

SURROGATE'S COURT CLERK SAMPLE QUESTIONS

This test guide provides at least one sample question for each subject area listed. The questions shown below are for illustrative purposes only. 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. This test guide provides the correct answer for each sample question presented. You should study these in order to understand how the correct or best answers were determined.

1.

Unless the court directs otherwise, Surrogate's Court pleadings shall consist of a(n):

1. account
 2. petition
 3. citation and Order to Show Cause
 4. answer or objection
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- A. 1 and 3, but not 2 or 4
 - B. 1 and 4, but not 2 or 3
 - C. 2 and 4, but not 1 or 3
 - D. 1, 2, and 4, but not 3

The best answer to this sample question is D. SCPA [302.1\(a\)](#) states, "Unless otherwise provided in this act, (a) Pleadings shall consist of the petition, answer or objections and account."

2.

Arlene died testate survived by her two sisters, Elizabeth and Grace, and the 4 children of her pre-deceased brother, Lee. Arlene's estate consists of a brokerage account valued at \$750,000 and cash in a local bank in the amount of \$60,000.00. The will provides that the entire estate will go into a trust for the benefit of Lee's children. Arlene's will nominates Elizabeth as trustee, but is silent as to whether a bond is required. Which of the following statements is true?

- A. Elizabeth will not need to file any bond.
- B. Elizabeth will need to file a Trustee bond, only if she's the named executor.
- C. Elizabeth will need to file a bond as Trustee.
- D. Elizabeth will need to file a Trustee bond, only if she's a beneficiary.

The best answer to this sample question is C. SCPA [806](#) states, "Whenever a testamentary trustee is appointed by will or order of the court or an executor is appointed who is required to hold, manage or invest real or personal property for the benefit of another, he shall unless the will provides otherwise, execute and file a bond." SCPA [710](#) further states, "A person named as executor or a testamentary guardian or trustee who is not required by the will to give a bond, shall be entitled to letters by giving a bond as prescribed by law..."

II. Written Expressions and Interpreting Written Material

The following question is designed to assess your ability to present information clearly and accurately, and to organize written information logically and comprehensibly. You are presented with several sentences and must effectively organize them in a coherent and logical order.

Format A: For the following question, read the following sentences and decide which answer offers the best organization of these sentences into a complete paragraph.

- 3.
1. People solve their own problems by looking to the future instead of finding fault or blame.
 2. If you want one of the benefits of court procedure - enforceability - your mediation agreement can be written saying that it is intended to be legally binding and then be filed in court.
 3. Mediation doesn't rely on specific points of law.
 4. In contrast, the courts make judgments based upon the law, and rules limit what can be considered.
 5. Courts may be unable to address the genuine issues or causes of a dispute and may not focus on individual circumstances.
- A. 3 - 5 - 4 - 2 - 1
 B. 5 - 4 - 1 - 2 - 3
 C. 3 - 1 - 4 - 5 - 2
 D. 5 - 2 - 1 - 3 - 4

The best answer to this sample question is C. Statement 3 introduces the topic of the paragraph, mediation. Statement 1 further describes mediation, then Statement 4 introduces a contrast to mediation, the courts. Statement 5 introduces a shortcoming of the courts, while Statement 2 integrates the unique strengths of both mediation and the courts into one solution. Choices A and B convey an incorrect impression because Statement 4 cannot logically follow Statement 5, as Statement 5 describes the courts, and Statement 4 begins with "In contrast, the courts..." Since Statement 4 begins with "In contrast," it would need to introduce a new subject that contrasts with the subject presented in the previous sentence. Choice D conveys an incorrect impression because its order of the statements does not introduce the main topic of mediation, and there are a number of statements that do not naturally follow the preceding statement (such as placing Statement 1 after Statement 2).

Format B - Interpreting Written Material

The following question is designed to assess your ability to read and understand written material. You are presented with a brief reading selection followed by a question that requires the interpretation and/or application of the information in the reading selection. Using only the information provided in the passage, choose the alternative that best answers the stated question. Do not use any prior knowledge that you may have on the subject.

- 4.
- Smartphones give users mobile access to email, the internet, GPS navigation, and many other applications. However, smartphone security has not kept pace with traditional computer security. Unfortunately, many smartphone users do not recognize these security shortcomings. Many users fail to enable the security software that comes with their phones, and they believe that surfing the internet on their phones is as safe as or safer than surfing on their computers. Meanwhile, mobile phones are becoming more and more valuable as targets for attack. Consequences of an attack can be severe, so it is important to take steps to protect your mobile phone from attack.

Which of the following statements best summarizes the above paragraph?

- A. Smartphone users believe that it is safer to use their mobile devices to surf the internet than their computers because there are less security shortcomings.
- B. Smartphone users should enable the security software on their devices and exercise caution when surfing the internet because smartphones are susceptible to attack.
- C. Smartphone users should be careful when linking their mobile devices with their computers because computer security has not kept pace with smartphone security.

D. Smartphone users should feel safe checking their email or using GPS navigation on their mobile phones but should be cautious with the use of internet due to security shortcomings.

Choice A conveys an incorrect impression because the passage states that smartphone users do not consider security shortcomings of their mobile devices. It does not state that smartphone users think there are less security shortcomings on their mobile devices than on their computers.

Choice B is the best answer to this sample question because the passage focuses on the susceptibility of smartphones to attack, states that many users fail to enable the security software on their devices, and tells readers it is important to take steps to protect their mobile phones.

Choice C conveys an incorrect impression because the paragraph does not consider the security implications of linking mobile devices with computers. Furthermore the passage indicates that it is smartphone security that has not kept pace with computer security, while Choice C states the opposite.

Choice D conveys an incorrect impression because the passage only introduces checking email and using GPS to illustrate the ways in which people use their mobile phones. It does not make any claims regarding the security of these features.