Below is a tentative outline of the course structure and corresponding reading assignments. Naked page numbers refer to Jesse Dukeminier, Stanley M. Johanson, James Lindgren, & Robert H. Sitkoff, *Wills, Trusts, and Estates* (7th ed. 2005). The Uniform Probate Code ("UPC"), the Uniform Trust Code ("UTC"), and other Uniform Acts may be found in John H. Langbein & Lawrence W. Waggoner, *Uniform Trust and Estate Statutes* (2005-2006 ed.) ("L&W"). For assigned UPC and UTC provisions, you should read the statutory text and skim the official comment. The comment is often quite helpful.

For the first class, which will open with the *Shapira* case at page 21 of the main text, please read the material corresponding to Sections I.A, B, and D below. Section I.C, which supplies important background and vocabulary, should be read sometime during the first two weeks.

Please note that, per the NYU policy for makeups and cancellations occasioned by the Jewish high holidays, the class session scheduled for Tuesday, Oct. 4, 2005 is cancelled and will be made up on Friday, Sept. 23, 2005, at 1:05 – 2:55.

**I. INTRODUCTORY MATTERS**
B. The Problem of the "Dead Hand": 20-30.
C. Probate and Nonprobate Property: 30-31, skim 31-38.

**II. INTESTATE SUCCESSION**
A. Statutes of Descent and Distribution
5. Opting Out—Herein of Negative Wills and Disinheritance: 77-78, UPC 2-101(b).
B. Succession Problems Regarding "Children"
C. Bars to Succession
III. WILLS

A. Formalities and Forms

1. Execution of Wills
   a. Attested Wills

2. Revocation of Wills
   a. Writings or Physical Act: 251-59, 218-19 (Safeguarding a Will), UPC 2-507.
   b. Dependent Relative Revocation and Revival: 259-69, UPC 2-509.
   c. By Operation of Law: 269-70, UPC 2-508, 2-804, see also 2-802, 2-803.


B. Will Contests

1. Mental Capacity—Herein of Testamentary Capacity and Insane Delusion: 141-56.
3. Fraud: 186-89.

C. Problems of Interpretation

1. Mistaken or Ambiguous Language in Wills

2. Components of a Will:
   b. Republication by Codicil: 272.

3. The Passage of Time and Changed Circumstances Since Execution of the Will

D. Limitations on the Power to Devise

1. Rights of the Surviving Spouse
      1) Miscellaneous Rights to Support: skim 419-23
      2) Issues Arising in Community Property States: skim 455-62.
   b. Intentional Disinheritance—Herein of the Elective Share (a/k/a The Forced Share)
      2) Property Subject to the Elective Share—Herein of the “Net” or “Augmented” Estate: 438-51.
   c. Unintentional Disinheritance—Herein of the “Pretermitted” Spouse: 462-66, UPC 2-301.

2. Rights of the Surviving Children
   a. Intentional Disinheritance
      1) The American Approach: 466-68.
IV. NONPROBATE TRANSFERS AND PLANNING FOR INCAPACITY
   A. Introduction: 295-98
   B. Pure Will Substitutes
         c. Brokerage and Bank Accounts: 341-44.
   C. Joint Tenancies in Realty—Herein of the Imperfect Will Substitute: 344-45.
   D. Planning for Incapacity

V. TRUSTS
   A. Introduction: 485-98.
   B. The Required Elements of Trust Creation
      1. Intent: 498-504, UTC 401-02, 404.
      4. A Writing?: 528-33, UTC 407.
   C. Rights of the Beneficiary to Distributions from the Trust: 533-43, UTC 814, 1008.
   D. Rights of the Beneficiary's Creditors:
      2. Spendthrift Trusts: 547-57, UTC 502-03.
   E. Flexibility—Herein of Powers of Appointment, Modification, and Termination
      3. Trustee Removal: 585-87, UTC 706.
   F. Trust Administration—Herein of the Fiduciary Obligation
      1. Introduction: 771-78, UTC 815-16.
         b. Modern Trust Investment Law—Herein of Risk and Return, Diversification, and Delegation:
            796-821, UTC 804-06, Unif. Prudent Investor Act (L&W 527).
   G. Charitable Trusts
   H. Revisiting the Problem of the “Dead Hand”—Herein of Trust Duration and Perpetuities
      1. Introduction to the Rule Against Perpetuities and its Policies: 671-78.