

TRUSTS & ESTATES
(LAW 6930)
(4 credit hours)

Professor McCouch

Spring 2018

Office Hours, Telephone and E-mail

My office is located in Holland Hall 312B. Regular office hours are on Wednesdays and Thursdays from 2:30 a.m. to 3:30 p.m., or by appointment. If I am in my office and the door is open, you are welcome to drop by. You can also reach me by telephone at 352.273.0991 or by e-mail at gmccouch@law.ufl.edu.

Course Materials

The assigned casebook for the course is Ascher, Clark, McCouch & Murphy, *Gratuitous Transfers* (6th ed.) (West 2013). Students should also have a copy of the Florida Statutory Supplement and handout problems, which will be posted on the course website (TWEN). Supplementary background readings (optional, not required) are McGovern, Kurtz & English, *Principles of Wills, Trusts and Estates* (concise hornbook) (2d ed.) (West 2011), and Haskell, *Preface to Wills, Trusts and Administration* (2d ed.) (Foundation 1994).

Course Objectives

The primary objective of the course is to introduce students to fundamental concepts and doctrines of inheritance law, including intestate succession, wills, and trusts. The course provides an essential grounding for students who wish to pursue advanced courses in fiduciary administration, future interests, and estate planning, as well as a general survey for students who intend to practice in other areas.

Class Meetings and Attendance

Class will meet in Room 355C at 1:00–2:10 p.m. on Wednesdays, Thursdays, and Fridays, beginning Wednesday, January 10. Regular and punctual class attendance is required. A student with more than four unexcused class absences may be penalized in the final grade or excluded from the course. Students should be prepared to discuss the assigned readings in class, and may expect to spend up to two hours of preparation for every class hour.

Topical Outline

Topics will be covered in the following order, with assigned reading in the casebook and the Florida Statutes as indicated. The assigned reading for the first week of class is Chapter 1 of the casebook (pp. 1–55).

<u>Week</u>	<u>Topic</u>	<u>Casebook</u>	<u>Fla. Stat. §§</u>
	Ch. 1: Introduction		
Jan. 10	Inheritance, Testation, and Probate	1–55	
	Ch. 2: Intestate Succession		
Jan. 17	Spouse, Issue, Ancestors and Collaterals	56–85	732.101–.105, 732.107, 732.601
	Adopted and Nonmarital Children	85–120	732.106, 732.108, 742.17
Jan. 24	Advancements; Homicide; Disclaimer	120–150	733.806, 732.802, 739.102–.402
	Ch. 3: Family Protection		
	Homestead		732.401–.4015
Jan. 31	Statutory Allowances; Elective Share	151–201	732.201–.2145, 732.402–.403, 732.702
	Omitted Heirs	203–220	732.301–.302
	Ch. 4: Grounds for Contest		
Feb. 7	Capacity, Undue Influence, Fraud and Mistake	227–308	732.501, 732.5165–.517, 732.805, 732.806, 733.107
	Ch. 5: Wills		
Feb. 14	Attested Wills; Holographic Wills	309–389	732.502–.504
	Will Components	389–404	732.5105–.512, 732.515
Feb. 21	Will Contracts	404–417	732.513, 732.701
	Revocation and Amendment;	417–430	732.505–.506, 733.207
	Revival	430–433	732.507–.509
Feb. 28	Dependent Relative Revocation	433–439	
	Revocation by Divorce	439–453	732.703, 736.1105
	Ambiguity; Mistake; Ademption	453–482	732.606, 732.615, 732.609, 733.803–.805
Mar. 7	[spring break]		
Mar. 14	Lapse	482–493	732.603–.604
	Ch. 6: Gifts		
	Lifetime Gifts; Contractual and	494–538	
	Joint-and-Survivor Arrangements		
Mar. 21	Revocable Trusts	538–553	689.075
	Ch. 7: Trusts		
	Trust Creation	554–573, 590–596	736.0401–.0404, 736.0407, 736.0603
	Spendthrift Trusts	596–608	736.0501–.0505
Mar. 28	Discretionary and Self-Settled Trusts	620–626, 636–641	
	Revocation, Modification and Termination	641–661	736.0602, 736.04113–.0412
	Trusts for Noncharitable Purposes	Supp.	736.0408–.0409
Apr. 4	Charitable Trusts; Cy Pres	Supp.	736.0405, 736.0413
	Ch. 8: Fiduciary Administration		
	Duty of Loyalty	Supp.	736.0801–.0802
Apr. 11	Trust Investments; Duty of Impartiality;	Supp.	736.0803–.0804, 518.11–.112
	Fiduciary Discretion		
	Ch. 9: Future Interests		
	Classification of Future Interests		
Apr. 18	Survival Requirements; Class Gifts	Supp.	736.1106
	Powers of Appointment		
	Rule Against Perpetuities	Supp.	689.225

Evaluation

Students will be evaluated primarily based on the final examination, which will be graded anonymously. Grades will follow the law school grading policy, which is available at <http://www.law.ufl.edu/students/policies.shtml#9>. In calculating the final grade for the course, the grade awarded on the final examination may be raised by one grade level to reflect active, voluntary participation of consistently high quality in class discussion.

Students are encouraged to provide feedback on this course by completing an online evaluation shortly before the end of the semester. Students will be notified in advance of the online evaluation period. Summary results of the evaluation are available at <https://evaluations.ufl.edu/results/>.

Makeup Exams

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/students/policies.shtml#12>.

Disability Accommodation

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352.392.8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Law School Office of Student Affairs when requesting accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

Honor Code

Students are subject to the UF Student Honor Code, which can be found at <http://www.dso.ufl.edu/students.php>.

Learning Outcomes

Upon completion of the course, students should have a basic understanding of the laws of intestacy, wills, and trusts, enabling them to analyze practical applications and planning alternatives and preparing them to pursue advanced courses in personal and estate planning.