



UNIVERSITY OF
FLORIDA

Fredric G. Levin College of Law

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TRUSTS & ESTATES – LAW 6430
ROOM 285B
TUES, THUR.: 1:15 - 3:15
OFFICE HOURS: TUES AND WED: 12:10 - 1:00

TRUSTS & ESTATES Course Syllabus: Fall 2025

*“Never say you know a man till you
have divided an inheritance with him.”*

- Johann Kaspar Lavater

COURSE DESCRIPTION:

Trusts & Estates surveys the law of property succession, and wealth transfer, with an emphasis on state statutes and uniform laws (e.g., Uniform Probate Code, Uniform Trust Code). Topical coverage includes: testamentary freedom and policy constraints on disposition; devolution of property without a will (intestacy); mental capacity requirements and protections against wrongful interference; formalities of will execution, amendment, and revocation; canons of will construction and interpretation; protections for surviving family (spousal disinheritance, unintentional omission of spouse or child); will substitutes and non-probate transfers; planning for incapacity; trust creation; trust modification and termination; implied trusts; fiduciary duties; and fiduciary administration.

COURSE GOALS AND LEARNING OBJECTIVES.

We will spend a significant portion of our class time discussing case law, restatements, and model rules (UPC and UTC), as well as the policy concerns that underpin the decisions and rules in this area. T&E is a highly useful area of law, so it is vital for students to be knowledgeable about the rules, have the ability to critically analyze legal arguments, and begin to gain familiarity with the implementation of theory into practice.

One goal of the course is to acquaint you with the substantive law which is derived from numerous sources, including case law, treatises, model rules, and restatements. Part of becoming acquainted with substantive law in any area is learning how to navigate when there are many sources of law that may experience reform and at times conflict with each other.

The second goal of the course is to consider larger, thematic questions about the nature of legal regulation of individuals, the relationship between the state and individuals, the breadth and/or limits of donative freedom, and related concerns that help us understand how and why the rules are evolving.

Finally, a goal of the course is to further develop your problem solving and communication skills. Bringing together policy, rules, and facts into a cogent, justifiable argument is a skill that accomplished lawyers use to persuade and illuminate complex issues. By thinking through the problems, you will have the opportunity to learn, practice, develop, and master several legal skills including the following:

- Identify, describe and explain the substantive law of T&E, and its underlying policies.
- Appreciate the concept of donative freedom and develop your own consistent ideology concerning the breadth and limitations of donative freedom.
- Critically read assigned cases, contemplate whether the outcome furthers or restricts the underlying policy behind the substantive law, and compare the outcome to your own developing ideology of donative freedom.
- Demonstrate the ability to explain the various legal arguments that might be made about how/why the rules should apply.
- Hone the ability to take a set of facts that raise legal issues, identify the black letter law, and articulate an argument to resolve the legal issues.
- Think critically about the role of law and lawyers over time as societal behaviors and norms change.

REQUIRED TEXTS.

The required text is: Reid Kress Weisbord, David Horton, and Stephen K. Urice; *WILLS, TRUSTS, AND ESTATES: THE ESSENTIALS* (3rd ed)(Aspen Casebook Series 2024) There will be assigned readings of relevant statutes from the Uniform Trusts and Estates Code as well. Students may download any required Uniform Trusts and Estates Statutes and corresponding commentary instead of purchasing hard copies of the various uniform statutes.

USEFUL SECONDARY SOURCES.

Useful secondary sources are: (i) McGovern & Kurtz, *CONCISE HORNBOOK – PRINCIPALS OF WILLS, TRUSTS AND ESTATES*; and (ii) Gerry W. Beyer, *WILLS TRUSTS AND ESTATES: EXAMPLES & EXPLANATIONS* (Aspen Publishers). Feel free to consult these sources (located in the library) if the need arises during the semester.

OFFICE HOURS.

My office is located at 353 Holland Hall. My office hours are on Tuesdays and Wednesdays from 12:10 – 1:00. Also, I am happy to make appointments to meet or to speak by telephone at mutually agreeable times. I can be available most days.

In addition, I am amenable to “bring-or-buy-your own lunch” or “coffee” meetings with small groups of students. If you would like an opportunity for this type of informal group discussion (whether about this class, T&E practice in general, or other topics), feel free to organize a few classmates and we can pick a date to meet that is mutually convenient. I look forward to getting to know you.

E-Mail.

I prefer that you speak to me in person rather than ask questions by email. If you email, I try to respond to all emails, but I cannot always respond immediately. There will be times in which I can respond to a student’s questions more quickly or effectively in person, so don’t be surprised if I ask you to see me before or after class or otherwise for an explanation. On weeknights, I am trying to turn off all technology by 7:00 p.m. On the weekends, I am trying to follow through on my resolution to distance myself from all (beloved) electronic gadgetry, so if you email me over the weekend, you may not hear from me until Monday. Especially do not assume that I will receive or read an email you send immediately preceding a class session.

ATTENDANCE AND SEATING CHART.

Attendance is required. Accordingly, students must sign an attendance roster circulated at the beginning of each class meeting. ***No student will be permitted to sign the attendance roster after class.*** A student with more than five (5) unexcused absences (as established by failure to sign the attendance roster) should expect to have his or her final grade lowered by as much as one level (e.g., from A to A-), but in my sole and absolute discretion. A student with more than eight (8) excused or unexcused absences may be administratively dropped from this class at my sole and absolute discretion.

After the drop/add period closes, I will circulate a seating chart. Your seat on that day of class will be your seat for the entire semester.

WORKLOAD/CLASS PREPARATION.

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Taxation of Property Transactions has 3 “classroom hours” of in-class instruction each week, requiring at least 6 hours of preparation outside of class. You will have about 60 pages of reading with discussion problems each week. Because the course involves statutory and regulatory provisions that require careful reading and discussion problems that require advance written

preparation, you should spend at least one hour of preparation on every 10 pages of reading.

COURSE COVERAGE.

Specific assignments will be posted on the Canvas site on a weekly or bi-weekly basis.

Naked page numbers refer to the Casebook. The term “UPC” refers to the Uniform Probate Code, the term “UTC” refers to the Uniform Trust Code and the term “F.S.” refers to Florida Statutes. For assigned provisions of the UPC and the UTC, you should read the statutory text **AND** look at the official comment, if any.

FINAL EXAMINATION AND GRADING.

One four (4) hour “closed-book” examination.

Subject to subparagraph (a) below, each student’s class grade will be based principally on the final exam.

The law school policy for exam delays can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

a. Participation and Performance.

It is each student’s responsibility to complete all assignments on time. Failure to do so will be counted as an absence.

I reserve the right, however, to increase a student’s grade by one level (e.g., from B to B+) based on exceptional classroom performance. Conversely, I reserve the right to reduce a student’s grade by one level (e.g., from B+ to B) based on poor classroom performance.

Any increase or reduction of a student’s grade based on classroom performance will be determined by me at my sole and absolute discretion. In assessing a student’s performance, I will take into account the degree of preparedness in advance of class, the willingness to respond thoughtfully to questions and issues raised in class, the quality of contributions to class discussion through speaking and listening, relevant and thoughtful postings and responses on the class Canvas site, class attendance, punctuality and/or disruptive behavior, among other factors.

b. Grade/Grade Point Equivalent.

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy. 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

The law school grading policy is available [here](#).

CLASSROOM CONDUCT.

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

You are welcome to take class notes on a laptop computer. Except for taking class notes, no other use of computers (and the internet) during class is authorized for any reason unless I specify to the contrary.

Our classroom is a community of learners in which the quality of your participation is important. Please prepare for class, participate energetically, and conduct yourself professionally.

I will randomly call on students in class. Students should be prepared and ready to discuss the materials from the reading.

CLASS RECORDING POLICY.

Students are allowed to record video or audio of class lectures. 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 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 Honor Code and Student Conduct Code.

COMPLIANCE WITH UF HONOR CODE.

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 unless expressly authorized by the professor to do so.

STUDENT COURSE EVALUATIONS.

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

OBSERVANCE OF RELIGIOUS HOLIDAYS.

UF Law respects students’ [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.

- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES.

Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester

STATEMENT ON BASIC NEEDS ASSISTANCE.

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

OTHER.

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).

TRUSTS & ESTATES
Fall 2025

ASSIGNMENTS

WEEK 1

August 19 and 21

Topic: Overview and Introductory Principles
Reading: Syllabus
CB Chapter 1
Shriners Hospitals v. Zrillic, 563 So.2d 64 (Fla. 1990)

Terms.

1. Testamentary Transfers- pertaining to a Will or Testament. Will is used largely for Testament, but adjective “testamentary” is still used, for example a trust created under a Will is a testamentary trust. A Testamentary transfer is one by Will, as opposed to . . .
2. *Inter Vivos* Transfers – “between the living” (*i.e.*, *inter vivos* trusts, or living trusts)
3. Succession
4. Testamentary Freedom or Freedom of Disposition
5. Intestacy/Intestate – without a Will
6. Testate/Will
7. Trust
8. Bequeath, bequest (legatees) – a gift of personal property in a Will
9. Devise (devisees) – a gift of land.
10. Residuary Estate
11. Gift
12. Decedent
13. Testator/Testatrix
14. Personal Representative (Executor/Executrix; Administrator/Administratrix)
15. Trustee
16. Probate Property
17. Non-Probate Property
18. “Going through Probate”
19. “Proving a Will”
20. Joint Tenancy
21. Life Insurance
22. Payable on Death (P.O.D.) Contracts