

Midstate College
411 West Northmoor Road
Peoria, Illinois 61614
(309) 692.4092 (800) 251.4299
Spring Term 2018

Course number & Name: LEG 104—Wills, Trusts, and Estate Administration

Credit hours: 4 Quarter Hours

Method of Delivery: Traditional (Classroom)

Course Description: A study of both theoretical and procedural information involving wills, trusts, and estate administration. This course emphasizes the role of the paralegal in assisting clients plan their wills and trusts, drafting and executing these documents, and carrying out probate procedures. This course is designed to provide students with both theoretical and practical knowledge.

Prerequisite: Successful completion of LEG 100 Introduction to Law or permission of Department Director.

Text: Wills, Trusts, and Estate Administration for the Paralegal, (Seventh Edition)

Authors: Dennis R. Hower and Peter Kahn

Publisher: West Legal Studies/Delmar Learning (Thompson Learning) 2012

ISBN: #978-1-111-13778-6

Materials needed for this course: Access to computer (including Internet/email).

Topics:

1. Testate and intestate distribution.
2. The various types of property involved in wills, trusts, and estate administration.
3. The purpose, need, and requirements for a valid will.
4. The various types of trusts and the essential elements needed for the creation of a trust.
5. The need for (purpose of) and the procedures used in creating an estate plan.
6. Probate proceedings and estate administration
7. Tax considerations in the administration of estates
8. Ethical principles affecting paralegals in the field of wills, trusts and estate administration

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Learning Objectives: Upon successful completion of this course, the student will be able to:

1. Understand the purpose and need for a valid will.
2. Differentiate between testate and intestate distribution.
3. Identify the various types of property involved in wills, trusts, and estate administration.
4. Demonstrate knowledge for the requirements of a valid will.
5. Draft a valid will.
6. Demonstrate knowledge of the various types of trusts and the essential elements needed for the creation of a trust.
7. Understand the need for and purpose of an estate plan and the procedures used in creating a plan.
8. Demonstrate knowledge of the processes involved in probate proceedings and estate administration.
9. Demonstrate knowledge of the tax considerations in the administration of estates.
10. Identify the ethical responsibilities of practicing paralegals in the field of wills, trusts, and estate administration.

Midstate Grading Scale:

A = 100% to 90%

B = 89% to 80%

C = 79% to 70%

D = 69% to 60%

F = 59% to 0%

All students must have a 70% or better to pass this course.

Midstate Plagiarism Policy: Plagiarism is using another person's words, either by paraphrase or direct quotation, without giving credit to the author(s). Plagiarism can also consist of cutting and pasting material from electronic sources by submitting all

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or a portion of work for assignment credit. This includes papers, computer programs, music, sculptures, paintings, photographs, etc. authored by another person without explicitly citing the original source(s). These actions violate the trust and honesty expected in academic work. Plagiarism is strictly against the academic policy of Midstate College. Its seriousness requires a measured, forceful response which includes consequences for inappropriate and/or no citation.

In courses containing writing assignments, the College promotes the use of an electronic resource which compares the student's writing against previously submitted papers, journals, periodicals, books, and web pages. Students and instructors can use this service to reduce the incidence of plagiarism. This electronic resource has been found to conform to legal requirements for fair use and student confidentiality. It is able to provide a report to the student indicating the parts of the assignment that match.

Student Success: The Office of Student Success is available to students seeking tutoring for individual classes or who need assistance with writing assignments. Information is also available on test taking techniques, how to take notes, developing good study skills, etc. Contact Student Success in Room 110 (in person); (309) 692-4092, extension 1100 (phone); studentsuccess@midstate.edu (email).

Assessment Portfolio Reminder: Students (depending on your program major) may be required to prepare an assessment portfolio for graduation. Keep a copy of this syllabus in the portfolio. Use the "Evidence for Success" list from your program portfolio (or consult your Program Director) and instructions from the instructor to determine the assignment(s) that should be placed in the assessment portfolio.

Instructor Information:

Instructor: Scott Michalec, Adjunct Associate Professor, Legal Studies
Assistant Attorney General
Email: smichalec@midstate.edu

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*Office Hours (in classroom): 1 hour before class, after class as needed, and by appointment.

Assistant Instructor: Mark Wiltse, Legal Studies Director
Email: mwiltse@midstate.edu

Legal Studies Department
Office: 219
Phone: (309) 692-4092, Extension 2190
Fax: (309) 692-3893

Participation Requirements: Each student is expected to participate in research/homework assignments relating to the subject materials for the week. Discussions will take place each week relating to the required weekly research/homework assignments. Attendance is mandatory in this class. Students will be deducted 10 points from participation grade for each course missed. If a student does not attend the entire class (arrives late, leaves early, etc.), partial points (at the instructor's discretion) will be assessed from the class participation grade. See Instructor's Final Grade Determination Below. Students that miss 30% or more of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).

Course Policies and Procedures:

1. This course is taught from a lecture format with integrated discussion of examples and assignments. The student is encouraged to take an active role in the learning process. Students that miss 30% (or more) of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).
2. All assignments in this course must have a professional appearance (submitted in typewritten form, using 12-point Times New Roman font, double spaced, with proper grammar/spelling/structure).

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3. In the event you are absent, you will need to email the assignments for the class you miss. In return, I will email the assignments you need to have completed by the following class period. If assignments are not turned-in on their due date, they (if accepted by the instructor) may be assessed a late penalty. Late assignments will only be accepted up to 7 days after their due dates. Any assignment turned in after this 7-day period expires will receive no credit. Please see the Final Grade Determination section below for more information on late assignments.
4. Exams must be taken on the dates scheduled by the instructor. Failure to take an exam on the scheduled date will result in a grade of "F" (0 points). Make-up exams will be given only when special circumstances are approved by the instructor. Make-up exams must be taken in the testing center. It is the student's obligation to make the appropriate arrangements to have a test administered.
5. "Pop-Quizzes" may be given throughout the term. Make-up quizzes will not be given.
6. All work must be completed and turned in by week 12 (Tuesday, May 15, 2018 at 8:00 PM).
7. Academic dishonesty (cheating / plagiarism) in any form will not be tolerated in this course and may result in the dismissal / suspension from the course / program / college.
8. Cell phones / beepers are prohibited from use in this course.
9. Extra Credit: Opportunities for extra credit may be provided throughout the term at the instructor's discretion. However, extra credit points will only be factored into a student's final grade if all homework assignments have been turned in by the night of the final exam. This policy is to make it clear that extra credit is not available in place of homework assignments, but rather to make up points missed due to absence from class or points missed on exams or completed homework/drafting assignments.
10. This is a tentative syllabus and outline and is subject to change at the discretion of the instructor.

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Methods of evaluating student performance: See Instructor's Final Grade Determination Below.

Examination Information:

The Midterm Examination will consist of 50 points and it will cover chapters 1 – 7. It will be given in week 6. The Final Examination will consist of 50 points and it will cover chapters 8 – 16. It will be given in week 12.

Instructor's Final Grade Determination: Your final grade will be based on the total points accumulated on the examinations, class participation, the will drafting assignment, and other homework assignments administered throughout the course. There is a total of 965 points issued for the class. The point distribution is based on the following (totaling 965 points):

1. 450 Points = Homework/Research Assignments (45 Course Assignments x 10 points per assignment. There are 37 Study Problems and 8 Discussion Questions)
2. 120 Points = Class Participation: 12 classes x 10 points per class for full attendance (partial points for partial attendance).
3. 55 Points = Weekly Summaries (11 Weekly Summaries worth 5 points each)
4. 80 Points = Will and Living Will Drafting Assignments (assigned in week 5 and due in Week 7). The Testamentary Will is worth 70 points and the Living Will is worth 10 points. We will review your first drafts in class after you take the Midterm Examination. Your instructions for this assignment are to prepare (draft) a will. Along with drafting your own Testamentary Will, I also want you to submit (attach) your own Living Will. When drafting your Testamentary Will, Please make sure you follow the contents (parts) of a valid will discussed in chapter 5 and outlined in my week 5 lecture. To safeguard against the legal consequences of drafting your will, I do not want you or your witnesses to sign this will (just leave the signature lines "blank" where you would sign and where you would require the witnesses to sign). More information will be provided in week 5.

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5. 10 Points = Power of Attorney for Health Care for the state of Illinois drafting assignment (assigned in week 5 and due in Week 6).
6. 10 Points = Durable Power of Attorney for the state of Illinois drafting assignment (assigned in week 5 and due in Week 6).
7. 50 Points = Midterm Examination
8. 50 Points = Final Examination
9. 140 Points = Chapter Vocabulary Quizzes. There will be 14 vocabulary quizzes given throughout the term. Each vocabulary quiz is worth 10 points. You will receive 10 points if you get a 100%, 9 points if your score is in the 90% range, 8 points if your score is in the 80% range, 7 points if your score is in the 70% range, 6 points if your score is in the 60% range, 5 points if your score is in the 50% range, and 0 points if your score is lower than a 50%. Vocabulary quizzes cannot be taken late (they must be completed the week they are provided by the instructor). If you do not complete these quizzes (absent the week a quiz is given), 0 points will be added to your overall grade.

Wills, Trusts, and Estate Administration – LEG 104
Spring Term 2018
Course Outline

Week 1 (Tuesday, February 27):

1. Introduction and Course Goals
2. Pretest

Topics Covered in Week 1:

1. Testate and intestate distribution.
2. The various types of property involved in wills, trusts, and estate administration.
3. The purpose, need, and requirements for a valid will.
4. The various types of trusts and the essential elements needed for the creation of a trust.
5. The need for (purpose of) and the procedures used in creating an estate plan.

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6. Probate proceedings and estate administration
7. Tax considerations in the administration of estates
8. Ethical principles affecting paralegals in the field of wills, trusts and estate administration

Objectives Covered in Week 1:

1. Understand the purpose and need for a valid will.
2. Differentiate between testate and intestate distribution.
3. Identify the various types of property involved in wills, trusts, and estate administration.
4. Demonstrate knowledge for the requirements of a valid will.
5. Draft a valid will.
6. Demonstrate knowledge of the various types of trusts and the essential elements needed for the creation of a trust.
7. Understand the need for and purpose of an estate plan and the procedures used in creating a plan.
8. Demonstrate knowledge of the processes involved in probate proceedings and estate administration.
9. Demonstrate knowledge of the tax considerations in the administration of estates.
10. Identify the ethical responsibilities of practicing paralegals in the field of wills, trusts, and estate administration.

Week 2 (Tuesday, March 06):

1. Chapter 1, The Estate Plan and the Purpose and Need for a Will
2. Chapter 2, The Concept of Property Related to Wills, Trusts, and Estate Administration

Topics Covered in Week 2:

1. Testate and intestate distribution.
2. The various types of property involved in wills, trusts, and estate administration.

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3. The purpose, need, and requirements for a valid will.

Objectives Covered in Week 2:

1. Understand the purpose and need for a valid will.
2. Differentiate between testate and intestate distribution.
3. Identify the various types of property involved in wills, trusts, and estate administration.
4. Demonstrate knowledge for the requirements of a valid will.

Week 3 (Tuesday, March 13):

1. Chapter 3, The Participants and the Proper Court
2. Chapter 4, The Law of Succession: Death Testate or Intestate

Topics Covered in Week 3:

1. Testate and intestate distribution.
2. The various types of property involved in wills, trusts, and estate administration.
3. The purpose, need, and requirements for a valid will.

Objectives Covered in Week 3:

1. Understand the purpose and need for a valid will.
2. Differentiate between testate and intestate distribution.
3. Identify the various types of property involved in wills, trusts, and estate administration.
4. Demonstrate knowledge for the requirements of a valid will.

Week 4 (Tuesday, March 20):

1. Chapter 5, Wills: Validity Requirements, Modification, Revocation, and Contests
2. Chapter 6, Preparation to Draft a Will: Checklists and the Conference with the Client

Topics Covered in Week 4:

1. Testate and intestate distribution.

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2. The various types of property involved in wills, trusts, and estate administration.
3. The purpose, need, and requirements for a valid will.

Objectives Covered in Week 4:

1. Understand the purpose and need for a valid will.
2. Differentiate between testate and intestate distribution.
3. Identify the various types of property involved in wills, trusts, and estate administration.
4. Demonstrate knowledge for the requirements of a valid will.

Week 5 (Tuesday, March 27):

1. Chapter 7, Final Draft and Execution of a Valid Will

Topics Covered in Week 5:

1. Testate and intestate distribution.
2. The various types of property involved in wills, trusts, and estate administration.
3. The purpose, need, and requirements for a valid will.

Objectives Covered in Week 5:

1. Understand the purpose and need for a valid will.
2. Differentiate between testate and intestate distribution.
3. Identify the various types of property involved in wills, trusts, and estate administration.
4. Demonstrate knowledge for the requirements of a valid will.
5. Draft a valid will.

Week 6 (Tuesday, April 03):

1. Midterm Examination, Chapters 1 – 7

Objectives Covered in Week 6:

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1. Our objective this week is to assess your knowledge of chapters 1 - 7 in Wills, Trusts, and Estate Administration for the Paralegal and the course/learning objectives covered in weeks 1 and 5.

Week 7 (Tuesday, April 10):

1. Chapter 8, Introduction to Trusts
2. Chapter 9, Classification of Trusts, the Living Trust and Other Special Trusts

Topics Covered in Week 7:

1. The various types of property involved in wills, trusts, and estate administration.
2. The various types of trusts and the essential elements needed for the creation of a trust.

Objectives Covered in Week 7:

1. Identify the various types of property involved in wills, trusts, and estate administration.
2. Demonstrate knowledge of the various types of trusts and the essential elements needed for the creation of a trust.

Week 8 (Tuesday, April 17):

1. Chapter 10, Estate Planning
2. Chapter 11, Long-Term Care

Topics Covered in Week 8:

1. The various types of property involved in wills, trusts, and estate administration.
2. The need for (purpose of) and the procedures used in creating an estate plan.

Objectives Covered in Week 8:

1. Identify the various types of property involved in wills, trusts, and estate administration.
2. Understand the need for and purpose of an estate plan and the procedures used in creating a plan.

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Week 9 (Tuesday, April 24):

1. Chapter 12, Personal Representatives: Types, Pre-Probate Duties, and Appointment
2. Chapter 13, Probate and Estate Administration

Topics Covered in Week 9:

1. The various types of property involved in wills, trusts, and estate administration.
2. Probate proceedings and estate administration.

Objectives Covered in Week 9:

1. Identify the various types of property involved in wills, trusts, and estate administration.
2. Demonstrate knowledge of the processes involved in probate proceedings and estate administration.

Week 10 (Tuesday, May 01):

1. Chapter 14, Informal Probate Administration
2. Chapter 15, Tax Considerations in the Administration of Estates

Topics Covered in Week 10:

1. The various types of property involved in wills, trusts, and estate administration.
2. Probate proceedings and estate administration.
3. Tax considerations in the administration of estates.

Objectives Covered in Week 10:

1. Identify the various types of property involved in wills, trusts, and estate administration.
2. Demonstrate knowledge of the processes involved in probate proceedings and estate administration.
3. Demonstrate knowledge of the tax considerations in the administration of estates.

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Week 11 (Tuesday, May 08):

1. Chapter 16, Ethical Principles Relevant to Practicing Paralegals and Legal Assistants

Topics Covered in Week 11:

1. Ethical principles affecting paralegals in the field of wills, trusts and estate administration.

Objective Covered in Week 11:

1. Identify the ethical responsibilities of practicing paralegals in the field of wills, trusts, and estate administration.

Week 12 (Tuesday, May 15):

1. Final Examination, Chapters 8 – 16
2. Posttest

Objectives Covered in Week 12:

Our objective this week is to assess your knowledge of chapters 8 – 16 in Wills, Trusts, and Estate Administration for the Paralegal and the Course Objectives covered in weeks 1 - 11.