



Course Description

PLA2600 | Wills, Trust, Estate | 3.00 credits

Wills, Trusts, and Estates is a study of the laws governing wills and interstate succession. The course provides practice in drafting a simple will and trust. It also examines the procedures and rules involved in probate administrations and explains the ethical obligations of attorneys and paralegals who are involved in this area of practice. Courses must be met with a grade of "C" or higher. Prerequisites: PLA2114 and REE2040.

Course Competencies:

Competency 1: The student will understand the basic concept of a will and the process by which it is created by:

1. Identify the purpose and function of a will.
2. Identify all types of wills recognized by state and federal law.
3. Identify all parties named in a will by designation, such as testator, testatrix, guardian, trustee, and personal representatives.
4. Outline the requisites of a valid will.
5. Make a list, diagram, or chart of the formal requirements for drafting wills that cover capacity, execution, and attestation requirements and essential clauses.
6. Draft and design checklists, interview documents, and other materials that will help collect information for will construction.
7. Prepare an essential will.
8. Prepare a memorandum of law.

Competency 2: The student will understand the concept of trust and the process by which it is created by:

1. Explain the purpose and function of a trust.
2. Identify the basic types of trusts.
3. Explain the essential requisites of a valid trust instrument.
4. Draft an essential trust document.

Competency 3: The student will learn the fundamental principles of the processes through which a decedent's property is administered and distributed by:

1. Examine the basic concepts of estate administration under the Florida Probate Code.
2. Interpret the property transfer rules by a will or trust upon death.
3. Demonstrate a working knowledge of summary administration principles and personal administration disposition.
4. Prepare all documents required for the administration of a testate estate, from opening the estate to filing the final accounting and distributing assets.
5. Demonstrate knowledge of property transfer according to the intestate succession laws.
6. Calculate property distribution under the intestate succession laws.
7. List all tasks, duties, and obligations of a paralegal in an estate planning practice.
8. Draft and design an estate planning interview form and checklist.
9. Devise checklists, forms, and other materials that chart, track, and provide a history of estate planning assets and essential details.
10. Design personal and family information sheets.
11. Locate all necessary legal documents, including trusts, gift documents, wills, certificates, and titles, to begin the administration of an estate.
12. Become skilled in searching records at governmental offices such as the Registrar of Wills, the Office of Vital Statistics, the Veteran's Administration, and the Social Security Administration.
13. Create a chart, graph, or diagram listing all government agencies that deal with the administration of estates, along with the agency's phone numbers and addresses.

14. Collect information on the business interests of the estate, including assets owned by corporations, partnerships, or sole proprietorships.
15. Collect all forms and documents necessary for initial estate filing.
16. Prepare preliminary drafts of and file documents, such as a petition for a grant of letters testamentary or probate or other pleadings necessary to affect a probate proceeding.
17. Prepare a Notice and Order of Hearing of Appointment and Admission of Will to Probate.
18. Prepare an inventory of estate assets.
19. Prepare an information sheet mailed to beneficiaries under the probate process.
20. Calculate and determine a spouse's elective right under the statutory code of the paralegal's jurisdiction.
21. Calculate and assess multiple problems under a spouse's right of election.
22. Develop effective procedures for making final distribution of assets.

Competency 4: The student will become familiar with the significant provisions relating to the administration of trusts by:

1. Identify and analyze the rights of beneficiaries and duties of trustees, including disbursement of income and principal and protection of the trust.
2. Explain the more common problems encountered in the administration of trusts.
3. Interpret the effect of the provisions of the Florida Probate Code upon the administration of trusts.

Competency 5: The student will understand the concepts and procedures involved in estate taxes and awarding of gifts as a part of an estate by:

1. Explain the concept of gift and estate tax.
2. Define essential gift and estate tax regulation.
3. Analyze the tax consequences of a hypothetical estate.
4. Provide information to clients regarding the implications of the tax laws.
5. Collect tax forms and documents for estate and gift calculation
6. Calculate unified credits on an estate tax return.
7. Complete an estate and gift tax return.
8. Compute exclusions, deductions, and exemptions under the estate and gift tax rules and principles.
9. Develop effective docket procedures to ensure timely filing of all probate and tax documents.

Competency 6: The student will understand the issues relating to professional responsibility in Estate Planning for paralegals and attorneys by:

1. Describe how to ethically handle estate documents, including confidentiality aspects and due diligence.
2. Assist with issues of mental capacity and undue influence.
3. Describe how attorney fees are determined and prepare client billing according to The Rules of the Florida Bar.
4. Recognize potential and actual conflicts of interest.
5. Describe the fiduciary responsibilities of the attorney and the paralegal.

Learning Outcomes:

1. Communication
2. Numbers / Data
3. Critical Thinking
4. Information Literacy