

# Cover Sheet: Request 15281

## Trusts & Estates

### Info

Process	Course Modify Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	9/22/2020 2:51:54 PM
Updated	9/22/2020 3:05:22 PM
Description of request	Submitting modify course request, per Laura Guzman/Casey Griffith. (Previously submitetd as Request 14776.)

### Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 24010000	Rachel Inman		9/22/2020
syllabus 2020S.pdf					9/22/2020
LAW 6XXX - Trusts & Estates Combined.pdf					9/22/2020
College	Approved	LAW - College of Law	Rachel Inman		9/22/2020
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			9/22/2020
No document changes					
Statewide Course Numbering System					
No document changes					
Office of the Registrar					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
College Notified					
No document changes					

# Course|Modify for request 15281

## Info

**Request:** Trusts & Estates

**Description of request:** Submitting modify course request, per Laura Guzman/Casey Griffith.  
(Previously submitetd as Request 14776.)

**Submitter:** Krista Vaught kfields@law.ufl.edu

**Created:** 9/22/2020 2:48:13 PM

**Form version:** 1

## Responses

**Current Prefix** LAW

**Course Level** 6

**Number** 430

**Lab Code** None

**Course Title** Trusts & Estates

**Effective Term** Earliest Available

**Effective Year** Earliest Available

**Requested Action** Other (selecting this option opens additional form fields below)

**Change Course Prefix?** No

**Change Course Level?** No

**Change Course Number?** No

**Change Lab Code?** No

**Change Course Title?** Yes

**Current Course Title** Estates & Trusts

**Proposed Course Title** Trusts & Estates

**Change Transcript Title?** Yes

**Current Transcript Title** Estates & Trusts

**Proposed Transcript Title (30 char. max)** Trusts & Estates

**Change Credit Hours?** Yes

**Current Credit Hours** 3

**Proposed Credit Hours** 4

**Change Variable Credit?** No

**Change S/U Only?** No

**Change Contact Type?** No

**Change Rotating Topic Designation?** No

**Change Repeatable Credit?** No

**Change Course Description?** No

**Change Prerequisites?** No

**Change Co-requisites? No**

**Rationale** The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers. Note that we offer Trusts & Estates as a 4-credit course, as students who wish to practice in this area need a more in-depth course than the 3-credit option. Trusts & Estates is a required topic for most bar exams, including the Florida bar exam. The four-credit course more thoroughly prepares students to pass the bar exam on the first attempt

# Cover Sheet: Request 14776

## LAW 6XXX - Trusts & Estates

### Info

Process	Course New Ugrad/Pro
Status	Pending at REG - Office of the Registrar (OUR)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	2/26/2020 11:14:03 AM
Updated	5/29/2020 1:47:59 PM
Description of request	The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

### Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Rachel Inman		4/16/2020
syllabus 2020S.pdf					2/26/2020
College	Approved	LAW - College of Law	Rachel Inman		4/16/2020
No document changes					
University Curriculum Committee	Approved	PV - University Curriculum Committee (UCC)	Casey Griffith		5/12/2020
No document changes					
Statewide Course Numbering System	Commented	REG - Office of the Registrar (OUR)	Heng Xu	Submitted to SCNS.	5/29/2020
No document changes					
Statewide Course Numbering System	Pending	REG - Office of the Registrar (OUR)			5/29/2020
No document changes					
Office of the Registrar					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
College Notified					
No document changes					

## Course|New for request 14776

### Info

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**Description of request:** The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

**Submitter:** Casey Griffith cgriffith@aa.ufl.edu

**Created:** 5/8/2020 8:44:35 AM

**Form version:** 2

### Responses

**Recommended Prefix** LAW

**Course Level** 6

**Course Number** XXX

**Category of Instruction** Intermediate

**Lab Code** None

**Course Title** Trusts & Estates

**Transcript Title** Trusts & Estates

**Degree Type** Professional

**Delivery Method(s)** On-Campus

**Co-Listing** No

**Effective Term** Earliest Available

**Effective Year** Earliest Available

**Rotating Topic?** No

**Repeatable Credit?** No

**Amount of Credit** 4

**S/U Only?** No

**Contact Type** Regularly Scheduled

**Weekly Contact Hours** 4

**Course Description** Topics covered include intestate succession, gifts, execution of wills, creation of trusts, charitable trusts, ademption and lapse, powers and appointment.

**Prerequisites** Property (LAW5400)

**Co-requisites** N/A

**Rationale and Placement in Curriculum** The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

Note that we offer Trusts & Estates as a 4-credit course, as students who wish to practice in this area need a more in-depth course than the 3-credit option. Trusts & Estates is a required topic for most bar exams, including the Florida bar exam. The four-credit course more thoroughly prepares students to pass the bar exam on the first attempt.

**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.

**Course Textbook(s) and/or Other Assigned Reading** The assigned casebook for the course is Ascher & McCouch, *Gratuitous Transfers* (7th ed.) (West 2019). Students should also have a copy of the Florida Statutory Supplement and handout problems, which will be posted on the course website (TWN). 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).

**Weekly Schedule of Topics** Ch. 1: Introduction

Jan. 13 Inheritance, Testation, and Probate

Ch. 2: Intestate Succession

Jan. 20 Spouse, Issue, Ancestors and Collaterals

Adopted and Nonmarital Children

Jan. 27 Advancements; Homicide; Disclaimer

Ch. 3: Family Protection

Homestead and Statutory Allowances

Elective Share

Feb. 3 Omitted Heirs

Ch. 4: Grounds for Contest

Capacity, Undue Influence, Fraud and Mistake

Ch. 5: Wills

Feb. 10 Attested Wills; Holographic Wills

Will Components

Will Contracts

Feb. 17 Revocation and Amendment; Revival

Dependent Relative Revocation

Feb. 24 Revocation by Divorce

Ambiguity; Mistake; Ademption

Mar. 9 Lapse

Ch. 6: Gifts

Lifetime Gifts; Nonprobate Transfers

Mar. 16 Revocable Trusts

Ch. 7: Trusts

Trust Creation

Spendthrift Trusts

Mar. 23 Discretionary and Self-Settled Trusts

Revocation, Modification and Termination

Mar. 30 Trusts for Noncharitable Purposes

Charitable Trusts; Cy Pres

Ch. 8: Fiduciary Administration

Duty of Loyalty

Trust Investments

Apr. 6 Duty of Impartiality; Fiduciary Discretion

Ch. 9: Future Interests

Classification of Future Interests

Survival Requirements; Class Gifts

Apr. 13 Powers of Appointment

Rule Against Perpetuities

Apr. 20 Review

**Grading Scheme** 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.

**Instructor(s)** Grayson McCouch

Lee-ford Tritt

**Attendance & Make-up** Yes

**Accommodations** Yes

**UF Grading Policies for assigning Grade Points** Yes

Course Evaluation Policy Yes

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

Professor McCouch

Spring 2020

*Office Hours, Telephone and E-mail*

My office is located in Holland Hall 312B. Regular office hours are on Tuesday and Thursday from 3:00–4:00 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](mailto:gmccouch@law.ufl.edu).

*Course Materials*

The assigned casebook for the course is Ascher & McCouch, *Gratuitous Transfers* (7th ed.) (West 2019). 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 1:30–2:45 p.m. on Monday, Tuesday, and Thursday, beginning Monday, January 13. 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. 1–54).



<u>Week</u>	<u>Topic</u>	<u>Casebook</u>	<u>Fla. Stat. §§</u>
	<b>Ch. 1: Introduction</b>		
Jan. 13	Inheritance, Testation, and Probate	1–54	
	<b>Ch. 2: Intestate Succession</b>		
Jan. 20	Spouse, Issue, Ancestors and Collaterals	55–83	732.101–.105, 732.107, 732.601
	Adopted and Nonmarital Children	83–117	732.106, 732.108, 742.17
Jan. 27	Advancements; Homicide; Disclaimer	117–146	733.806, 732.802, 739.102–.402
	<b>Ch. 3: Family Protection</b>		
	Homestead and Statutory Allowances	147–198	732.401–.403, 732.702
	Elective Share		732.201–.2145
Feb. 3	Omitted Heirs	198–215	732.301–.302
	<b>Ch. 4: Grounds for Contest</b>		
	Capacity, Undue Influence, Fraud and Mistake	223–302	732.501, 732.5165–.517, 732.805, 732.806, 733.107
	<b>Ch. 5: Wills</b>		
Feb. 10	Attested Wills; Holographic Wills	303–381	732.502–.504, 732.521–.526
	Will Components	381–396	732.5105–.512, 732.515
	Will Contracts	396–408	732.513, 732.701
Feb. 17	Revocation and Amendment;	408–421	732.505–.506, 733.207
	Revival	421–424	732.507–.509
	Dependent Relative Revocation	424–429	
Feb. 24	Revocation by Divorce	429–444	732.703, 736.1105
	Ambiguity; Mistake; Ademption	444–472	732.606, 732.615, 732.609, 733.803–.805
Mar. 2	[spring break]		
Mar. 9	Lapse	472–484	732.603–.604
	<b>Ch. 6: Gifts</b>		
	Lifetime Gifts; Nonprobate Transfers	485–528	
Mar. 16	Revocable Trusts	528–543	689.075
	<b>Ch. 7: Trusts</b>		
	Trust Creation	545–563, 581–586	736.0401–.0404, 736.0407, 736.0603
	Spendthrift Trusts	586–598	736.0501–.0505
Mar. 23	Discretionary and Self-Settled Trusts	610–615, 626–630	
	Revocation, Modification and Termination	631–639 649–650	736.0602, 736.04113–.0412
Mar. 30	Trusts for Noncharitable Purposes	Supp.	736.0408–.0409
	Charitable Trusts; Cy Pres	Supp.	736.0405, 736.0413
	<b>Ch. 8: Fiduciary Administration</b>		
	Duty of Loyalty	Supp.	736.0801–.0802
	Trust Investments	Supp.	736.0803–.0804, 518.11–.112
Apr. 6	Duty of Impartiality; Fiduciary Discretion		
	<b>Ch. 9: Future Interests</b>		
	Classification of Future Interests		
	Survival Requirements; Class Gifts	Supp.	736.1106
Apr. 13	Powers of Appointment		
	Rule Against Perpetuities	Supp.	689.225
Apr. 20	Review		

### *Evaluation*

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### *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/](http://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*

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### *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.

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