



**Course Information**

<b>Course Title</b>	Wills, Trust & Probate Administration
<b>Course Prefix, Num. and Title</b>	LGLA 1353
<b>Division</b>	Technology & Business
<b>Department</b>	Paralegal Studies
<b>Course Type</b>	WECM Course
<b>Course Catalog Description</b>	This course presents fundamental concepts of the law of wills, trusts, and probate administration emphasizing the paralegal's role
<b>Pre-Requisites</b>	None
<b>Co-Requisites</b>	None

**Semester Credit Hours**

<b>Total Semester Credit Hours (SCH): Lecture Hours: Lab/Other Hours</b>	3:3:0
<b>Equated Pay Hours</b>	3
<b>Lab/Other Hours Breakdown: Lab Hours</b>	0
<b>Lab/Other Hours Breakdown: Clinical Hours</b>	0
<b>Lab/Other Hours Breakdown: Practicum Hours</b>	0
<b>Other Hours Breakdown</b>	0

**Approval Signatures**

<b>Title</b>	<b>Signature</b>	<b>Date</b>
<b>Prepared by: Erma Hart</b>		
<b>Department Head: Erma Hart</b>		
<b>Division Chair:</b>		
<b>Dean/VPI:</b>		
<b>Approved by CIR:</b>		

## Additional Course Information

**Topical Outline:** Each offering of this course must include the following topics (be sure to include information regarding lab, practicum, and clinical or other non-lecture instruction).

1. Definitions of Basic Terms

Assignment 1: Begin making flashcards for unfamiliar terms.

2. Real Property Law as it relates to Wills and Probate

Assignment 2: Future Interest and Marital Problems

- A. Separate and Community Property
- B. Community Property with Right of Survivorship
- C. Issue of Commingling
- D. Rules of Reimbursement
- E. Present and Future Interests
- F. Tenancy in Common and Joint Tenancies

3. Intestate Succession in Texas

Assignment 3: Intestacy problems

4. Wills

- A. Types of Wills
- B. Types of Gifts
- C. Typical Clauses
- D. Prerequisites for Validity
- E. Revocation
- F. Pretermitted Heirs, Widow's Election, Ademption of Gifts
- G. The Codicil

Exam No. 1

5. Drafting and Executing the Client's Will

Assignment 4: Will Drafting for Hypothetical Client

- A. Client Information Interview and Checklists
- B. Confidentiality Requirements
- C. Determining Appropriate Gifts
- D. Charitable and Tax- Related Gifts
- E. Disinheritance of Heirs
- F. The Self-Proving Affidavit
- G. The Will Signing Ceremony

Assignment 5: Draft a Script for Hypothetical Client's Signing Ceremony

6. Advance Directives

- A. Durable Power of Attorney for Health Care
- B. Other Powers of Attorney
- C. Directive to Physicians (Living Will)
- D. Uniform Anatomical Gifts Act

7. Trusts

Assignment 6: Draft a Trust Agreement or Declaration of Trust

- A. Purpose of Trust
- B. Function and Powers of Trustee and Beneficiaries
  - 1. Under the Texas Trust Code

2. Power to Sprinkle, Self-deal or Invade the Corpus

C. Types of Trusts

1. Pourover
2. Charitable Trusts and Doctrine of Cy Pres
3. Business trusts
4. Spendthrift Trusts
5. Trusts for Tax Purposes: QTIP, Exemption Equivalent Bypass, and Marital Deduction Trusts

Exam No. 2

8. Probating the Will: Independent Administration

Assignment 7: Prepare and Application for Probate, Proof of Death, and other Related Documents

- A. Locating the Will
- B. Function of the Personal Representative
- C. Preparing the Application, Citation and Notices
- D. The Hearing: Preparing the Proof of Death Admitting to Probate, Letters Testamentary

Assignment 8: Prepare Oath of Executor and Order Admitting to Probate, Letters Testamentary

- E. Dealing with Will Contests
- F. Preparing the Inventory

Assignment 9: Prepare Inventory, Appraisement and List of Claims

- G. Court Approval of the Inventory
- H. Dealing with Unpaid Debts and Claims Against the Estate
- I. Ancillary Administration

9. The Dependent Administration

- A. Who can serve as an Administrator
- B. Application and Notices
- C. Family Allowance, Setting Aside Exempt Property
- D. Dealing with Claims against the Estate
- E. Application to Sell Estate Property

10. Accountings

- A. Annual Accounting
- B. Final Accounting
- C. Determination of Heirship
- D. Accounting for Final Settlement and Application to Close

11. Alternative Procedures Available in Texas

- A. A Will as a Minument of Title
- B. Small Estate Affidavit
- C. Community Administration
- D. Temporary Administration
- E. Informal Probate of a Decedent's Will

12. Post-Mortem Estate Planning

- A. Necessary IRS Forms for the Personal Representative
- B. Decedent's Final Income Tax Returns
- C. Estate Tax Return
- D. Gift Tax Return
- E. Alternate Valuation and Special Use Valuations
- F. Disclaimers

**Course Learning Outcomes:**

**Learning Outcomes – Upon successful completion of this course, students will:**

1. Use terminology relating to wills, trusts, and probate administration
2. Analyze sources relating to wills, trusts, and probate administration
3. Draft documents commonly used in wills, trusts, and probate administration
4. Analyze the ethical considerations of the paralegal in wills, trusts, and probate administration

**Methods of Assessment:**

1. Exams 1, 2, 3, and 4, Assignments 1 through 11
2. Exams 1, 2, 3, and 4, Assignments 1 through 11
3. Assignments 1 through 1
4. Assignments 1 through 11

**Required text(s), optional text(s) and/or materials to be supplied by the student:**

Susan D. Herskowitz, Wills, Trusts, and Estates Administration, Current Edition, Pearson Education, Inc. Internet access

**Suggested Course Maximum:**

30

**List any specific or physical requirements beyond a typical classroom required to teach the course.**

Lexis Advance (provided through instructor) and internet access

**Course Requirements/Grading System:**

Written assignments/Projects...50%

Exams.....50%

TOTAL POINTS 100

Grading Scale

A = 90% - 100%

B = 80% - 89%

C = 70% - 79%

D = 60% - 69%

F = 0% - 59%

## Curriculum Checklist:

- Administrative General Education Course** (from ACGM, but not in WCJC Core) – No additional documents needed.
- Administrative WCJC Core Course.** Attach the Core Curriculum Review Forms
  - Critical Thinking
  - Communication
  - Empirical & Quantitative Skills
  - Teamwork
  - Social Responsibility
  - Personal Responsibility
- WECM Course** -If needed, revise the Program SCANS Matrix and Competencies Checklist