

Pellissippi State Community College
Master Syllabus

ESTATES & TRUSTS
LAW 2040

Class Hours: 3.0
Laboratory Hours: 0.0
Credit Hours: 3.0
Revised: Fall 2011

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.

Prerequisite: 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) (ISBN: 0-314-06482-6)
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 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

III. EXPECTED STUDENT LEARNING OUTCOMES:

The student 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)

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 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. (*Pellissippi State Online Catalog*)

Maintaining continuous attendance in your classes is very important. If you are considering dropping or withdrawing from a course, please check with the Financial Aid Office before doing so. Dropping or withdrawing from a class can adversely affect your financial aid and/or lottery eligibility.

B. Academic Dishonesty:

Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that 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 Online Catalog*)

C. 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 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. Extended College Closure:

Pellissippi State Community College is committed to the educational process and student learning. In the event of a prolonged college closure (of at least a week), the educational process will continue through the use of the college's on-line learning environment (Desire2Learn). The instructor will post instructions, specific assignments, due dates, etc. in Desire2Learn (D2L). It is the student's responsibility to login to D2L and check posted instructions and assignments.