

Decedents Estates, Trusts, and Fiduciary Obligations  
University of Alabama School of Law  
Spring 2011

Professor Caryl A. Yzenbaard

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**Office Hours:** Thursdays after class until 5:00 p.m.

**Class Preparation and attendance:** Regular, punctual class attendance and participation are expected. I will abide by the University of Alabama School of Law's attendance policy. Please record your presence on the distributed attendance sheet.

**Computers in Classroom:** Computer use during class must be appropriate. Appropriate use includes the taking of notes. Inappropriate use includes the playing of games, "surfing" the net; pulling up "canned briefs", email, doing outside work etc. Cell phones must be turned off or on silent mode.

**Final Examination:** Grades in the course are determined by the final examination. The final examination will be a closed-book, in class examination. The final examination will consist of multiple choice and essay questions. Essay questions will constitute a minimum of fifty percent (50%) of the final grade. You are to select the correct or best answer for the multiple choice questions. Essay questions will be judged on clarity, conciseness and the ability to articulate accurately and clearly the legal issues presented and to relate the facts to the applicable law.

**Text:** The required text is *Wills, Trusts, and Estates*, 8<sup>th</sup> ed by Dukeminier, Sitkoff and Lindgren (8<sup>th</sup> ed 2009). ISBN # 978-0-7355-7996-5. Students may find helpful *Understanding Trusts and Estates* (Anderson); *Wills, Trusts, and Estates* (Beyer) or *Wills, Trusts & Estates* (McGovern and Kurtz)

**Recording Devices:** The use of recording devices is prohibited without the prior approval of the professor.

**Accommodations:** The Law School is committed to meeting the needs of students with physical, learning and other disabilities and provides appropriate accommodations and services tailored to each person's specific requirements. Students with disabilities or special needs are encouraged to contact Jennell Marsh, Senior Assistant Dean for Students/Academic Services at 205-348-5750 ([jmarsh@law.ua.edu](mailto:jmarsh@law.ua.edu)) so that any individual needs for support services can be evaluated and accommodated in a timely fashion.

**Course Scope and Objectives:** This course explores the basic rules regarding the disposition of property at death as well as transfers during lifetime and, in particular, the use of inter vivos trusts. Analysis also will be stressed.

**Course outline:** Actual assignments will be made in class and posted on TWEN. The order will be as follows:

Chapter One	Introduction
Chapter Two	Intestacy (A problem will be distributed)
Chapter Three	Wills: Capacity and Contests
Chapter Four	Wills: Formalities and Forms
Chapter Five	Construction of Wills
Chapter Seven	Restrictions on the Power of Disposition
Chapter Six	Nonprobate Transfers and Planning for Incapacity
Chapter Eight	Trusts
Chapter Nine	Rights to Distributions from the Trust Fund
Chapter Eleven	Charitable Trusts
Chapter Ten	Trust Administration (selected portions)
Chapter Twelve	Powers of Appointment
Chapter Thirteen	Construction of Trusts: Future Interests (selected portions)
Chapter Fourteen	The Rule Against Perpetuities and Trust Duration (selected portions)