

University of Arkansas - Fort Smith
5210 Grand Avenue
P. O. Box 3649
Fort Smith, AR 72913-3649
479-788-7000

General Syllabus

LEGL 2753 Wills, Trusts and Probate

Credit Hours: 3

Lecture Hours: 3

Laboratory Hours: 0

Prerequisite or corequisite: LEGL 2322 Civil Procedure, LEGL 2252 Family Law, or consent of program director

Effective Catalog: 2018-2019

I. Course Information

A. Catalog Description

Intensive study of testate and intestate inheritance, with special focus on the laws of Arkansas and Oklahoma. Emphasis is placed on the acquisition of knowledge and skills. Techniques for fact gathering, inheritance and estate tax principles, use of trusts, drafting and probate procedures will be covered.

B. Additional Information - None

II. Student Learning Outcomes

A. Subject Matter

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

1. List the order in intestate inheritance.
2. Identify the property in dower, curtesy, and homestead with or without children.
3. Distinguish ownership rights between joint tenancy, tenancy by the entirety and tenancy in common.
4. List the stages in a probate proceeding and distinguish the differences between intestate and testate.
5. Given a series of relevant cases, brief into component parts.
6. Given the resources of the law library, locate relevant statutes related to trust, probate and guardianship law.
7. Given a hypothetical client, conduct a fact gathering interview.
8. Given a set of statutes and form books, draft a will, a codicil, and a simple trust.

9. Given the resources of a form book, draft other documents necessary in the administration of an estate.

B. University Learning Outcomes

This course enhances student abilities in the following areas:

Communication Skills (written and oral)

Students will prepare legal documents routinely used in wills, trusts and probate. Students will use legal terminology associated with wills, trusts and probate.

Analytical Skills

Critical Thinking Skills- Students will identify the legal issues raised in a case or fact pattern as well as identify the rules that are relied upon to resolve the issues. Students will apply those rules to the issue or fact pattern and reach a logical resolution premised on and grounded in those rules.

Ethical Decision Making

Students will demonstrate an understanding of ethical issues inherent in the practice of law regarding wills trusts and probate.

III. Major Course Topics

- A. Forms of ownership of property
- B. Intestate vs. testate distribution
- C. Wills
- D. Drafting, formalities of execution and codicils
- E. Trusts and trustees
- F. Probate administration of testate estates
- G. Intestate estates
- H. Determination of descent
- I. Nonresident estates
- J. Refusal of letters
- K. Guardianship and conservatorship; incompetents