

F23-MEE1-Score 05-Typed-ID 011- Words 463

1. The issue is whether Joan's will is valid under the Insane delusion rule? The Answer is NO,

Under the Uniform of Testamentary Code, (UTC) in order for the Testator to have a valid will she needs to have a testamentary capacity. Here, from the facts presented Joan was taken a prescribed drug known to produce Hallucination and she experience frequent hallucinations leading to her delusion, Therefore, when Joan asked her lawyer to draft her will she was insane and without a testamentary capacity. Thus, her will is not valid under the UTC.

2. The issue is whether Joan's lacked the general mental capacity based on the facts presented her her will is invalid. the Answer is YES.

Under the Uniform of Testamentary Code, (UTC) in order for the Testator to have a valid will she needs to have a testamentary capacity. in order to have a valid testamentary capacity the testator need to know 1) That he/she the things owned 2) the the bounty of her family 3) and the relationship between her bounty. Here, from the facts presented Joan was taken a prescribed drug known to produce hallucination and she experience frequent hallucinations leading to her delusion, Therefore, when Joan asked her lawyer to draft her will she was insane and without a testamentary capacity. Thus, her will is not valid under the UTC. Here, Joan had regularly lunches with her friends and she often told her friends that she was a multimillionaire and she owns a luxurious home and very expensive car etc. in facts she was living on here social security benefits., Thus all the facts presented here supports that Joan suffers from Insane delusion, and she does not know the elements of her bounty in order to have a valid will. assuming things is not real.

3. The issue is whether her surviving relatives has standing to contest Joan's will.

3 a) The daughter, whether the daughter have standing to contest the will, the answer us Yes,

3 b) The granddaughter, whether her granddaughter has standing to contest the. Yes

3. c) The Son, Yes, the son has a standing to contest the will, because without a valid will he will be inherited under the intestacy clause

Under the Uniform of Testamentary Code, (UTC) in order to have a standing to contest a will. the contestant has to be a beneficiary of will.

The Testator to have a valid will she needs to have a testamentary capacity. Here, from the facts presented Joan was taken a prescribed drug known to produce Hallucination and she experience frequent hallucinations leading to her delusion, Therefore, when Joan asked her lawyer to draft her will she was insane and without a testamentary capacity. Thus, her will is not valid under the UTC.

Question #1 Final Word Count = 463
===== End of Answer #1 =====

END OF EXAM

SEPERAC BAR REVIEW MEE/MPT COMPARISON BANK

Word Statistics

Paragraphs: 10
Sentences: 19
Sentences per paragraph: 2.3
Words per Sentence: 21.8
Characters per Word: 4.7
Flesch Reading Ease: 47.6
Flesch-Kincaid Grade Level: 12

F23-MEE2-Score 05-Typed-ID 015- Words 361

Should the evidence from the house be excluded

A search warrant must be issued based on probable cause, by a neutral magistrate. Although, knocking on the door and announcing its presence is required to the police, failing to comply with this requirements do not taint the evidence seized.

Therefore, the evidence seized will not be excluded.

Should a particular evidence to be excluded

The marihuana

The marihuana should not excluded. The marihuana was seized from the back pocket of the defendant. The police went into the house to search for counterfeited \$100 bills. Once in the house, for safety reasons and after seeing a lump in his back pocket, the police pated down the suspect for security reasons. After realizing that it was not a weapon, and realizing it was something soft, the police reached the inside pocket of the defendant. At that point in time, the police had probable cause to search him in order to see if the material in the back pocket were currency notes.

Therefore, the marihuana was seized based on probable cause during the execution of a valid search warrant.

The computer

The computer should not be excluded. The police was searching the house when it saw computer. From the fact of the case, there is no relationship between the computer and the \$100 bill. However, the police was lawfully in the house executing the search warrant and after seeing the computer, but without touching or playing with it, the police saw a

visible serial number. After conducting a search in the police database, the police discovered that it was stolen.

The narcotics

Plain view is an exception that permits the seizure of evidence without a warrant. In order to be plain view seizure, the police must be lawfully in the premises and see the evidence. The police can not manipulate the evidence. Here, to contrary of the computer, the police seized the bottle and the pills. The bottle and the pills were not related to the search warrant of counterfeited \$100 bills. After seizing the bottle and the pills and testing them, the police discovered that they were narcotics. Therefore, the narcotics should be excluded.

Question #2 Final Word Count = 361

===== End of Answer #2=====

END OF EXAM

SEPERAC BAR REVIEW MEE/MPT COMPARISON BANK

Word Statistics

Paragraphs: 12
Sentences: 22
Sentences per paragraph: 3.1
Words per Sentence: 14.1
Characters per Word: 4.7
Flesch Reading Ease: 59.5
Flesch-Kincaid Grade Level: 8.4

Question 1

The Federal Rules of Civil procedure do not permit the woman to bring the company into the action as a third-party defendant. Generally, the court may exercise supplemental jurisdiction where there is a common nucleus of operative fact between the pending case and the new claim of the plaintiff. Here, the woman claims that her insurance policy obligates the insurance company to defend her in the suit and indemnify her if the court found her liable to the suit. The inclusion of the insurance company has no bearing on the outcome of the case and there is no common nucleus of operative fact in this instance.

If the court finds the woman liable, she can still recover against the insurance company in an action in their home state, State A.

Question 2

The court does not have personal jurisdiction over the company. The general rule is that a state may, exercise personal jurisdiction over a person where the person had minimum contacts with the state and purposefully availed itself in such circumstances that the exercise of personal jurisdiction will not offend traditional notions of fair play and justice.

Here, the insurance company has no contacts with the State B. It does not do business there and has no facilities there. It may be argued that once it insures vehicles which travel all over the country, such as the woman travelled to State B, then it has minimum contacts with the state and purposefully availed itself there. However, that is too remote a relationship to enable establish minimum contacts and establish state exercise jurisdiction over it.

Question 3

Generally, an appeal can only be made on final decisions taken by the court. In the present case, the decision of the court, though not final on its merits, is final with regard to the woman's application to join the insurance company. Therefore, the woman may appeal that decision.

The district court cannot take any actions with regard to the appeal. The woman would have to file a notice of appeal at the appellate court and file a copy of it with the District Court.

Question #3 Final Word Count = 355
===== End of Answer #3 =====

END OF EXAM

Word Statistics

Paragraphs: 9
Sentences: 16
Sentences per paragraph: 2.6
Words per Sentence: 21.8
Characters per Word: 4.7
Flesch Reading Ease: 49.4
Flesch-Kincaid Grade Level: 11.7

1. Does the State X Furniture store have an enforceable and perfected security interest in the couch used by the lawyer in her office waiting room in State X? the Answer is Yes

Under the UCC Article 3 to have a valid security interest, a 1) value has to be provided by the lender 2) the the contract agreement between the creditor and the lender 3) the debtor must have a right to the collateral. Here, from the facts presented the furniture store, in State X has provide the Couch to the lawyer, and the lawyer agreed to the deal and it was describe full details of the collateral mode etc), and the couch was delivered to the lawyer allowed her to have control over the collateral. Therefore, a vilid security interest in the couch which is was used for her office and it was attached by singing the agreement between the furniture store in the State of X and the lawyer.

2. Does the State X furniture store have an enforceable and perfected security interest in the table used by the lawyer in her dining room in the State X.

a. Under the UCC Article 3 to have a valid security interest, a 1) value has to be provided by the lender 2) the the contract agreement between the creditor and the lender 3) the debtor must have a right to the collateral. Here, from the facts presented the furniture store, in State X has provide the table to the lawyer, and the lawyer agreed to the deal and it was describe full details of the collateral mode etc), and the table was delivered to the lawyer allowed her to have control over the collateral. Therefore, a vilid security interest in the table which is was used for her office.

b. Was the security interest perfected. Yes, in order to have the security interest perfected either by possession or filing the credit agreement to the proper agency, here the furniture store retained the title to the table until the lawyer paid it off. so here from the facts presented the agreement was perfected by the parties and the furniture store kept the title of the table, therefore, it was perfected

3. Does the State Y Furniture store have an enforceable and perfected security interest in the desk used by the lawyer in her office in State Y. The answer is Yes.

a. Under the UCC Article 3 to have a valid security interest, a 1) value has to be provided by the lender 2) the the contract agreement between the creditor and the lender 3) the debtor must have a right to the collateral. Here, from the facts presented the furniture store, in State Y has provide the desk to the lawyer, for here office use and the lawyer agreed to the deal and it was describe full details of the collateral desk in a security agreement), and the desk was delivered to the lawyer office allowed her to have control over the collateral. Therefore, a valid security interest in the desk which is was used for her office. and attached by singing the agreement.

b. Was the security interest perfected. No in order to have the security interest perfected by filing the credit agreement to the proper agency, here the furniture store delivered the desk to the the lawyer but did not file any financial statement,

so here from the facts presented the agreement was not perfected by the parties and the furniture store in state Y. Therefore, it was perfected

Question #4 Final Word Count = 593

===== End of Answer #4=====

END OF EXAM

SEPERAC BAR REVIEW MEE/MPT COMPARISON BANK

Word Statistics

Paragraphs: 8
Sentences: 17
Sentences per paragraph: 2.1
Words per Sentence: 32.7
Characters per Word: 4.4
Flesch Reading Ease: 43.5
Flesch-Kincaid Grade Level: 15.3

1. At issue here is whether Wendy has acquired title by adverse possession to the Central Acre.

Adverse possession requires actual, open, and notorious, continuous, exclusive and hostile possession of the property. If the person has satisfied all of the requirements, the person may petition the court to give title to the person with actual title if the person first obtained title through invalid deed or color of title. It should be noted that by "continuing possession of the land", it means the possessor must have continued possession of the land until the time of petition. The title of adverse possession does not come automatically with the satisfaction of the statutory period of adverse possession, but merely gives reason for the possessor to petition and claim title in front of the court.

Here, Wendy first received a quitclaim deed from Smith's descendant with color of title in 2009. The Smith family has claimed the title of the property at issue since 1901. Thus, it is possible that the deed Wendy has received provided her with color of title. Wendy started adverse possession of the Central Acre in 2009 and was later determined by the court of the current case having from 2010 until 2021 possessed Central Acre in a manner that was actual, open, and notorious, continuous, exclusive and hostile possession of the property. However, she has ceased possession of the land from January 1, 2022 and is only contending title to the land on March 1, 2022, Wendy could not have satisfied the requirement of "continuing possession" of the land. Therefore, Wendy did not acquire title by adverse possession to the Central Acre.

In conclusion, Wendy did not obtain title by adverse possession to the Central Acre.

2.

(a) At issue here is whether Wendy could obtain title to the Western Acre in 2020 when Mary was only 16 of age at the time.

The state's adverse possession law has provided that an action to recover title to or possession of real property shall be brought within 10 years after the cause of action accrues. However, if at the time the cause of action accrues, the person entitled to bring the action is under 19 years of age, such person may, after expiration of 10 years from the time the cause of action accrues, bring the action to recover title or possession within five years after reaching the age of 18.

Because Mary was the actual title holder to Western Acre which includes part of Wendy's claim and Mary was only 12 when she was passed on the title from John. Further, in 2020, when adverse possession of Wendy began, she was under 18 and she did not turn 18 until 2022. Therefore, she has the time from 2022 until 2027 to contest any adverse possession against her title to the land.

Therefore, Wendy does not seem to have acquired title to Western Acre in 2022 given that Mary may be able to challenge her title.

(b) At issue here is whether Wendy could obtain title to the Eastern Acre in 2020.

Adverse possession requires actual, open, and notorious, continuous, exclusive and hostile possession of the property. If the person has satisfied all of the requirements, the person may petition the court to give title to the person with actual title if the person first obtained title through invalid deed or color of title. It should be noted that by "continuing possession of the land", it means the possessor must have continued possession of the land until the time of petition. The title of adverse possession does not come automatically with the satisfaction of the statutory period of adverse possession, but merely gives reason for the possessor to petition and claim title in front of the court.

Here, Wendy first received a quitclaim deed from Smith's descendent with color of title in 2009. The Smith family has claimed the title of the property at issue since 1901. Thus, it is possible that the deed Wendy has received provided her with color of title. Wendy was later determined by the court of the current case having never possessed any of Eastern Acre. Merely claiming the title of Eastern Acre through color of title would not be sufficient to meet the criteria of adverse possession as laid out in the previous paragraph. Therefore, Wendy does not seem to have acquired the title to the Eastern Acre because she has never occupied the land.

In conclusion, Wendy does not seem to have acquired the title to the Eastern Acre.

Question #5 Final Word Count = 758
===== End of Answer #5 =====

END OF EXAM

SEPERAC BAR REVIEW MEE/MPT COMPARISON BANK

Word Statistics

Paragraphs: 13
Sentences: 31
Sentences per paragraph: 2.5
Words per Sentence: 24.4
Characters per Word: 4.6
Flesch Reading Ease: 42.1
Flesch-Kincaid Grade Level: 13.4

1. At issue here is whether statements made in connection with the guilty plea although later withdrawn could be admitted as an evidence.

Guilty plea statements are protected under the evidence exclusion theory given that only through doing so, a party may be able to enter into guilty plea without the risk of future litigation danger. Such a protection is for policy purposes so that prosecution may proceed as much as possible for generating guilty plea without violating the rights afforded by the U.S. Constitution to the defendant making the guilty plea. Thus, even if the guilty plea is later withdrawn, the statement made in connection with the guilty plea may still not be admitted as evidence in future litigation.

Here, the defendant is seeking to exclude the admissions the defendant has made in connection with the guilty plea he has later withdrawn years ago. Because such a statement is qualified under the guilty plea exception, the court should not admit the statement as evidence with regard to the guilty plea in the current trial.

In conclusion, under the Federal Rules of Evidence, the court should not admit the statement as evidence with regard to the guilty plea in the current trial.

2. The issue here is whether deposition testimony may be admitted as former testimony when the declarant is unavailable to testify despite reasonable effort from the party to seek the attendance of the declarant even if the declarant has refused to come through the distances.

Former testimony is an exception to the evidence exclusion theory, that is, when a declarant is unavailable to appear in court, even if doing so would deprive the right to confrontation of the party under the 6th amendment of the U.S. Constitution, because former testimony has been admitted in the former proceeding, there is high level of credibility, the court should admit the statement made in a former deposition as long as the declarant was testifying under similar circumstances as in the current trial. It should be mentioned that even if the declarant is unwilling to testify, the declarant will still be consider unavailable to the current trial.

Here, the declarant could not attend the current trial because he is too far away from the court and the plaintiff has done the best she can to procure his attendance. Given that the declarant was testifying during the deposition in a similar circumstance as in the current trial, the court should admit the declarant testimony in the deposition under the exception of former testimony.

In conclusion, under the Federal Rules of Evidence, the court should admit the declarant 's testimony in the deposition under the exception of former testimony.

3. At issue here is whether the party may request to testify on the basis that no evidence should be admitted in another trial which may be adverse against her personal legal interest.

The immunity to self-incrimination is granted when the person making the statement is faced with the risk of incriminating himself in future litigation. Under such circumstances, the court may wither grant a blanket privilege of immunity or transactional immunity for the declarant so that what the declarant is testifying in the current case would not be used against himself in the future litigation. However, it is possible that the evidence may be used for impeachment purpose under evidence exclusion theory.

Here, the plaintiff is seeking exclude evidence of her plagiarizing her senior thesis in college and lying about it on her graduate school application. Since all the above statement may be incriminating against the plaintiff in future litigation should she not be granted with transactional immunity privilege, the court could grant her such an immunity or permit the use of her statement for impeachment purpose only. Therefore, it is possible that the court may still admit the evidence but with immunity granted.

In conclusion, under the Federal Rules of Evidence, it is possible that the court may still admit the evidence but with immunity granted and permit the use of her statement for impeachment purposes in the current trial and future litigation.

Question #6 Final Word Count = 680
===== End of Answer #6 =====

END OF EXAM

SEPERAC BAR REVIEW MEE/MPT COMPARISON BANK

Word Statistics

Paragraphs: 12
Sentences: 21
Sentences per paragraph: 1.7
Words per Sentence: 32.3
Characters per Word: 5
Flesch Reading Ease: 27.6
Flesch-Kincaid Grade Level: 17.4