

Course Assignments

Trusts and Estates – Spring Semester, 2018

Professor Ilene S. Cooper

Texts: Lexis-Nexis (Greenbook), New York SCPA-EPTL (Statute Book)  
Thomas P. Gallanis, Uniform Trust and Estate Statutes (Foundation Press)  
(2015-2016 edition)  
Case book material and referenced forms to be provided the first day of class

Classes 1, 2,3            EPTL 11-1.3, 11-1.7  
UPC- Sections 1-201, 2-607, 3-201, 3-102, 3-701, 3-805, 3-1003, 3-3902  
UTC- Sections 802, 803, 1008

Handouts:    In re Tannenbaum's Will  
In re Bradley's Estate  
In re Kilmer's Estate  
Estate of Rothko  
Matter of Carroll Donner  
Matter of Doris Duke (Surrogate's Court;  
   Appellate Division, 1st Dept.; Court of Appeals)

The Prudent Investor Act  
Article - "Obligations of Estate Fiduciaries"  
Fiduciary Checklist  
Inventory of Assets Form  
Report of Fiduciary  
Uniform Court Rules  
Local Court Rules - Suffolk County  
Probate Petition  
Accounting Proceeding  
Objections to Probate  
Article - "Very Good Will Hunting"

Classes 3,4, 5,6:

EPTL: Article 1, Part 2 Definitions,  
   Sections 2-1.3, 4-1.1, 4-1.2, 5-3.2

SCPA: Section 103

UPC: Sections 2-102, 2-104, 2-114, 2-117, 2-118, 2-119, 2-302, 2-802  
Handouts:

**In re Estate of Daniel Donohue**

**Matter of Shumavon**

**Tornese v. Tornese**

**Estate of Libertini**

**Matter of Renshaw**

**Matter of Craig's Estate**

**DRL Section 117**

**Article- Posthumous DNA Testing**

**Matter of DeLuca**

**Matter of Poldrugovez**

**Matter of Kenneth V.**

**Matter of Wilkins**

**Petition for Letters of Administration**

**Chart - Lineals and Collaterals**

**Matter of Kasten**

**Classes 7,8,9,10:**

**EPTL: Sections 4-1.4, 5-1.1, 5-1.1-A, 5-1.2,  
5-1.4, 5-3.1**

**UPC: Be familiar with sections 2-202; 2-204 to 2-211; 2-403, 2-802, 2-803, 2-804**

**Handouts: Matter of Wolfer  
Matter of Weber  
Matter of Rosenkrantz  
Matter of Callaghan  
Matter of Bogart  
Matter of Boyd  
Article: Right of Election: Who, What, When & Waivers**

**Handouts In Class:**

**Chart 5-1.1-A**

**Classes 11,12,13,14,15**

**EPTL: Sections 3-2.1, 3-2.2, 3-3.2**

**SCPA: Sections 1404, 1405, 1406, 1408**

**UPC: Sections 2-501, 2-502, 2-503, 2-504, 2-505, 2-510, 2-513, 2-604**

**Handouts: 1406 Affidavits  
Matter of Dujenski**

Estate of Adina Phillips  
Matter of Urban  
Matter of Acosta  
Viscardi V. Lerner  
Matter of Pascale  
Matter of Collins  
Matter of Parlato

Classes 16, 17, 18, 19, 20:

EPTL: Section 3-3.5

SCPA: Sections 1402, 1403, 1410

UPC: Sections 3-108, 3-302, 3-303, 3-402, 3-403, 3-404, 3-405, 3-406, 3-407, 3-905,

Handouts: Excerpt from Ritchie, Alford text:  
pp. 392-435

Penal Law 190.30  
Professional Rule 3.7  
Professional Rule 1.8  
Matter of Vickery  
Matter of Piano  
Matter of Elmore  
Matter of Delorey  
Matter of Kaufman  
Matter of Weinstock  
Matter of Putnam  
Matter of Becker  
Matter of Henderson  
Matter of Schaaf

Classes 21, 22, 23, 24:

EPTL: Sections 3-4.1, 3-4.6, 5-1.4  
Excerpt- Richie, Alford: Revocation- pp. 307-343  
Matter of Davis  
Matter of MaComber's Will  
Matter of Bonner  
Matter of Jan H. James  
Matter of A. Schneider  
Matter of Tooker  
Joint Will

**UPC:**           **Sections 2-507, 2-509, 2-514**

**Classes 25, 26, 27, 28:**

**EPTL:**           **Sections 7-1.1, 7-1.2, 7-1.5, 7-1.9, 7-1.17, 7-1.18, 7-2.3**

**UTC:**           **Sections 401, 402, 405, 406, 407, 408, 409, 411, 412, 413, 414, 502, 503, 504, 601, 602**

**Handouts:**

**Matter of Goetz  
Matter of Perosi  
Sample Will  
Sample Inter vivos Trust**

**Learning Outcomes:** By the end of this course, the student will have a substantive understanding of the EPTL, SCPA, UPC and UTC, as they apply to inheritance rights, the execution of wills and trusts, and the appointment and duties of fiduciaries. In addition, the student will have a practical understanding of practice and procedure in the Surrogate's Court, including but not limited to the commencement of proceedings, and the ethical issues confronted by the estate practitioner.

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