

Charleston School of Law
Wills, Trusts, and Estates, Section A
Syllabus Fall 2021

Ashley G. Andrews, Adjunct Professor
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com

Date/Time: Tuesdays and Thursdays, 8:30 – 10:20 am
Location: B-219
Office Hours: By Appointment

Required Course Materials:

- Textbook: *Wills, Trusts, and Estates*, Dukeminier (10th Ed. Aspen Publishers)
- *Uniform Probate Code*: <https://www.uniformlaws.org/viewdocument/committee-archive-101?CommunityKey=a539920d-c477-44b8-84fe-b0d7b1a4cca8&tab=librarydocuments>
- *Uniform Trust Code*: <https://my.uniformlaws.org/committees/community-home/librarydocuments?communitykey=193ff839-7955-4846-8f3c-ce74ac23938d&tab=librarydocuments&LibraryFolderKey=&DefaultView=>
- *South Carolina Probate Code*: <https://www.scstatehouse.gov/code/title62.php>

TWEN:

Please add the class page on TWEN. I will post additional course materials, updates, and announcements on TWEN.

Course Objectives:

The course will cover the transfer of assets at death. This includes the study of the laws of intestate succession, nonprobate transfers, transfers through wills and trusts, proper execution and revocation of documents, and the laws governing defective documents. The course will also cover planning for incapacity.

Basis for Final Grade:

Your grade will be based upon the score that you earn on two (2) assessments, your final exam, and class participation. Your final grade will be calculated as follows: 10% for assessment one, 10% for assessment two, 75% for the final exam, and 5% for class participation. The format of the final exam is expected to be a proctored, closed-book, 3-hour, in-class exam. The format of the final exam is subject to change due to COVID-19. The final exam may consist of multiple choice questions, short answer questions, and/or essay questions. **Matters discussed in class, as well as all assigned reading, whether or not discussed in class, may be on the final exam.**

Charleston School of Law's Attendance Policy:

- Under the School of Law's attendance policy, students are required to attend at least 85 percent of scheduled classes for each course. Therefore, no student may miss more than 15 percent (rounded to the nearest whole number) of the scheduled class meetings in any course or seminar. "Scheduled class meetings" is defined as the total number of classes that are established for that particular course during that particular semester on session schedule, as established by the published schedule, with such number remaining the same in spite of modifications that might arise during the semester (speakers, inclement weather, professor cancellation, etc.). *No absences from class are "excusable" for purposes of determining whether a student has violated the Attendance Requirement.*
- For this Course for **Fall Semester 2021**, students may not miss more than **4 class meetings**.
- **Tardiness or Leaving Class Early**: A student who is tardy for class or who exits class early may, at my discretion, be marked absent. Being tardy is defined as entering the classroom after 8:30 a.m. Exiting early is defined as leaving before I dismiss class.
- **Absence for Being Unprepared**. A student who is present but unprepared for class may be marked as absent. Present but unprepared for class is defined as being unable to answer questions posed by me on the material assigned for that day. If you are found to be absent due to being unprepared, I will notify you during or immediately after the class in question.
- For more information on the School of Law's attendance policy please visit <https://charlestonlaw.edu/academics/academic-policies/attendance-policy/>.

Attendance will be taken at the beginning of class. **It is your responsibility to make sure you are marked present for every class you attend.** If you are in class at 8:30 am, you may assume that you have been marked present. If you arrive late, it is your responsibility to let me know immediately after class that you arrived late and would like to be marked present.

ADA Notice:

Students with disabilities should contact the Associate Dean for Academic Affairs as soon as possible to request reasonable accommodation should those accommodations be desired.

Work Per Credit Hour:

Under *Charleston School of Law* policy, the amount of work for each credit hour of a course must be: At least 750 minutes of in-class time (12 ½ hours), which may include 50 minutes of final examination time; and, at least 1800 minutes (30 hours) of out-of-class student work.

- This is a **4 credit hour** course, which means that in addition to attending class, students should plan to spend a minimum of **8 hours each week** in the Fall semester preparing for class.

Class Participation:

You should be prepared to participate in every class. While volunteer participation is encouraged, I will also call on students to answer questions in class. Class participation is also a factor in your final grade.

I reserve the right to prohibit laptops if at any time I find that laptops are a distraction from class participation or are causing a distraction to other students. The use of all other electronics during class is prohibited.

Office Hours:

I will be happy to meet with you via Zoom, by appointment at my office, or on campus. Please send me an email a few days in advance and we will find a convenient time and place to meet. I will also schedule office hours the week before the assessments and in advance of the final exam.

Assignments:

Below is a list of the topics and materials we will cover for each class. I reserve the right adjust the assignments based on the pace and progress of the class. Any changes will be announced in class and on TWEN. All assignments from the text book will be listed by page number, code sections will be listed as “UPC,” “UTC,” or “SCPC,” as applicable.

Class No.	Subject	Textbook	Code Sections
1	Introduction Mechanics of Succession Freedom of Disposition	Pages 40-51 Pages 1-16	
2	Professional Responsibility Introduction to Intestacy	Pages 51-63 Pages 63-71	UPC: 1-201(24), 2-101, 2-102, 2-103, 2-105 SCPC: 62-2-102, 62-2-103
3	Intestacy Continued	Pages 71-90	UPC: 2-104, 2-106, 2-107 SCPC: 62-2-106
4	CALI Lesson – <i>Intestacy and Descendants</i>	Link will be posted on TWEN	
5	Transfers to Children	Pages 90-118	UPC: 2-113, 2-115, 2-116, 2-118, 2-119, 2-120, 2-705(f), 2-705(g)
6	Transfers to Children cont. Advancements & Minors Bars to Succession	Pages 118-122 Pages 122-127 Pages 127-140	UPC: 2-109, 2-121, 2-803
7	CALI Lesson – <i>Intestate Succession Under the Uniform Probate Code</i>	Link will be posted on TWEN	

Class No.	Subject	Textbook	Code Sections
8	Introduction to Wills	Pages 141--174	UPC: 2-501, 2-502, 2-504, 2-505, 2-506, 3-406 SCPC: 62-2-502, 62-2-504
9	Wills Continued	Pages 174-204	UPC: 2-503
10	Revocation of Wills	Pages 204-240	UPC: 2-507, 2-509, 2-804
11	Components of a Will Acts of Ind. Significance Contracts Relating to Wills Capacity	Pages 240-254 Pages 254-255 Pages 255-262 Page 263-269	UPC: 2-510, 2-512, 2-513, 2-514
12	Capacity cont. Insane Delusion Undue Influence	Pages 270-274 Pages 274-281 Pages 281-296	UPC: 3-407
13	Undue Influence cont. Duress Fraud Tortious Interference	Pages 296-3010 Pages 310-314 <i>In re Nightingale's Estate, 182 S.C. 527, 189 S.E. 890</i> Pages 314-317 Pages 317-324	
14	Wills – Construction Death of a Devisee	Pages 325-351 Pages 351-357	UPC: §2-805
15	Antilapse Statutes Changes in Property	Pages 357-373 Pages 373-384 (skip stock splits p. 382)	UPC: 2-605, 2-606, 2-609 SCPC: 62-2-603
16	Introduction to Trusts	Pages 385-409	UTC: 401, 402
17	Trusts Continued	Pages 409-433, 436-437	UTC: 405, 407, 408, 409
18	Trusts – Fiduciary Admin. Duty of Loyalty Duty of Prudence	Pages 587-596 Pages 596-611 Pages 611-619	UTC: 802, 804, 815, 816, 1008 SCPC: 62-7-1013(k)
19	Duty of Prudence cont.	Pages 619-654	UTC: 105, 814

Class No.	Subject	Textbook	Code Sections
20	Misc. Trustee Duties Duty of Impartiality Duty to Inform and Account	Pages 654-667 Pages 667-674 Pages 675-382	UTC: 803, 807, 808, 810, 811, 812, 813 SCPC: 62-7-904
21	Duty to Inform and Acct. cont. Alienation	Pages 382-393 Pages 695-727	UTC: 501, 502, 503, 504, 505, 1007
22	Trusts – Mod. and Termination Trustee Removal	Pages 727-750 Pages 750-757	UTC: 103(13), 411, 412, 414, 417, 706
23	Non-Probate Transfers Revocable Trusts	Pages 439-459 Pages 459-471	UTC: 602, 603 UPC: 2-511
24	Will Substitutes Planning for Incapacity	Pages 471-486, 492- 498 Pages 498-510	UPC: 2-804, 6-101
25	Health Care Decisions Limits on Freedom of Disposition	Pages 511-517 Pages 519-540 UPC §2-201-207 & 2- 301-302	UPC: 2-202
26	Limits on Freedom of Disposition	Pages 540-564	UPC: 2-403, 2-404
27	Limits on Freedom of Disposition	Pages 564-585	UPC: 2-301, 2-302`
28	Taxes	Pages 929-960 (skip note 2, p. 942; skip last 2 paragraphs of note 1, page 944; skip Case 9, p. 944; skip note b, page 948; skip note 2, page 954)	