

# TRUSTS & ESTATES I - FORELL

Fall 2007

<http://www.law.uoregon.edu/faculty/cforell/>

## Required Materials:

Dukeminier, Johanson, Lindgren & Sitkoff, Wills, Trusts and Estates (7th 2005)

Fall 2007 Trusts and Estates I Supplement

Mary Smith Trust at my faculty web page

Selected Oregon Revised Statutes at my faculty web page

## Assignments:

For most classes I intend to cover 20 to 25 pages of material. Preparation includes the problems covered in the assigned reading.

Class participation is greatly encouraged. I will take note of those people who participate frequently and intelligently; such participation will be factored into your final grade.

There will be a **mandatory will drafting exercise**. In order to receive credit for this course this must be handed in; however, it will not be graded and will not count as part of your final grade for this course. Feedback will be provided upon request.

I will focus on the Oregon Revised Statutes and the 1990 version of the Uniform Probate Code sections set out in the textbook.

**THE FINAL EXAMINATION WILL BE OPEN BOOK. THE ESSAY QUESTION MUST BE ANSWERED BY COMPUTER.**

DATE AND TOPIC	TEXT PAGES	SUPPLEMENT PAGES	ORS	RELEVANT UPC & UTC SECTIONS
8/21 Introduction	1-3; 8-16; 17-30	1-25	111.005	
8/23 The Probate Process Basic Tax Issues	16-17; 845-853	5-25 (review)	114.515;	
8/28 The Probate Process <b>Attorney Ellen Adler's Talk</b>	30-48		115.001; 126.805-.875	
8/30 Professional Responsibility	48-58; 167-169 (bequests to attys)	27-36	41.740	
9/4 Intestate Succession	59-68; 72-73	37-43; 47(2)	112.015-.055; 112.570-.082,	2-101; 2-102; 2-103; 2-105, pp. 61-62
9/6 Intestate Succession	73-78; 652(b)-655; 78-86	45-47(1)	112.065-.095; 112.175	2-106(b), p.75; 2-113, 2-114, p.86

DATE AND TOPIC	TEXT PAGES	SUPPLEMENT PAGES	ORS	RELEVANT UPC & UTC SECTIONS
9/11 Intestate Succession	87-94; 94-100 (read only); 100-114; 114-116 (read only)	<b>Start here</b> 48-56	112.105-.115; 112.175-.195; 109.041-070	2-113; 2-114, p.86; 2-109, p.115-116
9/13 Minors; Bars to Succession; Disclaimers	116-121; 122-126 (read only); 126-140; 856-57 Note 4	57-58	126.805-.875 105.623-.646	
9/18 Wills: Capacity; Insane Delusion; Mistake; Undue Influence	141-155; 371-372; 155-162		112.225; 113.075; 111.005(9); 130.220	UTC 415
9/20 Wills: Undue Influence; No Contest	162-176	59-63	112.272; 130.175; 130.235	
9/25 Wills: Seward Johnson; Fraud; Mistake; Duress; Tortious Interference with Expectancy	176-197	65-68		
9/27 Execution of Wills	199-219	69-81	112.235-.255	2-502(a), p.203
10/2 Mistake in Execution; Curative Doctrines	220-235		113.055	2-503, p.226
10/4 Holographic Wills; Revocation	236-259	83-85	112.235; 112.275-.285	2-502(b)(c), p.203; 2-507, p.252
10/9 Dependent Relative Revocation; Revival	259-270	69-70; 87-91	112.295; 130.535	2-509, p.268; 2-804, pp.269-70; 2-301, p.465; 2-302, pp.479-80
10/11 Omitted Spouses & Children; Components of Will	462-468; 468-473 (read only); 473-484; 271-286		112.305; 130.530-535; 112.405 (pretermitted children –same as UPC 2-302)	2-510, p.273; 2-512, p.285; 2-513, p.278
10/16 Will Contracts; Intro to Will Substitutes	286-298	93-102; 69	112.270; 113.075	2-514, p.289
10/18 Revocable Trusts; Mary Smith Trust (on web)	299-322; 876-877; 887-888	103	112.265; 130.315; 130.500-505	2-511, p.311; UTC 505; UTC 602

DATE AND TOPIC	TEXT PAGES	SUPPLEMENT PAGES	ORS	RELEVANT UPC & UTC SECTIONS
10/23 Contractual Rights of Survival	322-328; 397(a); 328-341	105-106		6-101, p.330
10/25 Bank Survivorship Accts; Joint Tenancies; Personal Property; Power of Attorney; Advanced Directives	341-345; 503-508; 345-363	107-116	93.180; 105.920; 127.005; 127.505-.995	
10/30 Extrinsic Evidence	365-392; 522-528		41.740; 130.185	UTC 408
11/1 Lapse and Class Gifts; Ademption; Abatement	392-415	115	112.195; 112.395-.400; 112.385; 130.550	2-605 (1969) p.393
11/6 Spousal Rights <b>Will Drafting Assignment Distributed</b>	417-428; 438-439; 444-45; 447-451; 455-458; 857	117-124	114.005-.085; 112.705-.735	2-203-207, p.449; 2-213, p.452
11/8 Migrating Couples; Marital Deduction;	458-462; 428-430; 850; 903(d)-905; 915-917			
11/13 Intro to Trusts; Discretionary Trusts, Powers of Appt.	485-498; 533-543; 589-592; 595-596; 891-893	125-126	130.620; 130.715; 130.835	
11/15 Spendthrift Trusts; Creditors' Rights	543-557; 558-572 (read only)		130.300 -.310	UTC 501, UTC 502-503, p.553
11/20 Modification of Trusts; Creation of Trusts	572-587; 498-504		130.110; 130.115; 130.195-.205; 130.215; 130.685	UTC 303; UTC 304; UTC 410-11; UTC 412, pp.577-78; UTC 706, pp.586-87; UTC 414;
11/27 Oral Trusts of Land; Secret & Semi-Secret Trusts <b>Will Drafting Assignment Due</b>	508-512; 528-533	127-130	130.150; 130.155; 130.190	UTC 401; UTC 402; UTC 409
<b>On Your Own</b> Fiduciary Duties; Charitable Trusts	771-782; Notes & Questions 734-738; Notes & Questions 739-742	131-136	130.655-.665; 130.210	UTC 802-804; UTC 413