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Students are welcome

Syllabus
WILLS AND TRUSTS
Fall 2010 – Room LAW 103
8:00am-8:50 a.m. Monday, Wednesday, Friday

REQUIRED TEXT: Wills, Trusts, And Estates, Jesse Dukeminier, Robert Sitkoff, and Jane Lindgren, 8th Ed. Lindgren, Wolters, Kluwor (2009) ISBN=978-0-7355-7996-5

RECOMMENDED READING: Wills and Trusts In A Nutshell, Robert Mennell and Sherri Burr, 3rd Ed. Thomson-West (2007). ISBN 978-0-314-18013-1

WESTLAW TWEN SITE: Register before first day of class.

COURSE DESCRIPTION: Studies property descent as governed by statute and court decisions relating to testate and intestate succession. Private express and charitable trusts are considered.

PURPOSE: Wills and Trusts will be introduce students to the basic rules, principles and issues related to wills, trusts and estates. The course will address issues in terms of controversies which may end in litigation. It will focus on issues connected to distribution of one's assets before and after death. Questions of tax avoidance and the ethics of distributions and succession will also be discussed. Particular attention will be given the essentials of estate planning and avoiding related dispute. The course will also provide students an opportunity discuss and evaluate current law and related public policy.

COVERAGE: Wills and Trusts examines rights and powers one has in controlling the final distribution of their property. The basis for passing wealth will be examined and what if any limitations are imposed on individuals who exercise their right to allocate property to those who remain after a descendant's death. Special attention will be given to the formalities of will drafting, what property can or cannot be distributed and the purpose and use of trusts. Special attention will be given the role of the trustee and their fiduciary responsibilities. Some attention will be given to the use of charitable trusts and their role in society. Finally, the issues of taxation and wealth transfer will be addressed.

CLASS FORMAT: Lectures, group participation, questions/answers, class discussion, case studies and study of appropriate statutes and case law. Includes reading assignments, preparation of an agency comment, optional research paper and a final exam.

OBJECTIVES: Wills and Trusts will provide students with an introduction to gratuitous transfers, administration of estates and trusts, judicial perspectives and procedures and the professional responsibility of lawyers who practice in the area of wills and trusts. Attention will be given to the doctrines and practices related to intestate successor and testamentary transfers. This will include requirement for the execution of wills, drafting problems and potential problems caused by donor intent. The course will also cover lifetime transfers, donor incapacity, the use of wills and trusts. Sometime will be spent discussing the process of appointment, regulation of fiduciary obligations and estate taxation.

FINAL EXAMINATION AND GRADING POLICY: Three-hour final examination. The exam accounts for two-thirds (2/3) of the final grade. The instructor reserves the right to increase the final exam grade by one half grade for any student making significant positive and regular contribution to class discussion. One third (1/3) of the final grade will be based upon a written assignment (comment).

WRITTEN ASSIGNMENT: You have been approached by a representative of Lose Weight Now be Healthy Tomorrow (LWBHT) a non-profit organization. **LWBHT** believes the Food and Drug Administration should approve the Qnexa weight loss drug from Vivus Inc. The only information you have been given are the attached newspaper articles. You are told there should be other information available from the company and the FDA. It is suggested you can find more information online. Make the most compelling argument possible in support of LWBHT. (Additional information will be available later.)

The assignment shall be six to seven (6-7) pages, typed and double-spaced pages. The text should be 12-point font. Margins should be 1" on the right side, top, bottom, and left margins should be 1 ¼". **The Comment must be submitted to TWEN by 12 Midnight Nov. 20, 2010.**

OPTIONAL: Students may submit a research paper for a portion of their final grade. If the paper is C+ quality or better, the final course grade **will be raised one-half grade. The topic of the paper and a brief outline (1 page) must be approved by the instructor and submitted to him in class by November 11, 2010**. The paper should be a typed, double-spaced, and 18-20 pages in length. Text should be in a 12-point font Margins should be 1" on the right side and top; bottom, and left margins should be 1¼". The paper should include a table of contents, footnotes, bibliography and a separate two page executive summary. **The extra credit paper must be submitted to TWEN by 12:00 Midnight November 20, 2010.** The final copy will <u>not</u> be returned.

ATTENDANCE: Students are expected to attend class and be prepared each day. According to school policy, students may miss six hours of class. When students miss the seventh hour of class a ten-page paper must be submitted to the instructor. If an eighth hour of class is missed, a second ten-page typed paper will be turned in. On the ninth hour missed, the name of the student will be submitted to the Dean's office and the student will be dropped from the class. Remember each session is three hours. This policy becomes operational after you miss the two days of classes.

COMPUTER POLICY - You may use laptop computers or other electronic devices in class to take notes and access course related materials. You should not use your laptop or electronic devices for other purposes.

In addition to the usual courtesies due to your classmates, refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates.

Class Schedule

Date	Assignment	Page
Aug 23	**Introduction**	**1-26**
	Section A. The Power to Transmit Property at Death: Justifications and Limitations	1
	1. The Right to Inherit and the Right to Convey	1
	Jefferson, Jefferson's Works	1
	Blackstone, Commentaries	1
	Locke, Two Treatises of Government	2
	Hodel v. Irving	*3*
	Shaw Family Archives v. CMG Worldwide	*10*
	2. The Policy of Passing Wealth at Death	16
	Brittain, Inheritance and the Inequality of Material Wealth	16
	Halbach, An Introduction to Death, Taxes and Family Property	16
	Bentham, The Theory of Legislation	17
	Oliver, Shapiro, and Press, "Them That's Got Shall Get": Inheritance and Achievement in Wealth Accumulation	18
	Ascher, Curtailing Inherited Wealth	20
	Kristol, Taxes, Poverty, and Equality	22
	Note: Inheritance in the Erstwhile Soviet Union	24
	Blum and Kalven, The Uneasy Case for Progressive Taxation	24
	Langbein, The Twentieth-Century Revolution in Family Wealth Transmission	26
Aug. 25	**Introduction**	**27-51**
	3. The Problem of the Dead Hand	27
	Restatement (Third) of Property: Wills and Other Donative Transfers §10.1	27
	Shapira v. Union National Bank	*28*
	Note: Incentive Trusts and the Dead Hand	35
	Note: Destruction of Property at Death	37
	Section B. Transfer of the Decedent's Estate	38
	1. Probate and Nonprobate Property	38
	2. Administration of Probate Estates	39
	a. The Functions of Probate	39
	b. Probate Terminology and History	40
	c. A Summary of Probate Procedure	42
	(1) Opening probate	42
	(2) Formal versus informal probate	43
	(3) Barring creditors of the decedent	44
	(4) Closing the estate	45
	d. The Costs of Probate	45
	e. Is Probate Necessary?	46
	f. Universal Succession	48
	Section C. An Estate Planning Problem	49
	1. The Client's Letter and Its Enclosures	49
	Last Will and Testament of Howard Brown	50
	2. Some Preliminary Questions Raised by Brown's Letter	51

Date	Assignment	Page
Aug. 27	**Introduction/Intestacy**	**52-77**
	3. Additional Data on the Browns' Family and Property	52
	a. Family Data	52
	b. Assets	54
	c. Liabilities	57
	d. Assets and Liabilities: Summary	57
	Section D. Professional Responsibility	58
	1. Duties to Intended Beneficiaries	58
	Simpson v. Calivas	*58*
	2. Conflicts of Interest	64
	A. v. B.	*64*
	Section A. The Basic Scheme	71
	1. Introduction	71
	Uniform Probate Code §§2-101, 2-102, 2-103, 2-105	73
	Note: The Meaning of Heirs and the Transfer of an Expectancy	74
	2. Share of Surviving Spouse	75
	Note: Same-Sex Marriage, Domestic Partners, and Intestate Succession	77
Aug. 30	**Intestacy**	**80 -103**
	Janus v. Tarasewicz	*80*
	3. Shares of Descendants	87
	Note: Negative Disinheritance	91
	4. Shares of Ancestors and Collaterals	92
	Note: Half-Bloods	96
	Section B. Transfers to Children	97
	1. Meaning of Children	97
	a. Adopted Children	97
	Hall v. Vallandingham	*97*
	Restatement (Third) of Property: Wills and Other Donative Transfers §2.5	100
	Minary v. Citizens Fidelity Bank & Trust Co.	*103*
Sept. 1	**Intestacy**	**107-129**
	Note: Doris Duke and Adoptive Parent's Remorse	107
	O'Neal v. Wilkes	*109*
	b. Posthumous Children	115
	c. Nonmarital Children	115
	d. Reproductive Technology and New Forms of Parentage	117
	Woodward v. Commissioner of Social Security	*118*
	In re Martin B.	*126*

Date	Assignment	Page
Sept. 3	**Intestacy**	**130-155**
	Note: Surrogate Motherhood and Married Couples	130
	Note: Assisted Reproduction and Same-Sex Couples	132
	2. Advancements	133
	Uniform Probate Code §2-109	135
	3. Guardianship and Conservatorship of Minors	136
	a. Guardian of the Person	136
	b. Property Management Options	136
	(1) Guardianship of the property	137
	(2) Conservatorship	137
	(3) Custodianship	138
	(4) Trusts	139
	An Exercise in Lawyering	141
	Will of Howard Brown (with Testamentary Trust)	142
	Section C. Bars to Succession	145
	1. Homicide	145
	In re Estate of Mahoney	*145*
	Note: The Chinese System and Other Conduct-Based Restrictions on Inheritance	151
	2. Disclaimer	152
	Drye v. United States	*155*
Sept. 6	**LABOR HOLIDAY - NO CLASS**	
Sept. 8	**Intestacy/Wills: Capacity and Contests**	**156-180**
	Note: Disclaimers to Qualify for Medicaid	156
	Section A. Mental Capacity	159
	1. The Test of Mental Capacity	159
	In re Estate of Washburn	*159*
	Wilson v. Lane	*161*
	Note: Capacity Thresholds	166
	Note: Why Require Mental Capacity?	167
	2. Insane Delusion	168
	In re Strittmater	*169*
	Breeden v. Stone	*171*
	Note: Dead Man's Statutes	179
	Section B. Undue Influence	180
	1. Introduction	180

Date	Assignment	Page
Sept. 10	**Wills: Capacity and Contests**	**181-206**
	Restatement (Third) of Property: Wills and Other Donative Transfers §8.3	181
	2. What Influence Is Undue?	182
	Estate of Lakatosh	*182*
	Note: Presumptions, Burden Shifting, and Undue Influence	184
	In re Will of Moses	*186*
	In re Kaufmann's Will	*191*
	Lipper v. Weslow	*193*
	Note: No-Contest Clauses	198
	Note: Bequests to Attorneys	199
	3. Planning for and Avoiding a Will Contest	203
Sept. 13	**Wills: Capacity and Contests**	**207-233**
	Section C. Fraud	207
	Puckett v. Krida	*209*
	Section D. Duress	210
	Latham v. Father Divine	*210*
	Section E. Tortious Interference with an Expectancy	215
	Schilling v. Herrera	*215*
	Note: Anna Nicole Smith and the Probate Exception to Federal Jurisdiction	220
	Section A. Execution of Wills	223
	1. Attested Wills	223
	a. The Function of Formalities	223
	Baron, Gifts, Bargains, and Form	223
	Lindgren, The Fall of Formalism	223
	Gulliver and Tilson, Classification of Gratuitous Transfers	224
	Comparison of Statutory Formalities for Formal Wills	227
	Uniform Probate Code §2-502	227
	b. Writing, Signature, and Attestation: Strict Compliance	228
	In re Groffman	*228*
	Stevens v. Casdorph	*229*
	Note: The Meaning of "Presence" in Will Execution	233
Sept. 15	**Wills: Formalities and Forms**	**234-258**
	Note: The Meaning of "Signature" in Will Execution	234
	Note: The Meaning of "Writing" and Video or Electronic Wills	238
	Estate of Morea	*239*
	Note: Recommended Method of Executing a Will	242
	Note: Safeguarding a Will	245
	2. Curing Defects in the Execution of Attested Wills	246
	a. Excusing Execution Defects by Ad Hoc Exception	246
	In re Pavlinko's Estate	*246*
	In re Snide	*250*
	b. Curative Doctrines: Substantial Compliance and Harmless Error	253
	In re Will of Ranney	*253*
	Uniform Probate Code §2-503	258

Date	Assignment	Page
Sept. 17	**Wills: Formalities and Forms**	**259-285**
	In re Estate of Hall	*259*
	Note: Substantial Compliance Versus Harmless Error	261
	3. Notarized Wills	265
	Waggoner, The UPC Authorizes Notarized Wills	265
	4. Holographic Wills	268
	Gulliver and Tilson, Classification of Gratuitous Transfers	268
	Kimmel's Estate	*269*
	Estate of Gonzalez	*274*
	Note: Signature and Handwriting in Holographic Wills	277
	In re Estate of Kuralt	*280*
Sept. 20	**Wills: Formalities and Forms**	**286-309**
	Section B. Revocation of Wills	286
	1. Revocation by Writing or Physical Act	286
	Uniform Probate Code §2-507	286
	Problem: Revocation by Inconsistency	286
	Harrison v. Bird	*287*
	Note: Probate of Lost Wills	289
	Thompson v. Royall	*290*
	2. Dependent Relative Revocation and Revival	295
	LaCroix v. Senecal	*295*
	Estate of Alburn	*300*
	Note: Revival	304
	Uniform Probate Code §2-509	304
	3. Revocation by Operation of Law: Change in Family Circumstances	305
	Uniform Probate Code §2-804	306
	Section C. Components of a Will	307
	1. Integration of Wills	308
	2. Republication by Codicil	308
Sept. 22	**Wills: Formalities and Forms**	**310-334**
	3. Incorporation by Reference	310
	Uniform Probate Code §2-510	310
	Clark v. Greenhalge	*310*
	Simon v. Grayson	*315*
	Uniform Probate Code §2-513	316
	Johnson v. Johnson	*317*
	4. Acts of Independent Significance	323
	Uniform Probate Code §2-512	324
	Section D. Contracts Relating to Wills	325
	1. Contracts to Make a Will	325
	2. Contracts Not to Revoke a Will	327
	Uniform Probate Code §2-514	328
	Via v. Putnam	*329*

Date	Assignment	Page
Sept. 24	**Construction of Will**	**335-363**

Section A. Mistaken or Ambiguous Language in Wills 335
1. The Traditional Approach: No Extrinsic Evidence, No Reformation 335
Mahoney v. Grainger *336*
Note: Plain Meaning, Ambiguity, and Extrinsic Evidence 340
2. Slouching Toward Reformation: Correcting Mistakes Without the Power to Reform Wills 342
The Causes and Effects of Will Defects 342
Arnheiter v. Arnheiter *343*
Estate of Gibbs *344*
3. Openly Reforming Wills for Mistake 345
Erickson v. Erickson *345*
Uniform Probate Code §2-805 351
Langbein, Curing Execution Errors and Mistaken Terms in Wills 351
Fleming v. Morrison *356*
Section B. Death of Beneficiary Before Death of Testator 358
1. Introduction 358
Estate of Russell *359*

Sept. 27	**Construction of Will**	**364-392**

2. Antilapse Statutes 364
Uniform Probate Code §2-605 365
Ruotolo v. Tietjen *367*
Note: Words of Purchase, Words of Limitation, and the Meaning of "And" Versus "Or" 374
3. Class Gifts 375
Restatement (Third) of Property: Wills and Other Donative Transfers §§13.1, 13.2 375
Dawson v. Yucus *376*
Note: Application of Antilapse Statutes to Class Gifts 379
Section C. Changes in Property After Execution of Will 380
1. Ademption by Extinction 380
In re Estate of Anton *381*
Uniform Probate Code §2-606 387
2. Stock Splits and the Problem of Increase 390
3. Satisfaction of General Pecuniary Bequests 390
4. Exoneration of Liens 391
5. Abatement 391

Date	Assignment	Page
Sept. 29	**Nonprobate Transfers and Planning for Incapacity**	**393-418**
	Section A. An Introduction to Will Substitutes	393
	Langbein, The Nonprobate Revolution and the Future of the Law of Succession	393
	Section B. Will Substitutes and the Wills Act	397
	1. Revocable Trusts	397
	Farkas v. Williams	*398*
	Uniform Trust Code §603	403
	Linthicum v. Rudi	*403*
	2. Payable on Death Contracts and Other Nonprobate Transfers	407
	In re Estate of Atkinson	*407*
	Langbein, The Nonprobate Revolution and the Future of the Law of Succession	410
	Uniform Probate Code §6-101	411
	Note: A Transfer on Death (TOD) Deed for Real Property?	412
	Section C. Will Substitutes and the Subsidiary Law of Wills	413
	1. Introduction	413
	Restatement (Third) of Property: Wills and Other Donative Transfers §7.2	413
	2. Revocable Trusts	414
	In re Estate and Trust of Pilafas	*414*
	State Street Bank and Trust Co. v. Reiser	*416*
		418
Oct. 1	**Nonprobate Transfers and Planning for Incapacity**	**418-444**
	3. Life Insurance	[illegible]
	Cook v. Equitable Life Assurance Society	*420*
	Note: A Superwill?	422
	4. Pension and Retirement Accounts	423
	Langbein, The Twentieth-Century Revolution in Family Wealth Transmission	424
	Note: Defined Benefit Versus Defined Contribution Pension Plans	425
	Egelhoff v. Egelhoff	*426*
	5. Multiple-Party Bank and Brokerage Accounts	432
	Varela v. Bernachea	*432*
	Section D. Pour-Over Wills and Revocable Trusts in Modern Estate Planning	436
	1. Introduction	436
	2. Norman Dacey and Avoiding Probate	436
	Note: The Marketing of Living Trusts and Unauthorized Practice of Law	437
	3. Consequences During Life of Settlor	439
	4. Consequences at Death of Settlor: Avoidance of Probate	440
	5. Pour-Over Wills	443
	Uniform Probate Code §2-511	444

Date	Assignment	Page
Oct. 4	**Nonprobate Transfers and Planning for Incapacity**	**445-468**
	Clymer v. Mayo	*445*
	Section E. Joint Tenancies in Realty	447
	Section F. Planning for Incapacity	448
	1. The Durable Power of Attorney	448
	In re Estate of Kurrelmeyer	*449*
	2. Directives Regarding Health Care and Disposition of the Body	457
	a. Advance Directives: Living Wills, Health Care Proxies, and Hybrids	457
	Dresser, Precommitment: A Misguided Strategy for Securing Death with Dignity	458
	Bush v. Schiavo	*459*
	Note: Euthanasia and Assisted Suicide	463
	b. Disposition of the Body	464
	Note: Elder Law	467
Oct. 6	**Restrictions on the Power of Disposition:**	**469-495**
	Section A. Rights of the Surviving Spouse	469
	1. Introduction to Marital Property Systems	469
	2. Rights of Surviving Spouse to Support	471
	a. Social Security	471
	b. Employee Pension Plans	473
	c. Homestead	474
	d. Personal Property Set-Aside	474
	e. Family Allowance	475
	f. Dower and Curtesy	475
	3. Rights of Surviving Spouse to a Share of Decedent's Property	476
	a. The Elective Share and Its Rationale	476
	Uniform Probate Code, Article II, Part 2, General Comment	479
	Note: The Estate Tax Marital Deduction and the Dependency of Women	481
	b. Same-Sex Marriage and Domestic Partners	483
	c. Incompetent Surviving Spouse	484
	In re Estate of Cross	*484*
	d. Property Subject to the Elective Share	487
	(1) Judicial responses	488
	Sullivan v. Burkin	*488*
	Bongaards v. Millen	*492*
	(2) Statutory schemes	495

Date	Assignment	Page
Oct. 8	**Restrictions on the Power of Disposition:**	**497-521**
	(3) The Uniform Probate Code	497
	Uniform Probate Code §§2-202, 2-203	499
	e. Must the Surviving Spouse Accept a Life Estate?	501
	f. Waiver	502
	Uniform Probate Code §2-213	503
	Reece v. Elliott	*503*
	4. Rights of Surviving Spouse in Community Property	508
	a. Basic Information	508
	b. Putting the Survivor to an Election	510
	5. Migrating Couples and Multistate Property Holdings	511
	a. Moving from a Separate Property State to a Community Property State	512
	b. Moving from a Community Property State to a Separate Property State	513
	6. Spouse Omitted from Premarital Will	515
	In re Estate of Prestie	*516*
	Uniform Probate Code §2-301	518
	Section B. Rights of Descendants Omitted from the Will	519
	1. Protection from Intentional Omission	519
	a. The Domestic Approach	519
	b. A Look Abroad: Family Maintenance Statutes	521
Oct. 11	**Restrictions on the Power of Disposition: Protection of the Spouse and Children Trusts: Introduction and Creation**	**522-547**
	Lambeff v. Farmers Co-operative Executors & Trustees Ltd.	*522*
	Section A. Introduction	541
	1. Background	541
	Note: Foreign Trust Law	547
	2. The Parties to a Trust	547
	a. The Settlor	547
	2. Protection from Unintentional Omission	527
	Gray v. Gray	*528*
	Uniform Probate Code §2-302	531
	Note: Anna Nicole Smith and Blanket Disinheritance of Children	534
	Kidwell v. Rhew	*536*

Date	Assignment	Page
Oct. 13	**Trusts: Introduction and Creation**	**547-572**
	b. The Trustee	548
	Note: Individual Versus Corporate Trustees	551
	c. The Beneficiaries	553
	Note: A Trust Compared with a Legal Life Estate	554
	3. Commercial Uses of the Trust	555
	Section B. Creation of a Trust	557
	1. Intent to Create a Trust	557
	Lux v. Lux	*557*
	Jimenez v. Lee	*558*
	Note: Precatory Language	562
	The Hebrew University Association v. Nye (1961)	*563*
	The Hebrew University Association v. Nye (1966)	*566*
	2. Necessity of Trust Property	569
	Unthank v. Rippstein	*569*
	Brainard v. Commissioner	*572*
	Speelman v. Pascal	*572*
Oct. 15	**Trusts: Introduction and Creation**	**576-596**
	Note: Taxation of Grantor Trusts	576
	3. Necessity of Trust Beneficiaries	578
	Clark v. Campbell	*579*
	In re Searight's Estate	*582*
	Note: Trusts for Pets and Other Noncharitable Purposes	585
	4. Necessity of a Written Instrument	588
	a. Oral Trusts for Disposition at Death	589
	In re Estate of Fournier	*589*
	Olliffe v. Wells	*593*
	b. Oral Inter Vivos Trusts of Land	595
Oct. 18	**Rights to Distributions from the Trust Fund**	**597-613**
	Section A. Rights of the Beneficiary to Distributions	597
	Marsman v. Nasca	*598*
	Note: Extended Discretion	605
	Note: Exculpatory Clauses	607
	Note: Mandatory Arbitration Clauses	608
	Section B. Rights of the Beneficiary's Creditors	609
	1. Discretionary Trusts	609
	Uniform Trust Code §504	612
	Note: Protective Trusts	613

Date	Assignment	Page
Oct. 20	**Rights to Distributions from the Trust Fund**	**614-641**
	2. Spendthrift Trusts	614
	Scheffel v. Krueger	*616*
	Shelley v. Shelley	*618*
	Uniform Trust Code §§502, 503	620
	Note: Bankruptcy Law and Trust Asset Protection	624
	3. Self-Settled Asset Protection Trusts	624
	Federal Trade Commission v. Affordable Media, LLC	*628*
	In re Lawrence	*634*
	Note: Trusts for the State-Supported	638
	Section C. Modification and Termination of Trusts	641
	1. Introduction	641
Oct. 22	**Mid-term Break**	
Oct. 25	**Rights to Distributions from the Trust Fund**	**643-666**
	2. Deviation and Changed Circumstances	643
	In re Trust of Stuchell	*643*
	Restatement (Third) of Trusts §66	645
	Uniform Trust Code §412	645
	In re Riddell	*645*
	Note: Reformation and Modification to Achieve Tax Objectives	651
	Note: Trust Protectors	651
	3. *Claflin* and Material Purpose	653
	In re Estate of Brown	*653*
	Restatement (Third) of Trusts §65	656
	Uniform Trust Code §411	656
	Note: Revocable Versus Irrevocable Trusts	658
	4. Trustee Removal	659
	Uniform Trust Code §706	660
	Davis v. U.S. Bank National Association	*660*
	Note: Virtual Representation	665
Oct. 27	**Trust Administration: The Fiduciary Obligation**	**667-693**
	Section A. Introduction	667
	Langbein, Rise of the Management Trust	668
	Note: Agency Costs and the Fiduciary Obligation	670
	Note: Powers of the Trustee	674
	Section B. The Duty of Loyalty	675
	Hartman v. Hartle	*675*
	In re Gleeson's Will	*676*
	In re Rothko	*679*
	Note: Co-Trustees	687
	Section C. The Duty of Prudence	688
	1. The Prudent Man Rule and the History of Trust-Investment Law	688
	Langbein and Posner, Market Funds and Trust-Investment Law	688
	Restatement (Third) of Trusts: Chapter 17 (The "Prudent Investor Rule")	690
	Note: Problems with the Prudent Man Rule	691
	2. The Prudent Investor Rule and Modern Trust-Investment Law	693

Date	Assignment	Page
Oct. 29	**Trust Administration: The Fiduciary Obligation**	**694-720**
	a. The Prudent Investor Rule	694
	Uniform Prudent Investor Act §§2, 3	694
	b. The Rule Explained and Examined	695
	Langbein, The Uniform Prudent Investor Act and the Future of Trust Investing	695
	Schanzenbach and Sitkoff, Did Reform of Prudent Trust Investment Laws Change Trust Portfolio Allocation?	699
	c. Risk, Return, and Diversification in Practice	702
	In re Estate of Janes	*702*
	Note: Calculating Damages for Imprudent Investment	709
	Uniform Prudent Investor Act §§1, 4	711
	Wood v. U.S. Bank, N.A.	*712*
	Note: Permissive Versus Mandated Retention of Inception Assets and the Duty to Diversify	717
	Note: Social Investing	720
Nov. 1	**Trust Administration: The Fiduciary Obligation**	**721-750**
	d. Delegation	721
	Uniform Prudent Investor Act §9	722
	Note: Delegated Versus Directed Trusts	723
	Section D. Impartiality and the Principal and Income Problem	725
	Howard v. Howard	*726*
	Restatement (Third) of Trusts: Chapter 23	731
	In re Matter of Heller	*731*
	Section E. Subrules Relating to the Trust Property	736
	1. Duty to Collect and Protect Trust Property	736
	2. Duty to Earmark Trust Property	737
	3. Duty Not to Mingle Trust Funds with the Trustee's Own	737
	Section F. Duty to Inform and Account	738
	1. Duty to Inform	738
	Uniform Trust Code §813	738
	Fletcher v. Fletcher	*739*
	2. Duty to Account	745
	National Academy of Sciences v. Cambridge Trust Co.	*745*
Nov. 3	**Charitable Trusts**	**751-776**
	Section A. Introduction	751
	Section B. Nature of Charitable Purposes	751
	Shenandoah Valley National Bank v. Taylor	*752*
	Note: Shaw's Alphabet Trusts	759
	Section C. Modification of Charitable Trusts: Cy Pres	760
	In re Neher	*761*
	San Francisco Chronicle: The Buck Trust	765
	Note: Cy Pres Versus Administrative Deviation	768
	Philadelphia Story: The Barnes Foundation	769
	Note: Discriminatory Trusts	774
	Section D. Supervision of Charitable Trusts	776
	Carl J. Herzog Foundation, Inc. v. University of Bridgeport	*776*
	Smithers v. St. Luke's-Roosevelt Hospital Center	*776*

Date	Assignment	Page
Nov. 5	**Charitable Trusts**	**788-802**
	The Sweetest Place on Earth: Hershey's Kiss-Off	788
	Note: Standing for Persons with Special Interests	793
	Hawaii Journal: The Bishop Estate	795
Nov. 8	**Power of Appointment: Building Flexibility into Trusts**	**803-831**
	Section A. Introduction	803
	1. Terminology and Types of Powers of Appointment	803
	2. The Relation-Back Doctrine: Does the Appointive Property Belong to the Donor or the Donee?	806
	Irwin Union Bank & Trust Co. v. Long	*806*
	3. Tax Considerations for Powers of Appointment	810
	Section B. Creation of a Power of Appointment	812
	Section C. Exercise of a Power of Appointment	813
	1. Introduction	813
	Restatement (Third) of Property: Wills and Other Donative Transfers §§19.1, 19.2	813
	2. Exercise by Residuary Clause in Donee's Will	813
	Beals v. State Street Bank & Trust Co.	*813*
	Uniform Probate Code §§2-608, 2-704	819
	Note: Lapse — Appointee Dies Before Donee Dies	821
	3. Limitations on the Exercise of a Power of Appointment	822
	4. Fraud on a Special Power	823
	5. Ineffective Exercise of a Power of Appointment	824
	a. Allocation	824
	b. Capture	825
	Section D. Release of a Power of Appointment	826
	Seidel v. Werner	*827*
Nov. 10	**Power of Appointment/ Construction of Trusts: Future Interests**	**832-857**
	Section E. Failure to Exercise a Power of Appointment	832
	1. Failure to Exercise a General Power	832
	2. Failure to Exercise a Special Power	832
	Loring v. Marshall	*832*
	Section A. Introduction	837
	Section B. Classification of Future Interests	838
	1. Types of Future Interests	838
	Note: Future Interests Reform	838
	2. Future Interests in the Transferor	839
	a. Reversion	839
	b. Possibility of Reverter and Right of Entry	840
	3. Future Interests in Transferees	841
	a. Remainders	841
	b. Executory Interests	844
	Section C. Construction of Trust Instruments	845
	1. Preference for Vested Interests	845
	a. Acceleration into Possession	847
	In re Estate of Gilbert	*847*
	b. Transferability	851
	c. Requiring Survival to Time of Possession	853
	First National Bank of Bar Harbor v. Anthony	*853*
	Clobberie's Case	*857*

Date	Assignment	Page
Nov. 12	**Construction of Trusts: Future Interests**	**859-883**
	Rule Against Perpetuities and Trust Duration	
	Note: Antilapse Rules for Future Interests in Trust	859
	2. Gifts to Classes	862
	a. Gifts of Income	863
	Dewire v. Haveles	*863*
	b. Gifts to Children, Issue, or Descendants	867
	c. Gifts to Heirs	869
	Estate of Woodworth	*869*
	Uniform Probate Code §2-711	874
	Note: The Doctrine of Worthier Title	874
	Note: The Rule in Shelley's Case	875
	d. The Class-Closing Rule	876
	(1) Introduction	876
	(2) Immediate gifts	877
	(3) Postponed gifts	878
	Lux v. Lux	*880*
	(4) Gifts of specific sums	883
Nov. 15	**Rule Against Perpetuities and Trust Duration**	**885-910**
	Section A. Introduction	885
	Section B. The Orthodox Rule Against Perpetuities	888
	1. Summary of the Rule	888
	a. The Rule and Its Policies	888
	b. The Perpetuities Period: Why Lives in Being?	889
	c. The Rule Is One of Logical Proof	890
	d. When the Lives in Being Are Ascertained	891
	e. The Rule and Trust Duration	891
	2. The Fantastical Characters	892
	a. The Fertile Octogenarian	892
	Note: The Presumption of Fertility	893
	Note: The Precocious Toddler	894
	b. The Unborn Widow	895
	Note: Alternative Contingencies	895
	c. The Slothful Executor	896
	d. The Magic Gravel Pit and Other Marvels	896
	Section C. Perpetuities Reform	897
	1. Self-Help: Saving Clauses	897
	Note: Attorney Liability for Violating the Rule	899
	2. The Reformation (or Cy Pres) Doctrine	899
	3. The Wait-and-See Doctrine	900
	a. Wait-and-See for the Common Law Perpetuities Period	901
	b. The Uniform Statutory Rule Against Perpetuities	901
	Uniform Statutory Rule Against Perpetuities §§1, 3	902
	Note: USRAP and the Generation-Skipping Transfer (GST) Tax	903
	4. Abolition of the Rule Against Perpetuities	905
	Sitkoff and Schanzenbach, Jurisdictional Competition for Trust Funds: An Empirical Analysis of Perpetuities and Taxes	905

Date	Assignment	Page
Nov. 17	**Rule Against Perpetuities and Trust Duration**	**911-935**
	Dukeminier and Krier, The Rise of the Perpetual Trust	911
	Note: English Perpetuities Law	917
	Section D. Technical Application of the Rule to Class Gifts and Powers of Appointment	917
	1. Application of the Rule to Class Gifts	917
	a. The Basic Rule: All-or-Nothing	917
	b. Exceptions to the All-or-Nothing Rule	919
	(1) Gifts to subclasses	919
	American Security & Trust Co. v. Cramer	*919*
	(2) Specific sum to each class member	920
	2. Application of the Rule to Powers of Appointment	921
	a. General Powers of Appointment Presently Exercisable	921
	(1) Validity of power	921
	(2) Validity of exercise	921
	b. General Testamentary Powers and Special Powers	922
	(1) Validity of power	922
	(2) Validity of exercise	923
	Note: The "Delaware Tax Trap"	923
	Section E. Other Durational Limits	925
	1. The Rule Against Suspension of the Power of Alienation	925
	2. The Rule Against Accumulations of Income	927
	Section A. Introduction	931
	Note: Estate and Inheritance Taxes Compared	933
	Note: Liability for Wealth Transfer Taxes	934
	Section B. The Federal Gift Tax	935
	1. Taxable Gifts	935
Nov. 19	**Wealth Transfer Taxation**	**936-959**
	Holtz's Estate v. Commissioner	*936*
	Note: Joint Tenancy	939
	Note: Income Tax Basis	940
	2. The Annual Exclusion	940
	Estate of Cristofani v. Commissioner	*942*
	3. Marital Deductions and Gift Splitting	948
	Section C. The Federal Estate Tax	948
	1. A Thumbnail Sketch	948
	Note: Tax Advantages of Lifetime Gifts	949
	2. The Gross Estate	950
	a. The Probate Estate	950
	b. Spouse's Elective Share	950
	c. Joint Tenancy	950
	d. Annuities and Employee Death Benefits	951
	e. Life Insurance	952
	f. Retained Rights or Powers	953
	Estate of Maxwell v. Commissioner	*954*
	Old Colony Trust Co. v. United States	*959*

Date	Assignment	Page
Nov. 22	**Wealth Transfer Taxation**	**962-994**
	Note: Family Limited Partnerships	962
	g. Revocable Transfers	964
	h. Reversionary Interests	965
	i. Transfers Within Three Years of Death	966
	j. Powers of Appointment	967
	Estate of Vissering v. Commissioner	*969*
	3. Deductions	972
	a. The Marital Deduction	972
	Estate of Rapp v. Commissioner	*976*
	Pond v. Pond	*981*
	Note: Tax Planning for Spouses and the Credit Shelter Trust	985
	b. The Charitable Deduction	987
	Section D. The Generation-Skipping Transfer Tax	989
	1. The Nature of the Tax	989
	2. Exemption and Exclusions	991
	3. Some Common GST Tax Planning Strategies	993
	Section E. State Wealth Transfer Taxes	993

Nov 24 – Nov 26	**THANKSGIVING HOLIDAY - NO CLASS**
Nov. 29	**Open**
Dec. 1	**Open**
Dec. 3	**Review**
Dec. 6th	**Review**