

SYLLABUS
WILLS, TRUSTS & ESTATES
SPRING 2023
3 CREDIT HOURS

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PART 1: COURSE DETAILS

CONTACT INFORMATION

INSTRUCTOR

Professor Gerry W. Beyer, Governor Preston E. Smith Regents Professor of Law

Office Hours: TBD

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Reply policy: I will try to respond to emails within 24 hours. If you do not receive a reply to your email within a reasonable period of time, please send it again. Sometimes email is captured by a SPAM filter, is addressed incorrectly, or just simply gets lost. Also, check your SPAM folder to be sure my reply did not get sent there.

Website: <http://www.ProfessorBeyer.com>

Blog: <http://www.BeyerBlog.com>

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TECHNICAL SUPPORT

For technical support, please contact the Helpdesk at:

Phone: 800-472-8899

Email: support@lawstudentonline.com

COURSE DESCRIPTION

Upon completion of this course, a student will acquire knowledge of how property passes when a person dies intestate or with a will and how to create, administer, and enforce trusts. In addition, the student will receive an introduction to general estate planning principles including the other documents that constitute a complete estate plan and wealth transfer taxation.

PREREQUISITES

First Year Property.

COURSE LEARNING OUTCOMES

Upon completion of this course, students will be able to:

- Determine distribution of property when a person dies intestate and the impact of facts relating to family circumstances and actions taken by a potential heir.
- Determine whether a will is valid.
- Differentiate among the various types of wills.
- Draft a basic will.
- Analyze the impact of changes that occur to property after will execution.
- Determine the effect of changes that occur to a potential beneficiary after will execution.
- Interpret and construe wills using appropriate statutory and judicial rules.
- Recognize situations which may increase the likelihood of a will contest.
- Ascertain whether a will may be successfully contested and if so, on what ground or grounds.
- Protect a will from contest.
- Recognize other issues that may arise in a will context.
- Explain why a person would decide to create a trust.
- Identify the elements of a valid trust and the different types of trusts.
- Determine whether a trust is valid.

- Ascertain the roles played by the settlor, the trustee, and beneficiary in a trust context.
- Plan how to limit the interest the settlor grants to the beneficiary.
- Identify the trustee's fiduciary duties such as the standard of care and duty of loyalty.
- Determine the liability of a trustee in contract and tort contexts.
- Allocate receipts and expenditures between principal and income.
- Explain how a trustee must account to the beneficiaries.
- Recognize how a trust may be altered by the court or the parties.
- Determine how to enforce trusts and obtain remedies.
- Comprehend the different types of non-probate transfers and how they operate.
- Recognize the documents needed to plan for disability and death.
- Understand the basics of wealth transfer taxation (gift, estate, generation-skipping, and income).
- Avoid conduct triggering malpractice liability and violations of professional responsibility obligations.

PART 2: COURSE MATERIALS

REQUIRED TEXT

1. Gerry W. Beyer, *Wills, Trusts, and Estates – Examples & Explanations* (8th ed. 2022).
2. Ascertain the state in which you intend to practice (if you do not know, pick the state in which you would like to practice if you were offered your dream job, or, if you still do not have a state in mind, select any state you so desire). Then, obtain a copy of that state's intestate succession, wills, and trusts statutes, either in a hard-copy publication or in electronic format such as from the state legislature's website, Westlaw, Lexis, etc.

TECHNOLOGY REQUIREMENTS

Students are expected to meet basic technology requirements to participate successfully in this online course. Failure to meet these requirements may cause problems accessing the course materials. It is the student's responsibility to ensure all requirements are met prior to the start of the course.

- Access to the Internet is required. While any browser can be used, Firefox and Chrome are recommended.
- Access to the LMS (D2L). See Part 3: Accessing the Course for more details.
- You will need the capability to speak and hear so you can watch videos and participate in the live online office hours. Make sure that the device(s) you will be using have a microphone and speakers or that you have access to a headset. A webcam is optional but not required.
- You will need access to either (or both) **Lexis and Westlaw** – You should have a student password for both of these services through your home law school.

PART 3: COURSE SCHEDULE

Any change related to the course schedule will be communicated to the students through an announcement and by modifying this document.

Each module and the related discussion board will open at 12:00 am EST on the Saturday the week prior to which the module is covered.

Assignments and Discussions

- **Assignments:** All assignments are due by 11:59 pm ET on Sunday of the assigned week.
- **Discussions:** Original discussions posts are due by 11:59 pm ET on Thursday of the assigned week. Responses are due by 11:59 pm ET on Sunday of the assigned week.

Week	Dates	Module	Readings	Assignments Due
Week 1	1/17-1/22	Module 01: Introduction to Wills & Trusts and Basics of Intestate Succession	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 1-9) • Topic 02 (pp. 13-18) 	Module 1 Discussion Forum <ul style="list-style-type: none"> o Original post due 1/19 o Responses due 1/22 Module 1 Assignment due 1/22
Week 2	1/21-1/29	Module 02: Intestate Succession in Detail	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 18-36) • Topic 02: (pp. 37-45) • Topic 03: (pp. 45-53) • Topic 04: (pp. 55-69) 	Module 2 Discussion Forum <ul style="list-style-type: none"> o Original post due 1/26 o Responses due 1/29 Module 2 Assignment due 1/29
Week 3	1/28-2/5	Module 03: Requirements of a Valid Will	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 73-84) • Topic 02: (pp. 84-108; 623-639) • Topic 03: (pp. 108-116) 	Module 3 Discussion Forum <ul style="list-style-type: none"> o Original post due 2/2 o Responses due 2/5 Module 3 Assignment due 2/5
Week 4	2/4-2/12	Module 04: Changing Circumstances After Will Execution -- Property	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 117-126) • Topic 02: (pp. 126-133) 	Module 4 Discussion Forum <ul style="list-style-type: none"> o Original post due 2/9 o Responses due 2/12 Module 4 Assignment due 2/12

Week	Dates	Module	Readings	Assignments Due
Week 5	2/11-2/19	Module 05: Changing Circumstances After Will Execution -- Persons	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 135-146) • Topic 02: (pp. 146-152) 	Module 5 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 2/16 ○ Responses due 2/19 Module 5 Assignment due 2/19
Week 6	2/18-2/26	Module 06: Revocation of Wills	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 153-165) • Topic 02: (pp. 165-173) 	Module 6 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 2/23 ○ Responses due 2/26 Module 6 Assignment due 2/26
Week 7	2/25-3/5	Module 07: Will Interpretation and Construction	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 175-192) • Topic 02: (pp. 192-201) 	Module 7 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 3/2 ○ Responses due 3/5 Module 7 Assignment due 3/5
Week 8	3/4-3/12	Module 08: Will Contests and Other Will Issues	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 203-221) • Topic 02: (pp. 222-233) • Topic 03: (pp. 235-246) 	Module 8 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 3/9 ○ Responses due 3/12 Module 8 Assignment due 3/12
Week 9	3/11-3/19	Module 09: Trust Creation	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 323-331) • Topic 02: (pp. 333-358) • Topic 03: (pp. 358-376) • Topic 04: (pp. 376-400) 	Module 9 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 3/16 ○ Responses due 3/19 <i>Draft</i> the Module 9/10 Assignment – this does not need to be submitted, your final version will be submitted with Module 10 on 3/26.
Week 10	3/18-3/26	Module 10: Trust Administration	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 401-406) • Topic 02: (pp. 406-415) • Topic 03: (pp. 415-423) • Topic 04: (pp. 423-434) • Topic 05: (pp. 434-450) • Topic 06: (pp. 450-459) 	Module 10 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 3/23 ○ Responses due 3/26 Module 9/10 Assignment due 3/26

Week	Dates	Module	Readings	Assignments Due
Week 11	3/25-4/2	Module 11: Trust Enforcement and Other Trust Issues	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 461-468) • Topic 02: (pp. 469-479) • Topic 03: (pp. 481-491) 	Module 11 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 3/30 ○ Responses due 4/2 Module 11 Assignment due 4/2
Week 12	4/1-4/9	Module 12: Estate Administration	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 249-260) • Topic 02: (pp. 260-266) 	Module 12 Discussion Forums <ul style="list-style-type: none"> ○ Original post due 4/6 ○ Responses due 4/9 Module 12 Assignments due 4/9
Week 13	4/8-4/16	Module 13: Non-Probate Transfers	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 267-291) • Topic 02: (pp. 293-321) 	Module 13 Discussion Forums <ul style="list-style-type: none"> ○ Original post due 4/13 ○ Responses due 4/16 Module 13 Assignments due 4/16
Week 14	4/15-4/23	Module 14: Estate Planning Overview	Wills, Trusts, and Estates – Examples & Explanations (8 th ed. 2022) <ul style="list-style-type: none"> • Topic 01: (pp. 495-520) • Topic 02: (pp. 520-568) • Topic 03: (pp. 569-598) • Topic 04: (pp. 599-607) 	Module 14 Discussion Forum <ul style="list-style-type: none"> ○ Original post due 4/20 ○ Replies Due 4/23 Module 14 Assignment due 4/23
FINAL EXAM	See the final exam module within the course.			

PART 4: ACCESSING THE COURSE

TIME ZONES

Please note that this course is set up to run in the Eastern time zone. Check your syllabus for all assignment deadlines. Modules close on Sundays at 11:59 pm Eastern time.

Eastern	Central	Mountain	Pacific
11:59 pm	10:59 pm	9:59 pm	8:59 pm

Daylight Savings Time: Daylight Savings Time (DST) may impact when your assignments are due. As a student in a distance education course, it is your responsibility to learn and observe the time deadlines for assignments. Late work will not be accepted due to time zone differences.

COURSE SITE (D2L)

The course will be taught entirely online in an asynchronous environment using the Learning Management System – Desire2Learn (D2L). The course is designed to give students a dynamic online learning experience. Students will receive notice of a student orientation which will familiarize you with the basics of navigating this platform. Students will also receive their login information (username and password) via email.

To access the course:

- Go to: <https://mycourses.lawonline.me>
- Enter the username and password you have been provided.
- Locate and click on the course name under *My Courses*.

If you have trouble logging in, please contact the Helpdesk at 800-472-8899 or via support@lawstudentonline.com.

OFFICE HOURS VIA ZOOM

Online office hours will be available through Zoom. Students will have the opportunity to speak with the instructor during these office hours as well as during personally scheduled appointments. Students can also choose to share their webcam or be given permission to share documents with the instructor via the online rooms. Dates and times of these virtual office hours will be announced throughout the course.

PART 5: COURSE STRUCTURE

OVERVIEW

The course is organized around a weekly schedule that will begin each Saturday at 12:00 AM ET and end the following Sunday at 11:59 PM ET. A typical week will consist of one or two modules, each covering a different topic area. All module activities (e.g. discussions and assignments) for a given module will normally be due at the end of the weekly period unless otherwise indicated.

CONTENT DELIVERY

COURSE LECTURES

There are course lecture videos to watch per session. These videos are located in the content area of the course.

READINGS

Readings are assigned for each module; separate readings may be assigned for the discussion questions. These may be readings from the text or supplemental readings linked out to from the course site. You should expect to spend a minimum of 8 hours each week completing all assigned readings.

ASSIGNMENTS

In each module, you will need to complete the module assignment. All assignments must be submitted to the designated Dropbox folder. You should expect to spend at least 2 hours on each of these assignments.

DISCUSSION BOARD

Discussion questions will be posted to the discussion board for each module. The required contributions for each discussion topic will be included with the questions. Generally, you will be expected to add at least 2 postings for each topic; these postings will include an original response to one or more questions, responses classmates' postings, or both. Postings generally must be completed by 11:59 p.m. on Sunday of each week, subject to specific instructions for individual discussion topics. Review the instructions for each topic carefully to make sure you know the required postings and deadlines. Your answers should demonstrate a mastery of the material assigned at that point in the course. Review the grading criteria and "Discussion Board Guidelines" to ensure maximum credit. You should expect to spend at least 5 hours per week on the discussion boards.

COURSE EVALUATION

The following information about the course evaluation updates my discussion during the introductory video.

The final exam will consist of two parts. The first part consists of 80 objective questions worth 2 points each for a total of 160 points. The second part consists of essay question(s) worth a total of 160 points. The final exam is worth 70% of your grade. You will have four hours to complete the exam. The exam is open book and open notes. Your final exam will be proctored through an automated online service that verifies your identity and records you taking your exam through your webcam. As your Final Exam approaches, additional details related to the Final Exam itself and exam administration will be available in the Final Exam Information module.

Your assignment and discussion scores will together account for 30% of your grade.

PART 6: STUDENT RESPONSIBILITIES

MANAGING YOUR STUDIES

The following attributes will greatly contribute to your success in this course.

- *Be self-motivated.* You should be able to manage and direct your own learning environment and methods to fulfill course requirements and achieve individual academic success.
- *Be an independent learner.* Successful online students are self-starters. They work well with the flexibility that the 24/7 any time--any place format provides. You should be able to learn on your own and at an accelerated pace without direct supervision.
- *Have a minimum level of computer literacy.* Although it is not essential to have advanced computer skills, you should possess a working knowledge of email, the Internet, as well as basic keyboarding skills.
- *Manage your time well.* You must be able to organize and plan your own best "time to learn." There is no one best time for everyone, but the key to success is to make the time to learn.
- *Acquire effective communication skills.* You must use email and discussions to communicate with your peers and me. The ability to read and to write clearly to communicate ideas and assignments is essential. Also, sharing reflections - of your own work as well as your course mates' - is a crucial component of a successful experience. This method provides you with rapid feedback as well as a means to inform me of any concerns or problems that you may be experiencing.
- *Be personally committed to successfully completing this online course.* Because of the flexibility in scheduling in this course, you must have a strong desire to learn and acquire knowledge and skills via online courses. Making a commitment to learn in this manner is a very personal decision and requires a strong desire to perform to achieve academic success.

RESPECTING THE ACADEMIC COMMUNITY

Netiquette consists of the rules and guidelines for acceptable behavior in electronic communication. Remember, while working in an online course you are in an academic setting and should conduct yourself accordingly.

All students are expected to follow netiquette guidelines as outlined below:

- You are not text messaging friends. This means text message acronyms (such as LOL, IMHO, BCNU, etc.) are not acceptable. Express yourself with proper spelling, grammar, and punctuation. Your discussion score may be reduced if these guidelines are not followed.
- Out of respect for your fellow course mates' and instructor's time, keep your communications as clear, straightforward, and concise as possible.
- Use appropriate mixed case text; avoid using all lowercase or all uppercase text (SHOUTING).
- You are your words. Your communication in an online course represents you. Always review and edit your communication before submitting.

- Give respect to your classmates. Be courteous, respectful of others opinions, sensitive to diversity, and polite.
- Respect other people's privacy. Do not share other individual's personal information (i.e., e-mail addresses, phone numbers, etc.) without permission.
- It is acceptable to disagree with someone's opinion or constructively criticize an idea. It is never acceptable or professional to personally attack another student. Debate the idea; do not attack the person.
- Free speech is not an absolute right in an online course.
- Obey copyright laws and cite others' work appropriately.

INSTRUCTOR EXPECTATIONS OF STUDENTS

- Students are expected to keep up with the class, read the required readings, watch the required recordings, and submit assignments and activities by Sunday at 11:59 p.m. EST of the week the topic is covered.
- Students should log on to D2L at least every other day to check for announcements and discussion questions.
- Students are expected to complete all discussions and assignments on time. Late submitted discussions and assignments will be subject to significant point reductions.
- Students are expected to read the required readings prior to reviewing each session's lectures and to complete the assignments. Students are encouraged to complete any supplemental reading.

PART 7: GRADES AND GRADING POLICIES

GRADED COURSE ACTIVITIES

The following formula will be used to calculate your final grade:

- Final Examination: 70%
- Discussions and Assignments (Class Participation): 30%

GRADING SCALE

Your grade will conform to your school's grading policy as to whether +s and -s are given and to any applicable grading curve.

GRADING POLICIES

Students are expected to complete all discussions, assignments, and examinations on time. Late discussions and assignments are subject to significant point reductions including receiving no credit. There are no “excused” discussions and assignments; all discussions and assignments must be completed. A 25% reduction in your raw score will be imposed for each 24 hour period (or part thereof) that an examination is taken late.

PART 8: OTHER COURSE POLICIES

See school policies on matters of Academic Integrity and Student Conduct. Matters involving integrity or Honor Code issues will be transmitted to school administration.

ATTENDANCE

This course is delivered asynchronously to accommodate students’ other life obligations. Students must access each lecture for an appropriate amount of time, complete the assignments and discussion interactions by the due date, and complete the Final Exam by the set due date. There are no “excused” discussions or assignments. In an emergency situation, you may consult the instructor for possible remedies.

SPECIAL ACCOMMODATIONS

Contact your school about requests for special accommodations and ask that the appropriate official at your school send granted accommodations to support@lawstudentonline.com

PART 9: COURSE MODULES

The course contains modules and specific topics. These modules include:

- Introduction of Wills & Trusts and Basics of Intestate Succession
- Intestate Succession in Detail
- Requirements of a Valid Will
- Changing Circumstances After Will Execution – Property
- Changing Circumstances After Will Execution – Persons
- Revocation of Wills
- Will Interpretation and Construction
- Will Contests and Other Will Issues
- Trust Creation
- Trust Administration
- Trust Enforcement and Other Trust Issues
- Estate Administration
- Non-Probate Transfers
- Estate Planning Overview