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**TRUSTS AND ESTATES
SYLLABUS
JRM 5041
Thursdays, 8:00 PM
October 16, 23, 30
November 6, 13, 20
December 4, 11**

This is a two-credit online MSL class on the basic tools and law of decedent's estates and trusts. As a class for non-lawyers, it will touch on topics like fiduciary duties, future interests, debts, and property, but no special knowledge of those areas is required. This class will focus principally on transfers of property through the law of intestate succession, wills, and will substitutes. In particular, we will study the requisite formalities for creation of a valid will and trust, for revocation of a will, and such specific doctrines as lapse of gifts, homestead, elective share, and family allowances, to name a few. We will also examine basic living wills, powers of attorney, and other typical estate planning instruments.

Required Texts: There are two texts required for this class. The first is a book prepared specifically for this class. It is available as either an ebook or a print-on-demand book for purchase at: <https://www.westacademic.com/Wrights-Wills-Trusts-and-Estates-A-Primer-9798895459867>. If being purchased directly from West Academic, you should receive a 15% discount if you put in the code WAUF when you check out.

You will also need to have available every day a booklet of the updated relevant Florida Statutes which I will also make available to you electronically before the first day of class.

All other course documents, including assessments, the syllabus, and the statute book, will be available through Canvas. You will need to be logged into canvas each day and access the zoom classroom through your Canvas platform.

Requirements: In preparation for class each day, you will need to read the assigned readings and work a few problems. There are short videos on specific topics you may access at your discretion. These videos are optional and will help explain the background of certain topics or, in many cases, will work through some of the difficult problems you will be encountering in the material. Each week we will meet on zoom as a class to go over the material of the week, discuss how the law would apply in real-world situations, and work a problem or two. Each class will

conclude with a quiz on the material of the week. There will also be two mid-terms and one final exam.

Unlike some subjects, the material in this class builds on what came before, so it is critical that you keep up with the readings and assignments so you understand the next set of subjects. If you find you are having trouble keeping up, please let me know as soon as possible so we can work out a plan for getting you caught up.

Class Attendance Policy: I understand that you are likely to have conflicts occasionally with classes and will be unable to attend. Occasional absences cannot be helped. However, if you miss more than two class sessions, I have the discretion to drop you from the class. My goal, however, is to help you succeed, so if you find you have a conflict that may put you at risk of being dropped, please contact me immediately. If you have to miss classes because of illness or for a religious holiday, please notify me as soon as possible to arrange for make-up work. The end-of class quizzes each day will comprise part of your grade and can be made up only for excused absences. The University's policy on excused absences is available here.

<https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>

Grade Computation: Your final grade will be determined based on the following percentages:

Weekly Assessments: 40%

Mid-Terms: 20%

Final Exam: 40%

The Levin College of Law's grading policy is available at <https://www.law.ufl.edu/uf-law-student-handbook-and-academic-policies>. *Note that the mandatory mean does not apply to MSL or LLM students.*

The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Academic Integrity: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

UF students are also bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’” The Conduct Code specifies a number of behaviors that are in violation of this code and the possible sanctions. [Click here to read the University Conduct Code](#). If you have any questions or concerns, please consult with the instructor in this class.

Evaluations: Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#). Believe me that I take comments very seriously and strive to make my classes accessible and enjoyable while also being rigorous and demanding.

Accommodations: Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean Brian Mitchell. Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available [here](#).

Recordings: All class sessions will be recorded and students with excused absences may have access to those recordings. Students are also allowed to record audio of class lectures. Students may not circulate or post photos or videos of classroom discussions. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving

solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student.

Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

RESOURCES:

Wellness:

U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.

Counseling and Wellness Center: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.

Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).

GatorWell Health Promotion Services: For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the [GatorWell website](#) or call 352-273-4450.

Academic & Tech Support Resources:

E-learning technical support: Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

On-Line Students Complaints: [View the Distance Learning Student Complaint Process.](#)

Workload: You should plan to spend at least two hours preparing for every hour in class. That means you will need to spend about 60 total hours preparing by reading the book, the statutes, working the problems, and watching the videos. Staying caught up and doing careful reading are keys to success in this class.

Learning Outcomes: This is an introductory class that will introduce you to many rules and doctrines that apply in the context of the succession of property at death. Since we all will die, we all will pass our property in some form or another to our successors. This is a huge area of law with many different kinds of rules and many very technical doctrines. At the end of the course, you should understand the legal requirements for a valid will, understand how property will pass in the absence of a will, and be knowledgeable about the legal effects of the various will substitutes.

Reading Assignments: Below is a list of the class periods to be spent on each subject and the assigned sections, problems, and Florida Code provisions.

Class Subject & Assignments: We will proceed through the book in order, from page 1 to the end. Here are the reading assignments with the relevant Florida statutes that you will also need to read in preparation for class each day. Because this class is normally taught over 13 weeks, but we only have 9 weeks, the amount of material we will need to cover each week is greater than usual. Thus, I have combined chapters that are generally less onerous and given the more difficult chapters an entire week. But because this is compressed, there will be a lot of material and we will move quickly through much of it. Please prepare for a whirlwind class!

Week 1. Introduction to Donative Freedom, Terminology, Probate Processes, Gifts, and Probate and non-Probate Property

Read pp. 1-20.

Fla. Stat. 731.201, 731.103, 732.901, 733.101 to 733.109, 733.201 to 733.209, 735.201 to 735.2063, 735.301 to 735.302

Week 2. Intestacy – Three Models and Rights of Spouses, Descendants, and Collateral Heirs

Read pp. 21-42

Fl. Stat. 732.101, 732.102, 732.103 to 732.107, 732.109, 733.806

Wills – Elements, Formalities, and Proving the will

Read pp. 43-56

Fl. Stat. 732.501 to 732.504, 732.521 to 732.526

Week 3. Wills Continued – Interpretive Rules and Salvage Doctrines, Anti-Lapse

Read pp. 57-91

Fl. Stat. 732.5105, 732.511, 732.512, 732.514, 732.515, 732.6005, 732.701, 732.601 to 732.606, 732.609, 732.611.

Mid-term 1

Week 4. Will Substitutes – Joint Tenancies, Beneficiary Designations, Insurance, Ladybird Deeds

Read pp. 93-119

Fl. Stat. 655.78 to 655.825, 711.50 to 711.511

Trusts – Elements and Formalities

Read pp. 121-151

Fl. Stat. 732.513, 736.0101 to 736.0107, 736.0401 to 736.0404, 736.0407 to 736.0409, 736.0601 to 736.0604

Week 5. Protections for Spouses – Homestead, Family Allowance, Exempt Property, and Elective Share

Read pp. 153-187

Fl. Const. Art VII, §6 and Art X, §4; Fl. Stat. 732.201 to 732.2135 (you may skim these later statutes), 732.401 to 732.403, 735.301

Mid-term 2

Week 6. Planning for Children

Read pp. 189-209

Fl. Stat. 655.77, 710.101 to 710.126, 735.302

Revocation of Estates Instruments – Slayer Statutes, Abuse, Divorce, Mistake

Read pp. 211-244

Fl. Stat. 732.802, 736.1104, 732.505 to 732.509, 732.615 to 732.616, 732.703, 736.1105, 732.8031

Week 7. Capacity – Undue influence, fraud, duress

Read pp. 245-274

Fl. Stat. 733.107, 736.0406

Fiduciary Duties and Powers of Appointment

Read pp. 275-298

Fl. Stat. 736.0801 to 736.0817

Week 8. Creditor Rights

Read pp. 299-315

Fl. Stat. 733.701 to 733.710, 733.2121

Planning for Incapacity – the POA, Living Wills, Health Care Planning

Read pp. 317-350

Fl. Stat. 709.2101 to 709.2115, 732.804

Week 9. Review, Conclusion, and Final Exam