

Cover Sheet: Request 14776

Course request - Trusts & Estates

Info

Process	Course New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	2/26/2020 11:14:03 AM
Updated	4/16/2020 9:46:53 AM
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	Pending	PV - University Curriculum Committee (UCC)			4/16/2020
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|New for request 14776

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Submitter: Krista Vaught kfields@law.ufl.edu

Created: 2/26/2020 11:01:17 AM

Form version: 1

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

If variable, # min 3

If variable, # max 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.

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

Accomodations 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.

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>
	Ch. 1: Introduction		
Jan. 13	Inheritance, Testation, and Probate	1–54	
	Ch. 2: Intestate Succession		
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
	Ch. 3: Family Protection		
	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
	Ch. 4: Grounds for Contest		
	Capacity, Undue Influence, Fraud and Mistake	223–302	732.501, 732.5165–.517, 732.805, 732.806, 733.107
	Ch. 5: Wills		
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
	Ch. 6: Gifts		
	Lifetime Gifts; Nonprobate Transfers	485–528	
Mar. 16	Revocable Trusts	528–543	689.075
	Ch. 7: Trusts		
	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
	Ch. 8: Fiduciary Administration		
	Duty of Loyalty	Supp.	736.0801–.0802
	Trust Investments	Supp.	736.0803–.0804, 518.11–.112
Apr. 6	Duty of Impartiality; Fiduciary Discretion		
	Ch. 9: Future Interests		
	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

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.