

PELLISSIPPI STATE COMMUNITY COLLEGE
MASTER SYLLABUS

**ESTATES & TRUSTS
LAW 2040**

Class Hours: 3.0

Credit Hours: 3.0

Laboratory Hours: 0.0

Date Revised: Fall 2011

Catalog Course Description:

A study of common forms of wills and trusts, analysis of administration of estates by probate courts and the assistant's role in preparation of legal documents for planning and distribution of estates.

Entry Level Standards:

College-level competencies in logic, reading, and English are required.

Prerequisites:

LAW 1000

Co-requisites:

NA

Textbook(s) and Other Course Materials:

Hower, Dennis R., *Wills, Trusts, and Estate Administration for the Paralegal: The Essentials*, (West, 1996) (ISBN: 0-314-06482-6)

Tennessee Code Annotated, Will Statutes TBA

I. Week/Unit/Topic Basis:

Week	Topic
1	Chapter 1 Introduction (1 hour); statutory requirements (.5 hour); function and purpose of wills and trusts (1 hour); will substitutes (.5 hour)
2-3	Chapter 2 Real and personal property (1 hour); probate and nonprobate assets (.5 hour); statutory conveyances (.5 hour); fixtures (.25 hour); forms of property ownership (1 hour); right of survivorship (.5 hour); estates in real property (.5 hour); present and future interests (1.0 hour); dower and curtesy (.25 hour); spouse's right of election (.5 hour)
4	Chapter 3 Personal representatives (1 hour); letters testamentary (.75 hour); letters of administration (.75 hour); ancillary administration (.5 hour)
5-7	Chapter 4 Types of testamentary dispositions (2 hours); ademption, lapse, abatement (1 hour); intestacy (2 hours); per capita distribution (1 hour); per stirpes distribution (1 hour); rights of surviving spouse and children (1 hour)
7-8	Chapter 5 Requirements for creating a valid will (1 hour); codicils (.5 hour); incorporation by reference (.5 hour); grounds for will contest (2 hours)

9	Chapter 6	Wills: checklists; initial interview with the client; assets and liabilities; guidelines for will preparation (3 hours)
10-11	Chapter 7	Drafting the will: exordium clause; revocatory clause; payment of debts and funeral expenses; funeral instructions; specific gifts; residuary estate (3 hours); appointment of personal representatives; testamentary clause; testimonium clause; self-proving affidavit; right to die; where to keep the will (3 hours)
12	Chapter 8	Introduction to trusts: essential elements; property; termination (3 hours)
13	Chapter 9	Classification of trusts (3 hours); the living trust, and other special trusts (3 hours)
14	Chapter 11	Personal representatives: duties and appointment (3 hours)
15	—	Final Examination

II. Course Goals*:

The course will:

- A. Expand student understanding of legal ethics. I, III, IV
- B. Increase the capacity of students to understand the different types of property. I, II, III, IV, V
- C. Develop an awareness of the paralegal's role in the area of probate. I, II, III, IV, V
- D. Foster the ability of students to draft basic documents used in wills and probate. I, II, III, IV, V
- E. Enhance student understanding of wills and trusts terminology. I, II, III, IV
- F. Guide student understanding of the difference between testate and intestate succession. I, II, III
- G. Guide student understanding of the difference between revocable and irrevocable trusts. I, II, III, IV, V

*Roman numerals after course objectives reference goals of the Paralegal program (Career Program Goals and General Education Goals are listed

http://www.pstcc.edu/departments/curriculum_and_instruction/syllabi/)

III. Expected Student Learning Outcomes*:

Students will be able to:

1. Demonstrate a complete and thorough understanding of legal ethics. (A)
2. Examine hypotheticals to ascertain the difference between types of property. (B)
3. Distinguish between testate and intestate succession as defined in Tennessee Code Annotated. (D,E,F)
4. Distinguish between revocable and irrevocable trusts as they apply to specific cases.

(E,G)

5. Demonstrate a working knowledge of the statutes governing wills and probate in Tennessee. (C,D,E,F,G)
6. Recognize the formal requirements for a valid will and apply them when drafting a will. (A,B,C,D,E,F)
7. Explain the purpose and function of a self-proving affidavit, living will, health care proxy, and durable power of attorney. (A,B,D,E)
8. Recognize the legal assistant's role in assisting the personal representative in performing the required duties of estate administration. (C,D)
9. Identify and explain the function of Totten, spendthrift, and sprinkling trusts and pour-over wills. (E,G)

* Capital letters after Expected Student Learning Outcomes reference the course goals listed above.

IV. Evaluation:

A. Testing Procedures:

Students are evaluated primarily on the basis of tests. The instructor will provide full details on a supplementary syllabus the first day of class.

B. Laboratory Expectations:

Students will work in small groups to research an assigned topic then make a class presentation on that topic.

C. Field Work:

Students will complete several out-of-class skills projects. These may include drafting and/or preparation of:

- Wills
- Living wills
- Power of attorney for health care purposes
- Testamentary trust
- Petition for letters testamentary
- Notices to beneficiaries and creditors
- Federal estate tax return
- State death tax return
- Petition for guardianship and conservatorship
- Final accounting
- Checklist and timetable for estate administration
- Beneficiary receipts for distributed estate assets

D. Other Evaluation Methods:

1. All tests and papers will be graded for spelling and English usage in addition to content and format.
2. Students are partially evaluated on the basis of in-class projects requiring use of the

- stated skills. Class participation is important and will be considered in the final grade.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

E. Grading Scale:

A	93-100	C+	78- 82
B+	88- 92	C	73- 77
B	83- 87	D	65- 72
F	64 and below		

V. Policies

A. Attendance Policy:

Pellissippi State expects students to attend all scheduled instructional activities. As a minimum, students in all courses (excluding distance learning courses) must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course. Individual departments/programs/disciplines, with the approval of the vice president of the Learning Division, may have requirements that are more stringent. In very specific circumstances, an appeal of the policy may be addressed to the head of the department in which the course was taken. If further action is warranted, the appeal may be addressed to the vice president of the Learning Division.

B. Academic Dishonesty:

Academic misconduct committed either directly or indirectly by an individual or group is subject to disciplinary action. Prohibited activities include but are not limited to the following practices:

- Cheating, including but not limited to unauthorized assistance from material, people, or devices when taking a test, quiz, or examination; writing papers or reports; solving problems; or completing academic assignments.
- Plagiarism, including but not limited to paraphrasing, summarizing, or directly quoting published or unpublished work of another person, including online or computerized services, without proper documentation of the original source.
- Purchasing or otherwise obtaining prewritten essays, research papers, or materials prepared by another person or agency that sells term papers or other academic materials to be presented as one's own work.
- Taking an exam for another student.
- Providing others with information and/or answers regarding exams, quizzes, homework or other classroom assignments unless explicitly authorized by the instructor.
- Any of the above occurring within the Web or distance learning environment.

C. Accommodations for disabilities:

Students who need accommodations because of a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated should inform the instructor immediately, privately after class or in her or his office. Students must present a current accommodation plan from a staff member in Services for Students with Disabilities (SSWD) in order to receive accommodations in this course. Services for Students with Disabilities may be contacted by going to Goins 127, 132, 134, 135, 131 or by phone: 539-7153 or TTY 694-6429. More information is available at www.pstcc.edu/departments/swd/.

D. Other Policies:

