the heirs and legatees. Which one of the following is true about this case?
- A. Mr X can sue the heirs for recovery of his debt.
- B. the heirs are only liable to the extent of the value of the share they received.
- C. singular title legatees are liable only in default of the heirs.
- D. Mr X has already lost his right of recourse since the property has merged with the the personal property of the heirs and legatees.
- E.** All except D.
49. One of the following is **true about partition of the succession?**
- A. partition must be made in kind even though it's difficult to partake the property in kind
- B. co-heirs can force sale by auction or partition of a particular property before full partition is effected.
- C.** the testator or the heirs by agreement can limit the right to require for partition for not more than five years.
- D. A and D

- E. B and C
50. The **period of limitation to invoke nullity of partition** of the succession is?
- A. 15 days or absolute 5 years
 - B. 3 years or absolute 10 years
 - C. 1 year or absolute 10 years**
 - D. 3 years only
 - E. 5 years only
51. The **period of limitation to invoke annulment of certificate** of heir obtained by a person without a having a right to succeed?
- A. 2 years or absolute 5 years
 - B. 3 years or absolute 15 years**
 - C. 5 years or absolute 10 years
 - D. 1 year only
 - E. 5 years only
52. Mr A is creditor to Mr F, who is the rightful heir to his deceased father along with his brothers. After thinking about the amount of the loan, Mr F renounced the succession of his father for the fact that the share he'll receive from the succession is equal to the amount of the loan. One of the following is true?
- A. Mr F will be obliged by the court to accept the succession.
 - B. Mr F's succession will devolve upon his descendants.
 - C. Mr A can apply to the court for annulment of the renunciation.**
 - D. Mr A can have a right of recourse against the personal property of Mr F's brothers.
 - E. Mr A cannot contest the partition.
53. One of the following **is not a legal requirement of capacity** under Ethiopian law of succession:
- A. 18 years or above
 - B. surviving the deceased and
 - C. not being unworthy
 - D. viability of a chilled
 - E. None of the above**
54. **Invalidation of a will can occur except** one of the following:
- A. there is fraud by the heirs**
 - B. there is undue influence by specified persons recognized by the law
 - C. there is fundamental error which can be evidenced by the will
 - D. violence by a person unknown to the testator
 - E. A and D
55. Which one of the following is **not a requirement for making a valid public will?**
- A. reading it in the presence of the testator only**
 - B. immediately signed by the testator and witnesses
 - C. the witnesses shall understand the language of the will
 - D. a notary in the discharge of his duties and another person are sufficient to be witnesses
 - E. the testator can write it himself or dictate another person