

Fundamentals of Trusts and Estates

Fundamentals of Trusts and Estates

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Roger W. Andersen
In Memory of Howard & Ethel and Bobbie & Bill

Ira Mark Bloom
To my wife, Margaret Roberts, and our grandchildren,
Claudia Elena Bloom and Sofia Anna Bloom

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Preface

This edition updates and selectively expands the prior edition to continue meeting the need for a lean set of materials, flexibly structured to accommodate 3-hour and 4-hour courses. The book seeks to present fundamental material clearly and concisely while providing creative vehicles for further inquiry. These materials, therefore, can also serve as the core for more extensive courses.

The trusts and estates course has always presented the range of human experience: caring and indifference, generosity and greed, comfort and pain, support and abandonment. In addition, current movements of the law provide a rich variety of debates, as new approaches challenge traditional doctrine. To help students develop skills and values to carry throughout their professional lives, this book's Questions and Problems illuminate both the human and the doctrinal dramas, often by placing students in various roles.

By focusing upon, expanding upon, or ignoring different Questions and Problems, teachers have the flexibility to structure their courses to meet their goals. The excerpted readings fulfill the same function—they can serve as background or as springboards for further inquiry. Policy debates, ethics issues, and practical considerations lace their way through the material.

Ira Bloom has taken primary responsibility for preparing this edition, which follows the largely traditional organization of earlier editions. The first chapter provides overviews of both the wealth transfer and the transfer tax systems, and introduces the topic of lawyer malpractice. Chapters on intestacy and wills develop the basic doctrines upon which the system depends. To facilitate an understanding of the law's movement toward integration, will substitutes are covered before discussing the problems caused by changed circumstances and the devices for protecting the family. The chapter on planning for incapacity serves as a bridge to a look at trusts, where we pay particular attention to the Uniform Trust Code and the Restatement (Third) of Trusts. A chapter covering future interests, including moves against the Rule Against Perpetuities, follows. The final chapter covers fiduciary administration. An Appendix contains forms that are useful at several stages in the course.

We also acknowledge with thanks the helpful and careful efforts of our editor, Elisabeth Ebben. Ira Bloom wishes to thank his research assistant, Bryan Bessette,

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Roger W. Andersen

Ira Mark Bloom

April 2017

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