



WILLS, ESTATES, & TRUSTS - BLAW 409

Professor Kurt M. Saunders

Office: BUS 3256

Email: kurt.saunders@csun.edu

Office Hours: Monday & Wednesday, 12:30-2:00 pm; and by appointment.

Course Description

This course provides an introduction to the law of wills, estates, trusts and other areas connected with estate planning. The course will consider the nature of property, joint ownership of property, the validity and probate of wills, inheritance under the laws of interstate succession, and the laws governing the establishment and administration of trusts. The course will also consider the law of estate taxation. *Prerequisites:* BLAW 280 and a passing score on the Upper Division Writing Exam.

Course Objectives

You will gain an understanding of the various legal rules that apply to decision-making in the business environment, and to use these rules to manage legal risk and make ethical decisions. You will develop your analytical, argumentation, and writing skills by reading and briefing court decisions, identifying legal issues and legally relevant facts, using rules and facts to support an argument, and applying rules through oral discussion of cases and hypothetical problems in class and through written analysis on examinations.

Required Text

The required text for this course is: Saunders, *Wills, Estates, and Trusts: Cases, Materials, and Problems* (2014).

Class Attendance and Participation

You are required to attend, be prepared for, and participate in class. Readings and problems will be assigned in advance of each class. Preparation for class entails reading the assigned materials, briefing all cases, and preparing written answers to problems. Case briefs must summarize the facts, issues, holdings, and rationale of each decision. In addition, class participation is mandatory. Class will be conducted through use of the Socratic and case methods, lecture, and discussion. You will be called upon at random during each class to discuss your briefs, answer questions, analyze problems, and a portion of your final grade will be based on your participation in class.

Method of Assessment

Plus and minus grading will be applied. Each examination consists of two essay questions. Except in emergency or unforeseeable circumstances that you can document in writing, there are *no make-up examinations*. If you know *in advance* that you will be absent on the day of an exam and can present a valid excuse, you *may* be able to arrange with me to take the exam *in advance* of the rest of the class. Your final grade will be computed based on the total number of points you accumulate during the semester on the following:

Examination I	30 points
Examination II	30 points
Examination III	30 points
Class Participation	10 points

There will be *no extra credit* assignments. You are responsible for knowing and following the Academic Dishonesty Policy, available in the university catalog and online. Collaboration on examinations is prohibited. Instances of academic dishonesty will be immediately reported and will result in a grade of “F” for the course.

Reading Assignments & Topical Outline

WEEK	TOPIC	READING	CASES
1	Estates in Land: Present Possessory Interests	Text: 3-6	<i>White, Barnett, Higbee Corp.</i>
	Estates in Land: Concurrent Interests	Text: 8-11	<i>DeForge, James, Estate of Michael</i>
2	Estates in Land: Future Interests	Text: 15-20	<i>Walton, Kost, Webb</i>
3	Gifts: Inter Vivos and Causa Mortis	Text: 23-32	<i>Newman, Foster, Estate of Smith, Gruen, Albinger</i>
4-5	Intestate Succession: Shares of the Spouse and Others	Text: 35-37	<i>Estate of Kirkpatrick, Bradley</i>
	Intestate Succession: Definition and Status of Intestate Heirs	Text: 37-38	
5	<i>EXAMINATION I</i>		
6	Testamentary Capacity and Will Contests	Text: 51-59	<i>Estate of Shelly, Honigman’s Will, Estate of Kamesar</i>
6-7	Wills: Execution, Integration, and Interpretation	Text: 67-74	<i>Cunningham, Johnson’s Estate, Maginn’s Estate, Clark</i>
7-8	Wills: Revocation and Revival	Text: 83-88	<i>Estate of Gushwa, Estate of Kaufman, Wolf</i>
	Wills: Changes in Property and Beneficiaries after Execution	Text: 93-102	<i>Church, West, Gianoli</i>
8-9	Elective Share and Protection of Pretermitted Heirs	Text: 110-117	<i>Reynolds, Shannon, Azcunce</i>
10	<i>EXAMINATION II</i>		
11	Will Contracts and Non-Probate Transfers	Text: 128-134	<i>Self, Franzen</i>
12	Trusts: Creation and Uses	Text: 144-151	<i>Gurnett, Canal National Bank, Ventura County</i>
13	Trusts: Modification and Termination	Text: 159-161	<i>Estate of Brown</i>
14	Fiduciary Administration	Text: 166-175	<i>Rothko, Tracy, Allard, Carter</i>
15	Federal Estate and Gift Taxation	Text: 179-188	No cases
Final	<i>EXAMINATION III</i>		