

SENIOR SURROGATE'S COURT CLERK SAMPLE QUESTIONS

The question shown below is for illustrative purposes only. See the Surrogate's Court Clerk section for additional sample questions. They are examples of the different question types and formats that candidates may encounter on the multiple-choice examination. Questions that appear on the actual examination vary in difficulty and may be easier or more difficult than the questions illustrated below.

5.

Mr. Jones dies intestate in 2018 survived by one daughter, Mary, one grandson, Bill (the child of a predeceased son), and three granddaughters, Nancy, Nora, and June, (the children of a predeceased daughter). How will Mr. Jones' estate be divided?

- A. Mary, Bill, Nancy, Nora and June each get one-fifth of the estate.
- B. Mary gets the entire estate.
- C. Mary gets one-third, Bill gets one-third, and Nancy, Nora and June get the remaining one-third.
- D. Mary gets one-third, and Bill, Nancy, Nora and June have the rest in equal shares.

The best answer to this sample question is D. [EPTL 4-1.1](#) states that, "(a) If a decedent is survived by: (3) Issue and no spouse, the whole to the issue, by representation." Mr. Jones is not survived by a spouse, and he had three children, Mary, a predeceased son and a predeceased daughter. Therefore Mary receives one-third by representation as issue of the deceased. Since Mr. Jones's son predeceased his father, his son Bill receives the predeceased father's share of one-third. The remaining one-third, which would have gone to Mr. Jones's predeceased daughter, is shared among her issue, Nancy, Nora and June.

Links to Reference/Study Materials:

- A. **Surrogate's Court Procedure Act:**
<https://codes.findlaw.com/ny/surrogates-court-procedure-act/>
<https://www.nysenate.gov/legislation/laws/SCP>
- B. **Estates, Powers and Trusts Law:**
<https://codes.findlaw.com/ny/estates-powers-and-trusts-law/>
<https://www.nysenate.gov/legislation/laws/EPT>
- C. **Uniform Rules for the New York State Trial Courts:**
<http://ww2.nycourts.gov/rules/trialcourts/207.shtml>