

**RARITAN VALLEY COMMUNITY COLLEGE**  
**ACADEMIC COURSE OUTLINE**  
**WILLS, TRUSTS & ESTATE ADMINISTRATION LEGL-126**  
**(REVISED)**

**I. Basic Course Information**

- A. Course Number and Title: LEGL 126 WILLS, TRUSTS & ESTATE ADMINISTRATION
- B. New or Modified Course: Modified
- C. Date of Proposal: Semester: Spring Year: 2021
- D. Effective Term: Fall 2021
- E. Sponsoring Department: Business & Public Service
- F. Semester Credit Hours: 3.0
- G. Weekly Contact Hours: Lecture: 3.0  
Laboratory: 0.0  
Out of class student work per week: 9.0
- H. Prerequisites/Corequisites: Role of the Paralegal LEGL-101  
(This pre-requisite is for AAS students only – No pre-requisite for Certificate students)
- I. Laboratory Fees: None
- J. Name and Telephone Number or E-Mail Address of Department Chair and Divisional Dean at time of approval: Tracy Rimple, Chair [Tracy.Rimple@raritanval.edu](mailto:Tracy.Rimple@raritanval.edu)  
Patrice Marks, Dean [Patrice.Marks@raritanval.edu](mailto:Patrice.Marks@raritanval.edu)

**II. Catalog Description**

*Prerequisite: Role of the Paralegal LEGL-101. This prerequisite is for AAS students only; no prerequisite for Certificate students.* This course is a survey of basic wills, trusts and probate practice. Students will become familiar with the various methods of testamentary and non-testamentary distribution and the format of probate administration. NJ probate law will be reviewed with emphasis on the initial preparation and drafting of basic documents in the field, including simple and living wills, formal and informal probate, and federal and state tax forms.

**III. Statement of Course Need**

- A. This class is an elective course for both the Paralegal Studies A.A.S. Degree and the Paralegal Studies Certificate. It provides students with the basic skills necessary to effectively assist practicing attorneys with the delivery of the specialized legal services in the probate area.
- B. This course has no lab component.

- C. This course will transfer into any school with a Paralegal Studies four year degree, which includes Montclair, Thomas Edison, and St. Elizabeth College in New Jersey. It will also transfer to any four-year institution offering an ABA approved paralegal program of study.

#### **IV. Place of Course in College Curriculum**

- A. Free Elective.
- B. This course serves as an elective for both the Paralegal Studies AAS Degree and the Paralegal Studies Certificate.
- C. To see course transferability: a) for New Jersey schools, go to the NJ Transfer website, [www.njtransfer.org](http://www.njtransfer.org); b) for all other colleges and universities, go to the individual websites.

#### **V. Outline of Course Content**

##### **Unit I**

The first half of the course will introduce the student to the area of wills in detail. Included will be a discussion of sources of law, types of property and forms of property ownership, New Jersey laws on intestate and testate succession, as well as the validity and drafting of both testamentary and living wills in New Jersey.

##### **A. Sources of Probate Law**

##### **B. Basics of Estate Planning**

- 1. Probate
  - a. Formal vs. informal
  - b. Probate vs. non-probate assets
- 2. Administration
  - a. Domiciliary vs. ancillary
  - b. N.J. statutes
- 3. Participants and Their Duties and Functions
- 4. Probate Court
  - a. Jurisdiction
  - b. Function

##### **C. The Concept of Property**

- 1. Types of Property
- 2. Estates in Property
- 3. Forms of Property Ownership
- 4. Methods of Transfer of Property
  - a. By deed
  - b. By gift
  - c. By will
  - d. By statute

##### **D. Laws of Succession**

- 1. Testacy
  - a. Definition
  - b. Proper procedures for execution of a will in N.J.
  - c. Types of wills
  - d. Types of disposition of property
  - e. Types of recipients
- 2. Intestacy
  - a. Definition
  - b. N.J. succession laws

- c. Administration and distribution

#### E. Creating a Valid Will

1. Statutory Requirements of Validity
  - a. Capacity
  - b. Requirement of a writing
  - c. Forms of testator's signature
  - d. Witnesses
2. Modification of an Existing will
  - a. By act of testator
- b. By ademption
  - c. By operation of law
3. Contesting a Will
  - a. Standing to contest
  - b. Procedure
  - c. Grounds

#### F. Preparing to Draft a Will

1. Pre-conference Responsibilities
  - a. Scheduling client
  - b. Client letter
  - c. Asset/debt list
2. Conference Responsibilities
  - a. General duties to client
  - b. Explain various types of dispositions
  - c. Explain differing roles of fiduciaries
  - d. Compile family & financial data
3. Post Conference Responsibilities

#### G. Drafting a Valid Will

1. Provisions and Their Wording
  - a. Exordium clause
  - b. Debts and funeral expenses clause
  - c. Tax clause
  - d. Specific bequests clauses
  - e. Residuary clause
  - f. Contingent trusts clause
  - g. Appointing personal representative clause
  - h. Naming trustees and guardians
  - i. Testimonium clause
  - j. Self-providing attestation
2. Effect of Simultaneous Death Act
3. Different Will Forms
4. Preparation of Will Based on Hypothetical

#### H. Living Wills

1. Definition and Purpose
2. Client Considerations
  - a. Nutrition/hydration
  - b. CPR
  - c. Organ donation
  - d. Pregnancy and its effects
3. N.J. Health Care Act
  - a. Basic principles of act
  - b. Responsibilities of health care providers

- c. Types of directives allowed
  - 1. proxy directive
  - 2. instruction directive
  - 3. advanced health care directive
- d. Formalities of a living will
- e. Previous documents and their effectiveness

## **Unit II**

After a brief introduction into the law of trusts, their uses and format, and NJ's adoption of the Uniform Trust Code, the second half of the course will concentrate on estate administration, both formal and informal probate and intestacy. The student will examine and review all necessary forms and their preparation in hypothetical fact situations. Final classes will highlight federal and state tax laws, the preparation of various tax forms and their filing requirements.

### **A. Trusts in General**

- 1. Definition & Types of Property Transferable to a Trust
- 2. Validity and Purpose
- 3. Elements
- 4. Roles & Responsibilities of Settlor/Trustee/Beneficiary

### **B. Classification of Trusts**

- 1. Express Trusts
- 2. Creation of Express Trusts
- 3. Legal Restrictions on Trusts
- 4. Drafting a Private Express Trust
- 5. Revocable Intervivos Trusts
- 6. Implied Trusts
  - a. Resulting trusts
  - b. Constructive Trusts
  - c. Miscellaneous Trusts
    - 1. spendthrift trust
    - 2. clifford trust
    - 3. totten trust
- 7. Termination of Trusts

### **C. Personal Representative**

- 1. Types
- 2. Appointment
  - a. Letters Testamentary
  - b. Letters of Administration
- 3. Responsibilities and Duties
- 4. Powers under NJ Law

### **D. Probate Procedures**

- 1. In General
- 2. In New Jersey
- 3. Surrogates Court & Chancery Court Jurisdiction
- 4. Probate with a Will
- 5. Probate Without a Will (Administration)
- 6. Special Administration Problems
  - a. After-discovered will
  - b. Ancillary administration
  - c. Substituted administration
  - d. Appointment of guardians and trustees
- 7. Post Probate Procedures

E. N.J. Inheritance Tax

1. Classes of Beneficiaries and Their Tax Rates
2. Exemptions from Tax
3. Waivers
  - a. Self-executing waiver (Form L-8)
  - b. Real property tax waiver (Form L-9)
  - c. Filing requirements
4. Preparing the Return

F. N.J. Estate Tax

1. Purpose
2. Calculation & Preparation

G. Federal Tax Considerations

1. In General
2. Preparing the Federal Estate Tax Return (Form 706)

**VI. General Education and Course Learning Outcomes**

**A. General Education Learning Outcomes:**

At the completion of the course, students will be able to:

1. Produce written work that reflects critical and creative thought in drafting probate and estate documents. (GE-NJ 1)
2. Develop the ability to communicate clearly and logically, utilizing both verbal and written skills, in the researching and preparation of probate and estate documents. (GE- NJ 1)
3. Research, collect and organize information, utilizing technology, the internet and government legal research sites to draft appropriate probate and estate documents. (GE-NJ 4 & GE-NJ IL)
4. Recognize, analyze and evaluate the ethical principles in probate and estate fact patterns. (GE-NJ ER\*)

\*Embedded Critical Thinking

**B. Course Learning Outcomes:**

At completion of this course, students will be able to:

1. Utilize the technical legal vocabulary necessary for use in the field of wills, trusts and estate administration.
2. Identify the differences in property types and ownership and its significance to estate planning.
3. Classify and analyze the personal facts and data which must be elicited and gathered during the initial client interview.
4. Draft different types of basic wills, trusts and gifts, based on hypothetical factual situations.
5. Analyze various estate planning problems and alternative solutions based on a hypothetical factual situation.
6. Explain the available methods of distribution of a decedent's property under N.J. law, including testacy and intestate succession.

7. Understand and apply the laws of New Jersey as to the validity of wills and the substantive requirements for proper execution of a will.
8. Identify ethical considerations in handling probate and estate matters, including distribution of devises and settling of estate accounts.
9. Differentiate between the roles of the various fiduciaries including executor, administrator, administrator C.T.A., administrator ad prosecundum, administrator D.B.N., ancillary administrator, guardian and trustee.
10. Explain the differences between the types of estate planning documents available under NJ law and the proper function of each.
11. Describe the primary functions and role of the Surrogate and the Surrogate's Court vs. the jurisdiction and role of the Chancery Division in the administration of both testate and intestate estates.
12. Identify the basic steps in the probate of a will and the administration of testate and intestate estates, including the preparation of various standard legal forms used in each process.

### **C. Assessment Instruments**

1. Examinations
2. Document Preparation Assignments based on fact patterns
3. Research Assignments on NJ Probate Rules, NJ Statutes & NJ Caselaw
4. Participation

## **VII. Grade Determinants**

- A. Examinations
- B. Drafting of probate documents
- C. Research Assignments
- D. Case Analysis paper
- E. Participation

Methods for teaching and learning:

- A. lecture/discussion
- B. case analysis presentations
- C. computer-assisted document drafting
- D. internet and government legal resource research instruction

## **VIII. Texts and Materials**

- A. Textbook: Anderson, *Wills Trusts & Estates for Paralegals* (Current Edition); Wolters Kluwer Law
- B. Internet and Web-based legal resources
- C. RVCC Library reserve of NJ forms and formbooks

(Please Note: The course outline is intended only as a guide to course content and resources. Do not purchase textbooks based on this outline. The RVCC Bookstore is the sole resource for the most up-to-date information about textbooks.)

## **IX. Resources**

This course will require use of the RVCC library and access to the internet.

