

Pellissippi State Community College
Master Syllabus

ESTATES & TRUSTS
LAW 2040

Class Hours: 3.0
Laboratory Hours: 0.0
Credit Hours: 3.0
Revised: 05-14-09

Instructor:
Office No.:
Phone No.:
E-mail:

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

Corequisite: LAW 1060

Textbooks and Other Supplies:

1. Hower, Dennis R., *Wills, Trusts, and Estate Administration for the Paralegal: The Essentials*, (West, 1996)
2. Tennessee Code Annotated, Will Statutes TBA

I. WEEK, UNIT TOPIC BASIS:

WEEK	UNIT	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 OBJECTIVES:

- A. Demonstrate a complete and thorough understanding of legal ethics. I, III, V
- B. Identify and become familiar with the basic terminology of wills and trusts. I, II, IV
- C. Understand the nature of the role and responsibilities of legal assistants within the area of probate. I, II, III, IV, V
- D. Demonstrate a complete and thorough understanding of the kinds of property. I, II
- E. Demonstrate a complete and thorough understanding of the fundamentals of probate law. I, II
- F. Demonstrate an adequate understanding of the basic concepts of intestate succession. I, II, III
- G. Demonstrate an adequate understanding of the differences between revocable and irrevocable trusts. I, II, III, IV, V

III. INSTRUCTIONAL PROCESSES:

The student will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. *Active Learning Strategy, Transitional Strategy*
2. Refine their reading skills and expand their legal vocabularies through completion of weekly guided reading exercises that allows them to communicate more effectively with lawyers and legal professionals. *Communication Outcome, Active Learning Strategy, Transitional Outcome*
3. Strengthen their analytical skills by locating court cases and statutes in the ERC and on Westlaw to determine the application of the rules of law to specific facts. *Communication Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
4. Examine ethical issues related to legal representation, unauthorized practice of law, confidentiality, duty of legal professional to provide legal services, etc. *Communication outcome, Transitional Strategy, Active Learning Strategy*
5. Listen to guest speakers from the legal community to learn the demands for legal assistants who possess basic knowledge of legal topics in the work world. *Transitional Strategy.*

6. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. *Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*

IV. EXPECTATIONS FOR STUDENT PERFORMANCE:

The student should be able to:

1. Recognize and avoid acts that constitute the unauthorized practice of law. (A)
2. Recognize and avoid acts that constitute the breach of client confidentiality. (A)
3. Recognize potential and actual conflict of interest situations. (A)
4. Identify basic terminology of wills and trusts. (B, C, D)
5. Recognize and explain the function and purpose of wills. (B,F)
6. Identify examples of instances where a person may not need a will. (B,D,E,F)
7. Identify and classify the various kinds of property. (B,D,E,F)
8. Distinguish the various forms of ownership of real and personal property. (B,D,E,F)
9. Identify the proper court that supervises the administration and distribution of a decedent's estate. (B,E)
10. Recognize the necessity for establishing a second or ancillary administration of a decedent's estate when property of the decedent is located in another state. (B,C,E)
11. Recognize, understand and use the basic terms associated with testacy and intestacy. (B,C,D,E,F)
12. Read a will and identify the parties and gifts using both traditional and U.P.C. terminology. (B)
13. Interpret state intestate succession statutes and determine who is entitled to receive what property under such laws. (B,C,D,E,F)
14. Know the difference between relationship to the decedent by consanguinity and by affinity as it relates to the right to inherit a decedent's property under intestate succession laws. (B,C,D,E,F)
15. Understand the difference between the right of heirs of an intestate to take their share of the estate per capita or per stirpes. (B,C,D,E,F)
16. Understand the process of escheat. (B,D,E,F)
17. Recognize the formal requirements for a valid will. (B)
18. Develop and use checklists to elicit the information necessary for the preliminary draft of a will.(B)
19. Identify, explain and interpret the sources of law that determine will validity. (B, E)
20. Explain the purpose and function of a self-proving affidavit, living will, health care proxy, and durable power of attorney. (A,B,D,E)
21. Identify and define the essential elements of trusts.(B, G)
22. Explain the uses and functions of various kinds of trusts. (B,G)
23. Identify and explain the function of Totten, spendthrift, and sprinkling trusts and pour-over wills. (B, E)
24. Understand the procedures for appointing the personal representative in formal probate proceedings. (B,E)
25. Recognize the legal assistant's role in assisting the personal representative in performing the required duties of estate administration. (B,C,E)
26. Recognize and define the traditional forms of probate and estate administration. (B,C,E)

V. 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

VI. POLICIES:

A. Attendance Policy:

Pellissippi State Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course.

[NOTE: No differentiation is noted for excused/unexcused absences. These will be treated as an absence.] (Pellissippi State 2008-2010 Online Catalog)

B. Academic Dishonesty:

Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible

disciplinary sanctions which may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination or to assign an F in the course. (Pellissippi State 2008-2010 Online Catalog)

C. Computer Usage Guidelines:

College-owned or -operated computing resources are provided for use by students of Pellissippi State. All students are responsible for the usage of Pellissippi State's computing resources in an effective, efficient, ethical and lawful manner. (Pellissippi State 2008-2010 Online Catalog)

D. Accommodation 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 134 or 126 or by phone: 694-6751(Voice/TTY) or 539-7153. More information is available at www.pstcc.edu/departments/swd/

E. Late Work:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.