

Fundamentals of Trusts and Estates

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SIXTH EDITION

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DISTINGUISHED PROFESSOR OF LAW
ALBANY LAW SCHOOL



CAROLINA ACADEMIC PRESS
Durham, North Carolina

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ISBN	978-1-5310-2484-0
eISBN	978-1-5310-2485-7
LCCN	2022935585
Looseleaf	978-1-5310-2490-1

Carolina Academic Press
700 Kent Street
Durham, NC 27701
(919) 489-7486
www.cap-press.com

Printed in the United States of America

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

To Margaret and our grandchild Ella Barrington Best
and her parents Rebecca and Rob Best
—Ira Mark Bloom

Contents

Table of Cases	xvii
Table of Statutes	xxxi
Preface	xliii
Acknowledgments	xlvi
Chapter 1 · Lawyers, Estates, and Trusts	3
§ 1.01 Opportunities	3
§ 1.02 An Overview of Inter-Generational Wealth Transfer	4
A. Probate	4
1. The Process	4
2. Is Probate Necessary?	11
B. Lifetime Transfers	12
1. Trusts	12
2. Other Lifetime Transfers	13
C. Guardianships and Conservatorships	14
D. The Uniform Codes and the Restatements	16
§ 1.03 Federal Wealth Transfer Taxes	17
A. A Unified System	20
B. The Gift Tax	22
C. The Estate Tax	23
1. The Gross Estate	23
2. The Marital Deduction	24
Lawrence J. Fox & Susan R. Martyn, <i>Red Flags: A Lawyer's Handbook on Legal Ethics</i>	26
D. The Generation-Skipping Transfer Tax	27
§ 1.04 Duties Lawyers Owe Clients (and Others)	28
<i>Fabian v. Lindsay</i>	29
<i>Schneider v. Finmann</i>	34
Chapter 2 · Intestacy	39
§ 2.01 Overview	39
A. Terminology	40
B. Survivorship	40
C. Choice of Law	42
D. Protective Provisions	42
E. The Structure of Intestate Schemes	44
1. Basic Aspects of Intestate Schemes	44

2. The Uniform Probate Code (UPC)	45
3. The 2008 UPC Intestacy Provisions	47
§ 2.02 Qualifying to Take	51
Susan N. Gary, <i>Adapting Intestacy Laws to Changing Families</i>	52
A. Spouses and Partners	53
B. Background on Descendancy	55
1. Descendancy in General	55
2. The Evolution of Parentage	56
C. Categories of Descendants Based on Parentage	59
1. Marital Children	59
2. Nonmarital Children	60
Browne Lewis, <i>Children of Men: Balancing the Inheritance Rights of Marital and Non-marital Children</i>	60
3. Adopted Persons	63
4. Children of Assisted Reproduction	68
a. Posthumous Children	69
Finley v. Commissioner, Social Security Administration	69
b. Assisted Reproductive Statutes	73
5. De Facto Parentage	79
6. Stepchildren	81
7. Half Bloods	81
D. Ancestors and Collateral Relatives	82
§ 2.03 Allocating Shares	83
A. Spouses	84
B. Descendants, Collaterals and Ancestors	85
1. Per Capita	86
2. Representation	86
a. Strict Per Stirpes	86
b. Per Stirpes: Per Capita with Representation	86
c. Representation: Per Capita at Each Generation	87
3. Drafting Lessons	90
Chapter 3 · Wills	95
§ 3.01 The Planning Process	95
Thomas Shaffer, <i>Death, Property, and Lawyers</i>	96
§ 3.02 Creation of Wills	99
A. What's a Will?	99
B. The Mental Element	102
1. Intention	102
In re Estate of Kuralt	102
2. Testamentary Capacity	106
In re Estate of Romero	107
Robert P. Roca, <i>Determining Decisional Capacity: A Medical Perspective</i>	111

3. Undue Influence	113
<i>In re Estate of Saucier</i>	116
Carla Spivack, <i>Why the Testamentary Doctrine of Undue Influence Should Be Abolished</i>	121
4. Fraud	126
5. Tortious Interference with Expectancy	127
Irene D. Johnson, <i>Tortious Interference with Expectancy of Inheritance or Gift — Suggestions for Resort to the Tort</i>	127
<i>In re Estate of Ellis</i>	128
C. Will Execution	134
1. The Policies	134
James Lindgren, <i>The Fall of Formalism</i>	134
Deborah S. Gordon, <i>Reflecting on the Language of Death</i>	135
2. A Typical “Statute of Wills”	136
a. In an Original Writing (usually)	137
b. Signed	138
c. Attested in the Testator’s Presence	139
<i>In re Demaris’ Estate</i>	139
d. By Competent Witnesses	141
<i>Estate of Parsons</i>	142
e. Some Other Rules	145
f. Attestation Clauses and Self-Proving Affidavits	145
3. Electronic Wills	149
4. Holographic Wills	150
Richard Lewis Brown, <i>The Holograph Problem — The Case Against Holographic Wills</i>	152
5. Mistake in Execution	154
George J. Alexander, <i>Premature Probate: A Different Perspective on Guardianship for the Elderly</i>	154
Bruce H. Mann, <i>Formalities and Formalism in the Uniform Probate Code</i>	155
<i>In re Estate of Wiltfong</i>	157
D. Protective Planning	164
1. Standing: Who Might Challenge	164
2. Structural Elements	165
3. Conduct	168
§ 3.03 Components of the Will	171
A. Integration	171
B. Incorporation by Reference	172
<i>Simon v. Grayson</i>	172
C. Independent Significance	176
§ 3.04 Interpreting Wills: Extrinsic Evidence	176
A. Patent and Latent Ambiguities	176
<i>In re Estate of Gibbs</i>	177

B. Interpretation or Reformation?	181
John H. Langbein & Lawrence W. Waggoner, <i>Reformation of Wills on the Ground of Mistake: Change of Direction in American Law?</i>	182
Restatement (Third) of Property (Donative Transfers)	183
<i>Flannery v. McNamara</i>	184
§ 3.05 Revocation	188
A. By a Writing or Physical Act	189
<i>Estate of Gushwa</i>	190
B. By Operation of Law	196
§ 3.06 Revival	197
§ 3.07 Dependent Relative Revocation	199
<i>In re Estate of Patten</i>	200
§ 3.08 Options for Safeguarding Wills	204
§ 3.09 Contracts Regarding Wills	206
<i>Ernest v. Chumley</i>	207
Chapter 4 · Lifetime Alternatives to Wills	215
John H. Langbein, <i>The Nonprobate Revolution and the Future of the Law of Succession</i>	215
Kent D. Schenkel, <i>Testamentary Fragmentation and the Diminishing Role of the Will: An Argument for Revival</i>	218
§ 4.01 Lifetime Gifts	220
<i>Henkle v. Henkle</i>	221
§ 4.02 Joint Interests	224
A. Joint Tenancy	225
B. Multiple Party Accounts	226
§ 4.03 Transfer on Death Deeds	227
§ 4.04 Property in Marriage	228
§ 4.05 Lifetime Trusts	229
A. Validity of Revocable Trusts	230
<i>Farkas v. Williams</i>	230
B. Ignoring Trust Form: Creditors' Rights in Revocable Trusts	240
<i>State St. Bank & Trust Co. v. Reiser</i>	240
§ 4.06 Life Insurance and Other Contracts	241
§ 4.07 Retirement Funds	243
A. Annuities	244
B. Pensions	244
1. Private Sector Benefit Plans	244
2. Public Retirement Plans	246
Chapter 5 · Changed Circumstances	249
Adam J. Hirsch, <i>Text and Time: A Theory of Testamentary Obsolescence</i>	249
John H. Langbein, <i>The Nonprobate Revolution and the Future of the Law of Succession</i>	251

§ 5.01 Acts of the Property Holder	254
A. Advancements	254
B. Satisfaction	255
<i>Yivo Institute for Jewish Research v. Zaleski</i>	256
C. Divorce	262
<i>Friedman v. Hannan</i>	263
§ 5.02 Acts of Beneficiaries	272
A. Disclaimers	272
<i>In re Estate of Holden</i>	272
B. Assignments of Expectancies	280
C. Misconduct	280
<i>In the Matter of the Swansons' Estates</i>	283
§ 5.03 Changes in Property	290
A. Classification of Gifts	291
B. Dividends and Stock Splits	292
C. Ademption	293
<i>Wasserman v. Cohen</i>	294
D. Abatement and Exoneration	299
1. Abatement	299
2. Exoneration	300
§ 5.04 Lapse	301
A. Traditional Antilapse Statutes	301
<i>Estate of Kehler</i>	302
B. The Uniform Probate Code	307
Chapter 6 · Public Policy Limitations on the Freedom of Testation	311
§ 6.01 Disinherited Spouses	311
A. Community Property	312
<i>In re Kobylski</i>	313
B. Dower	322
C. The Right to Elect	323
1. The Basics	323
2. Exceptions	325
<i>Bongaards v. Millen</i>	327
3. The Uniform Probate Code	340
a. The Original Augmented Estate	341
b. A Partnership Approach	342
<i>Lawrence W. Waggoner, The Multiple-Marriage Society and Spousal Rights Under the Uniform Probate Code</i>	342
D. Changes in Domicile	353
<i>Estate of Hanau v. Hanau</i>	354
E. Agreements Waiving Marital Rights	355
<i>In re Estate of Greiff</i>	356
§ 6.02 Forgotten Spouses and Children	360
<i>Ralph C. Brashier, Disinheritance and the Modern Family</i>	366

§ 6.03 Charitable Gifts	368
§ 6.04 Additional Public Policy Limits	368
Jeffrey G. Sherman, <i>Posthumous Meddling: An Instrumentalist Theory of Testamentary Restraints on Conjugal and Religious Choices</i>	368
<i>Hecht v. Superior Court</i>	373
Chapter 7 · Planning for Incapacity	381
§ 7.01 Property Management and Preservation	381
A. Durable Powers of Attorney	381
<i>Russ ex rel. Schwartz v. Russ</i>	382
Lawrence J. Fox & Susan R. Martyn, <i>Red Flags: A Lawyer's Handbook on Legal Ethics</i>	396
B. Long-Term Care Insurance	398
David M. English, <i>A Checklist for Long-Term Coverage: Know the Policy and Know Your Client</i>	398
§ 7.02 Health Care Decisionmaking	400
<i>Cruzan v. Director, Missouri Department of Health</i>	402
David M. English & Alan Meisel, <i>Uniform Health-Care Decisions Act Gives New Guidance</i>	407
Chapter 8 · Trusts	415
§ 8.01 An Overview	415
A. History	415
B. Modern Trust Law	416
C. Express, Resulting and Constructive Trusts	417
D. Terminology	419
E. Contemporary Reasons for Trusts	421
F. Choice of Law	421
§ 8.02 Creation	423
A. Intent	423
<i>Burton v. Irwin</i>	424
<i>In re Estate of Zukerman</i>	426
B. Trust Property	431
<i>Kully v. Goldman</i>	431
<i>Gordon v. Portland Trust Bank</i>	433
C. Trustee	435
D. Beneficiaries	438
<i>Morsman v. Commissioner</i>	438
E. Trust Purposes	445
F. Formalities for Trust Creation	447
§ 8.03 The Nature of a Beneficiary's Interest	449
A. Mandatory Trusts	449
1. Right to Income Trusts	449
2. Annuity Trusts	450
3. Unitrusts	450

B. Discretionary and Support Trusts	451
<i>Emmert v. Old National Bank of Martinsburg</i>	451
C. Transfers of Beneficial Interests in Trust	458
1. General Principles	458
2. Spendthrift Provisions and Other Restraints on Alienation	458
Adam J. Hirsch, <i>Spendthrift Trusts and Public Policy:</i>	
<i>Economic and Cognitive Perspectives</i>	459
a. Restraints on Voluntary Transfers	459
b. Restraints on Involuntary Transfers	461
<i>Broadway National Bank v. Adams</i>	461
<i>Shelley v. Shelley</i>	464
3. Asset Protection Trusts	471
4. Medicaid Eligibility	474
<i>Pohlmann v. Nebraska Department of Health and Human Services</i>	474
§ 8.04 Reformation, Modification, and Termination	482
A. Reformation and Modification Based on Ambiguity and Mistake	482
B. Termination and Modification Prescribed by Settlor	483
C. Termination and Modification by the Trust Beneficiaries	485
1. The <i>Claflin</i> Doctrine	486
<i>Claflin v. Claflin</i>	486
2. Indestructible Trusts	490
D. Judicial Modification or Termination	493
<i>In re Trusteeship of Mayo</i>	493
§ 8.05 Charitable Trusts	497
A. Creation and Enforcement of Charitable Trusts	498
<i>St. Mary's Medical Center, Inc. v. McCarthy</i>	498
B. Charitable Purposes	509
C. Modification (Cy Pres and Equitable Deviation)	513
1. Cy Pres	513
<i>Obermeyer v. Bank of Am., N.A.</i>	513
2. Equitable Deviation	523
<i>In re Estate of Wilson</i>	523
Chapter 9 · Planning for the Future: Successive Trust Interests	531
§ 9.01 Fundamentals	531
A. Dividing by Time	532
B. Defeasibility	532
C. Life Estates, Term of Years and Reversions	534
D. Remainders and Executory Interests	535
1. Vested Remainders	535
2. Contingent Remainders	536
E. Trusts and Future Interests	538
F. Problems in Classification	538
G. The Restatement (Third) of Property's Simplified Classification System	540

§ 9.02 Interpretation Questions	541
A. Survival	543
1. Traditional Approaches	543
<i>Swanson v. Swanson</i>	544
2. The UPC	549
Edward C. Halbach, Jr. & Lawrence W. Waggoner, <i>The UPC's</i> <i>New Survivorship and Antilapse Provisions</i>	552
Jesse Dukeminier, <i>The Uniform Probate Code Uponds the Law</i> <i>of Remainders</i>	554
B. Class Gifts	557
1. Status Questions	558
<i>First National Bank of Chicago v. King</i>	558
2. Class Closing	568
3. Class Gifts Involving Multiple Generations	570
a. Gifts to Descendants	570
b. Gifts to Heirs	573
i. Identifying Heirs	573
ii. The Rule in Shelley's Case	575
iii. The Doctrine of Worthier Title	576
iv. Drafting Gifts to Heirs	577
<i>Harris Trust and Savings Bank v. Beach</i>	577
4. The Rule in <i>Wild's Case</i>	582
C. Death without (or with) Issue	582
§ 9.03 Powers of Appointment	584
A. The Basics	585
1. The Players	585
2. Classification of Powers	586
a. Objects (Permissible Appointees)	586
b. Method of Exercise	587
3. Estate Tax Treatment	587
4. Who Owns the Property	587
B. Creation and Exercise	590
<i>Beals v. State St. Bank and Trust Co.</i>	590
§ 9.04 The Rule Against Perpetuities	598
A. Framework for Analysis	598
B. A Possibilities Test	603
<i>Perkins v. Iglehart</i>	603
C. Class Gifts	606
D. Powers of Appointment	610
1. Validity of the Power	611
2. Validity of the Appointed Interests	611
3. Takers in Default	612
E. Saving Clauses	613
<i>In re Estate of Lee</i>	613

F. Reform	616
1. Wait-and-See	617
<i>In re Estate of Anderson</i>	617
2. Reformation	621
<i>Berry v. Union National Bank</i>	622
Robert J. Lynn, <i>Perpetuities Literacy for the 21st Century</i>	624
3. The Restatement of Property's New Formulation of the Rule Against Perpetuities	626
G. Perpetuities Repeal Movement	628
§ 9.05 Other Rules on Dead Hand Control Over Trusts	633
A. The Rule Against the Undue Suspension of the Power of Alienation	633
B. The Rule Against the Unreasonable Accumulation of Trust Income	634
Chapter 10 · Problems in Administration	637
§ 10.01 An Overview	637
§ 10.02 Duty of Loyalty	641
<i>In re Estate of Hines</i>	641
Christopher H. Gadsden, <i>Ethical Guidelines for the Fiduciary's Lawyer</i>	648
§ 10.03 Managerial Issues	653
A. Duties and Powers	653
1. In General	653
2. Fiduciary Access to Digital Assets	659
a. Background	659
b. Revised Fiduciary Access to Digital Assets Act	660
i. In General	660
ii. Access to Digital Assets by Specific Fiduciaries	662
B. Investments	664
1. The Traditional "Prudent Man"	666
<i>In re Estate of Janes</i>	666
2. The Prudent Investor	673
Edward C. Halbach, Jr., <i>Trust Investment Law in the Third Restatement</i>	674
3. Delegation and Direction	680
a. Delegation	680
John H. Langbein, <i>Reversing the Nondelegation Rule of Trust-Investment Law</i>	680
Stewart E. Sterk, <i>Rethinking Trust Law Reform: How Prudent Is Modern Prudent Investor Doctrine?</i>	682
b. Direction	683
4. Settlor's Directions	686
<i>Americans for the Arts v. Ruth Lilly Charitable Remainder Annuity Trust</i>	686

C. Principal and Income Issues	693
1. Principal and Income Allocation Rules	694
2. Trustee's Adjustment Power	700
Jeffrey N. Gordon, <i>The Puzzling Persistence of the Constrained Prudent Man Rule</i>	700
3. The Noncharitable Unitrust Alternative	705
<i>In re Heller</i>	706
D. Other Fiduciary Duties	712
<i>Estate of Baldwin</i>	712
<i>Johnson v. Johnson</i>	718
E. Liability to Third Parties	728
§ 10.04 Remedies for Breach of Fiduciary Duties	729
A. Remedies in General	730
<i>In re Estate of Rothko</i>	732
B. Bars to Relief	739
<i>In re Williams</i>	739
Sample Documents	747
A. A "Simple" Will	747
B. A "Pour-over" Will	751
C. A Lifetime Trust	752
D. Power of Attorney for Property Management	759
E. Health Care Advance Directives	761
Index	767

Table of Cases

- A. v. B., 26
Abbot, In re Conservatorship of, 647
Acker, In re Estate of, 684
Adams v. Link, 489
Addington v. Texas, 405
Addison, In re, 243
Agnew v. Ross, Estate of, 36
Agreement of (see name of party)
Aimone, In re Estate of, 208
Ajemian v. Yahoo!, Inc., 659
Akerson v. Hamilton Cnty., 301
Alison D. v. Va. M., 57
Allen v. Hendrick, 434
Allen, In re Will of, 151
ALPS Property & Casualty Ins. Co. v. Higgerson, 36
Am. Law Inst. v. Commonwealth, 511
American Sodium Co. v. Shelley, 432
Americans for the Arts v. Ruth Lilly Charitable Remainder Annuity Trust, 686, 743
Americold Realty Trust v. Conagra Foods, Inc., 638
Anderson v. Anderson, 534
Anderson v. BNY Mellon, N.A., 565
Anderson v. Gilliland, 317
Anderson v. Liberty Lobby, 643
Anderson, In re Estate of, 617
Andress, Estate of, 62
Annie Quon Ann Lock Revocable Trust, In re, 571
Appeal of (see name of party)
Archer v. Anderson, 133
Archer v. Archer, 425
Armstrong, Estate of v. Armstrong, 288
Arvest Bank, Ex parte, 225
Ashton, In re Trust Under Will of, 638
Astrue v. Capato, 73
Attia, Estate of, 162
Attorney General v. Sanford, 506
Audette v. Poulin, 650
Austin v. City of Alexandria, 236
Austin v. Nelson, 456
Azcunce v. Azcunce, 174
Babbitt v. Youpee, 88
Baker v. Wood, Ris & Hames, PC, 36
Baker, Matter of Estate of, 150
Bakhaus, In re Estate of, 195
Bakos v. Kryder, 510
Baldwin v. Branch, 305, 546
Baldwin, Estate of, 712
Balfe, Matter of, 666
Bame, In re, 700
Bank of N.Y., Matter of, 667, 668, 669
Barcelo v. Elliott, 35
Barefoot v. Jennings, 235, 237
Barger, In re Estate of, 166
Barkema, In re Trust of, 479
Barnes v. Oceanus Nav. Corp., 598
Barnhart v. Barnhart, 720
Bassett v. Shoemaker, 643
Bassin, Matter of, 652
Bauer, In re Estate of, 296
Baxter v. State, 410
Bays v. Kiphart, 326
Beals v. State St. Bank and Trust Co., 590
Beatty v. Guggenheim Exploration Co., 222
Beggans' Will, In re, 140

- Belt v. Oppenheimer, Blend, Harrison
& Tate, Inc., 35
- Bennett, Estate of, 274
- Benson, In re Estate of, 306
- Bergheger v. Boyle, 212
- Berk, In re Matter of, 324
- Berke v. Fidelity Brokerage Services, 271
- Berry v. Union National Bank, 622
- Beu, In re Will of, 100
- Bewley v. Heady, 418
- Biakanja v. Irving, 30
- Bible Institute Colportage Ass'n v. St.
Joseph Bank & Trust Co., 501, 502
- Biewald, In re, 54
- Binns v. Vick, 441
- Birnbaum v. Birnbaum, 709
- Bitetzakis v. Bitetzakis, 138
- Bixby, Estate of, 647
- Bjork v. O'Meara, 133
- Blackstone Bank v. Davis, 461
- Blair v. Ing, 32, 34
- Blech v. Blech, 463
- Blechman v. Estate of Blechman, 219
- Bobula, In re Estate of, 288
- Bodin's Estate, 169
- Boeck, Will of, 179
- Boerstler v. Andrews, 293
- Boggs v. Boggs, 321
- Boice v. Mallers, 500
- Bonardi, Estate of, 488
- Bonds, In re Marriage of, 359
- Bongaards v. Millen, 327, 589
- Booth v. Kornegay, 483
- Boruch v. Nebraska Dept. of Health &
Human Servs., 476
- Bostwick v. Hurstel, 292, 294, 295
- Boutelle v. Boutelle, 424
- Bowers v. Hardwick, 404
- Bowers, Estate of, 202
- Boynton, Estate of v. Clark, 566
- Boysen, In re Estate of, 203
- Bradway, Matter of the Will of, 138
- Brainard v. Commissioner, 433
- Braunstein, Matter of, 296
- Breder, Estate of, 270
- Breeden v. Stone, 108, 109
- Brinkman, In re Estate of, 177
- Broadway National Bank v. Adams,
461, 487
- Bronson, Estate of, 395
- Brooke S.B. v. Elizabeth A.C.C., Matter
of, 58
- Brooke, Matter of, 57, 58
- Brooks, Estate of, 169
- Brown v. Fluharty, 162
- Brown v. Labow, 296
- Brown v. Poole, 419
- Brown, In re Estate of, 488
- Buboltz v. Birusingh, 127
- Bucci, Estate of, 40
- Buck v. Banks, 624
- Bullard v. Hoffman, 737
- Bullion Monarch Mining, Inc. v. Bar-
rick Gold Strike Mines, Inc., 629
- Burger, Estate of, 164
- Burney v. Allen, 140
- Burrier v. Jones, 514
- Burton v. Irwin, 424, 425
- C&D Investment Co. v. Gulf Transport
Co., 618, 619
- Cal. Ironworkers Field Pension Trust v.
Loomis Sayles & Co., 637
- Califano v. Webster, 525
- Calvin, Estate of, 638
- Camac, In re Estate of, 306
- Cameron v. Cameron, 354
- Campbell, In re Estate of, 606
- Canadyne-Georgia Corp. v. Nations-
Bank, 729
- Canarelli v. Eighth Judicial Dist. Ct.,
651
- Capobianco v. DiSchino, 429
- Carl J. Herzog Found. v. Univ. of
Bridgeport, 506
- Carlson, In re Estate of, 228
- Carmack v. Carmack, 326
- Carmack v. Place, 225
- Carmack v. Reynolds, 463

- Carnahan v. Johnson, 496
 Carr v. Carr, 324
 Carrier v. Carrier, 722
 Carter v. Berry, 618
 Carter v. Carter, 677
 Castellano, Estate of, 67
 Castro, Estate of, 163
 Catch v. Phillips, 594
 Certain Scholarship Funds, In re, 527
 Cessac v. Stevens, 594
 Chambers v. Bringenberg, 228
 Chandler, United States v., 220
 Chase Manhattan Bank, In re, 671, 672
 Chastain v. Hiltabidle, 30
 Chavin v. PNC Bank, 548
 Chester v. Martin, 361
 Childres, In re Estate of, 220
 Chong, In re Estate of, 435
 Citizens State Bank v. Kaiser, 277
 Cittadine v. Indiana Dep't of Transp.,
 500
City of (see name of city)
 Claflin v. Claflin, 486
 Clalit Health Servs. v. Isr. Humanitar-
 ian Found., 425
 Clarice Temple Carney v. Carney, In re
 Will of, 189
 Clark v. Campbell, 441
 Clark, In re, 722
 Clark, Matter of, 667
 Clarke's Will, In re, 720, 723
 Clarkson, In re Estate of, 323
 Cleary v. Cleary, 496
 Cleopatra Cameron Gift Trust, 463
 Cleveland Trust Co. v. Eaton, 672
 Clinger v. Clinger, 120
 Clobberie's Case, 547, 548
 Cobb v. Gramatan Nat'l Bank & Trust
 Co., 668
 Cody v. United States, 447
 Cogswell v. Cogswell et al., 466, 468
 Cohen v. Raymond, 223
 Coker, In re, 472
 Coleman, Estate of, 239
 Collins, Estate of, 146
 Collison v. Dir. of Revenue, 238
 Colman's Will, In re, 547
 Comfort v. Higgins, 516
 Commerce Bank, N.A. v. Blasdel, 574
 Condee v. Trout, 581
 Connary v. Shea, 297
 Conrad, In re Estate of, 355
 Conte v. Ditta, 730
 Continental Bank, N.A. v. Herguth, 561
 Cook v. Cook, 166, 429
 Cooley v. Williams, 533
 Cooper, Estate of, 306
 Corbett Estate, 303
 Corcoran v. Dep't of Soc. Servs., 479
 Cordon v. Fishman, 270
 Cornell v. Johnson, In re Revocable
 Family Trust of, 547
 Cote v. Cote, 127
 Coulter & Smith v. Russell, 605
 Courtenay C. & Lucy Patten Davis
 Found. v. Colo. State Univ.
 Research Found., 506
 Cove Irrevocable Trust, In re, 495
 Covert, In re Estates of, 288
 Cowee v. Cornell, 357
 Craig, In re, 364
 Crisp Area YMCA v. Nationsbank,
 N.A., 511, 521
 Croft v. Alder, 117
 Crosby v. Alton Ochsner Medical
 Found., 203
 Crosby v. Luehrs, 646
 Cross, In re Estate of, 323
 Crummey v. Commissioner, 22, 23
 Cruzan v. Director, Missouri Depart-
 ment of Health, 402
 Cruzan v. Harmon, 403
 Cundall v. Mitchell-Clyde, 236
 Cundall v. U.S. Bank, 744
 Cunningham v. Stender, 108, 109
 Curry v. Cotton, 210
 Curry, In re Estate of, 425
 Curtiss, Matter of, 668

- Cutler v. Ament, 148
Dabney, In re Estate of, 117
Daloia v. Franciscan Health Sys., 523
Damon, In re Estate of, 571
Dansko Holdings, Inc. v. Ben. Tr. Co., 738
Dardovitch v. Haltzman, 735
Darty v. Grauman, 419
Davidson v. Blaustein, 720
Davies, Estate of, 166
Davis v. Davis (Nev. 2017), 683
Davis v. Davis (Tenn. 1992), 374, 377
Davis v. Davis (Va. 2019), 395
De Prins v. Michaelaes, 472
De Witt v. Duce, 132
Deardoff, Estate of, 206
DeHart v. DeHart, 65
Delaune v. U.S., 274
DelFosse, In re, 236
Dellinger, Estate of v. 1st Source Bank, 148
DeMaris v. Asti, 32
Demaris' Estate, In re, 139
Dennis Ekstrom, In re, 241
Dennis v. Rhode Island Hosp. Trust Nat'l Bank, 672
Dentler Family Trust, In re, 395, 743
Derblom v. Archdiocese of Hartford, 505
Deskovic, In re Estate of, 138
Detzel v. Nieberding, 305
Diaz v. Bukey, 167
Dickinson v. Wilmington Trust Co., 596
Ditta v. Conte, 744
Doksansky v. Norwest Bank Neb., 478
Domo v. McCarthy, 459
Donner, Matter of Estate of, 372
Donner, Matter of, 667, 668, 670
Dougherty v. Cole, 288
Dow, In re Estate of, 361, 364
Dower, In re Estate of, 241, 300
Dowling v. Rowan, 339
Dralle, Matter of, 146
Druck, In re, 457
Duckwall v. Lease, 306
Duke, Estate of v. Jewish National Fund, 181
Dumont, Will of, 671
Duncan v. Rawls, 429
Dunn v. Patterson, 237
Duran, In re Estate of, 193
Duroske Marital Trust, In re, 237, 483
Duvall v. McGee, 470
Dwight's Trust, In re, 672
East v. Estate of East, 500
Easterday, In re Estate of, 271
Eaton v. Eaton, 467
Eckes v. Richland Cty. Soc. Serv., 477, 478
Eddy v. Colonial Life Insurance Co., 643
Edmundson v. Estate of Fountain, 105
Edwards v. Hammond, 536
Edwards v. Urice, 594
Edwards, Matter of, 289
Egelhof v. Egelhof, 245, 271
Egglee, Estate of, 189
EGW v. First Fed. Sav. Bank, 368
Ehlen v. Ehlen, 723
Ehrenclou v. MacDonald, 566
Ehrlich, In re Estate of, 162
Eimers, Estate of v. Eimers, 594
Elizabeth A. Briggs Revocable Living Trust, In re, 236
Elkins, Estate of, 521
Ellerbeck v. Haws, 106
Ellis First Nat'l Bank v. United States, 518
Ellis, In re Estate of, 128
Emmert v. Old National Bank of Martinsburg, 451
Emmet Cnty. Bd. of Supervisors v. Ridout, 480
Eng Khabbaz v. Comm'r, Soc. Sec. Admin., 71
Ernest v. Chumley, 207, 210, 418
Erwin, Estate of v. Nash, 324

- Espinosa v. Sparber, Shevin, Rosen and Heilbronner, 35
- Estate of (see name of deceased)**
- Evans v. Abney, 512
- Evans, In re Estate of, 305
- Ex parte (see name of party)**
- Eychaner v. Gross, 425
- Eyerman v. Mercantile Trust Co., 371
- Fabian v. Lindsay, 28, 29
- Facebook, Inc., In re, 659
- Fankboner, In re v. Pallatin, 117, 119
- Fannie Mae v. Heather Apartments Ltd. Partnership, 463
- Farkas v. Williams, 230, 428, 434, 447
- Farmer v. Broadhead, 425
- Feeney v. Feeney, 534
- Feinberg, In re Estate of, 372
- Feldman, In re Estate of, 289
- Fenske, In re, 730
- Ferguson v. Critopoulos, 362
- Ferguson v. Ferguson, 429
- Ferguson v. Owens, 222
- Ferrell v. Stinson, 220
- Ferri v. Powell-Ferri, 484
- Festing v. Allen, 537
- Fickett v. Superior Court, 16
- Fiduciary Trust Co. v. First Natl. Bank, 240, 592
- Fields v. Lewis, 545
- Finch v. Wachovia Bank & Trust Co., 456
- Finley v. Commissioner, Social Security Administration, 69
- First Alabama Bank of Huntsville, N.A. v. Spragins, 688
- First Nat'l Bank of Kansas City v. Jacques, 517
- First Nat'l Bank of Kansas City v. Stevenson, 515
- First Nat'l Bank v. Danforth, 512
- First Nat'l Bk v. Ingold, 594
- First National Bank of Chicago v. King, 558
- First Presbyterian Church of Salem v. Tarr, 502
- First United Presbyterian Church v. Christenson, 208
- Fisher v. Ladd, 487
- Flannery v. McNamara, 184
- Fleisch v. First Am. Bank, 489
- Flint, In re Trust under Will of, 489, 496
- Flygare, In re, 479
- Foertsch, In re, 297
- Foran, In re Marriage of, 359
- Ford v. Hegwood, 223
- Ford, In re Estate of, 64
- Forgey, In re Estate of, 647, 726, 737
- Forman v. Whitney, 454
- Fortune v. First Trust Co., 741
- Foster v. Foster, 638
- Fournier, In re Estate of, 447
- Franklin v. Anna National Bank, 226
- Frei Irrevocable Trust Dated Oct. 29, 1996, In re, 483
- Friedman v. Hannan, 263
- Friedman, In re, 279
- FTC v. Affordable Media, LLC, 472
- Fulp v. Gilliland, 235
- Fund for Encouragement of Self Reliance, Matter of, 485
- Funk, Estate of, 189
- Fussell, Estate of v. Fortney, 300
- Gambrill v. Gambrill, 603
- Gardiner, Estate of, 54
- Garland v. Miller, 488
- Garwood, In re Estate of, 643
- Geddings v. Geddings, 359
- Gelber v. Glock, 236
- General Convention of New Church in U.S. v. Smith, 504
- George Parsons 1907 Trust, In re, 744
- Gerard, In re Estate of, 120
- Getty, In re, 165
- Gibbs, In re Estate of, 177
- Gifford v. Dyer, 364
- Gillett-Netting v. Barnhart, 72
- Gilliland v. Elmwood Properties, 275
- Gilmore, In re, 364

- Gilroy, In re, 596
Giraldin, In re, 235
Glass v. Faircloth, 488
Goding v. Wilson, 738
Godley v. Valley View State Bank, 430
Goldman v. Rubin, 643
Gomez, Estate of v. Smith, 652
Goodwin, In re, 571
Gordon v. Gordon, 372
Gordon v. Kleinman, 165
Gordon v. Portland Trust Bank, 433
Gordon v. Bialystoker Ctr. & Bikur
Cholim, Matter of, 356, 357
Gowdy v. Cook, 429
Grady v. Grady, 271
Graham v. Graham (N.C. 1849), 140
Graham v. Graham (N.Y. 1894), 357
Green v. Richmond, 206
Greenblatt, Estate of, 646
Greenhall Invs., L.L.C. v. Wiese Dev.
Corp., 624
Greer, United States v., 470
Gregoire v. Gregoire, 418
Greiff, In re Estate of, 84, 356
Grenz, In re Estate of, 120
Griffith, Estate of, 141
Grigaitis v. Soucy, 361
Gulbankian, State v., 204
Gushwa, Estate of, 190, 194, 196
H. Ripley Thompson, Estate of v.
Thompson, 327
Hahn, Matter of, 667
Hall v. Eaton, 372
Hall, In re Estate of (N.D. 2019), 352
Hall, In re Estate of (Wash. App. 1972),
201
Hamel v. Hamel, 166
Hammerman v. Northern Trust Co.,
651
Hanau, Estate of v. Hanau, 354
Hardage v. Hardage, 510
Hargrove v. Rich, 597
Hargrove's Will, 112
Harlan v. Lee, 643
Harms, In re Estate of, 384
Harp v. Pryor, 658
Harper v. Harper, 280
Harris Trust & Sav. Bank v. Beach, 39,
548, 577
Harrison v. Morrow, 166
Harvard College v. Amory, 664
Harvey ex rel. Gladden v. Cumberland
Tr. & Investment, 16, 730
Hastings v. PNC Bank, NA, 743
Hatch v. Riggs National Bank, 491
Hawkins v. Hawkins, 359
Haynes v. First National State Bank of
New Jersey, 120
Hays v. Harmon, 501
Hecht v. Superior Court, 373
Heil, Estate of v. Heil, 281
Heinrich v. Silvernail, 120
Heirs of (see name of decedent)
Heisinger v. Cleary, 658
Heisinger v. Dillon, 444
Heller, In re, 706
Hendrickson, In re Estate of, 575
Henkle v. Henkle, 221, 228
Herman v. Ortego, 265
Herring v. Herring, 645
Herron v. Stanton, 503
Hertel v. Nationsbank N.A., 457
Higbee v. Rodeman, 504
Hillman v. Hillman, 589
Hillman v. Maretta, 271
Hilpert, In re Estate of, 296
Hines, In re Estate of, 641
Hobert, Matter of, 543
Hochberg v. Proctor, 595
Hodel v. Irving, 88
Hodge ex rel. Welch v. Waggoner, 288
Hodge, Heirs of, 64
Hodges v. Johnson (N.H. 2017), 16, 485
Hodges v. Johnson (N.H. 2020), 485
Hodnett v. Hodnett, 120
Hogan, In re Estate of, 425
Hogsett v. Neale, 54
Holden, In re Estate of, 272

- Hollingsworth v. Hollingsworth, 141
 Holman v. Ryon, 643
 Homan v. Unsupervised Estate of Homan, 437
 Home for Incurables of Baltimore City v. Univ. of Md. Med. Sys. Corp., 522
 Honse, In re Estate of, 296
 Hood v. Todd, 567
 Horgan v. Cosden, 488
 Hornung v. Stockall (In re McDowell Revocable Trust), 595
 Horrigan, Estate of v. Ladner, 418
 Horst v. Horst, 205
 Horton Irrevocable Trust, In re, 479
 Horton, In re Estate of, 162
 Houlahan Trust, In re, 744
 Howard Sav. Inst. v. Peep, 525
 Hubbell, Matter of, 667
 Hubbell's Will, In re, 672
 Huber, In re, 473
 Hunter v. Hunter, 429, 727
In re (see name of party)
In re Adoption of (see name of party)
In re Estate of (see name of deceased)
In re Marriage of (see name of party)
In re Matter of (see name of party)
In re Trust Created by (see name of settlor)
In re Trust under (see name of settlor)
In re Will of (see name of testator)
 Inman, In re Trust Created by, 645, 672
 Irrevocable Trust Agreement of 1979, In re, 482, 483
 Irvine v. Oaas, Estate of, 183
 Irving v. Divito, 150, 162
 Isanogel Ctr., Inc. v. Father Flanagan's Boys' Home, Inc., 505
 Ivey v. Ivey, 362
 Jackson v. Phillips, 510
 Jacob v. Davis, 684, 720, 721
 Jaffe v. Pournaras, 595
 Janes, In re Estate of, 666, 736
 Jee v. Audley, 605
 Jeremy Paradise Dynasty Trust, In re, 730
 Jhordan C. v. Mary K., 375
 Jill Petrie St. Clair Trust Reformation, In re, 482
 Jo Ann Howard & Assocs., P.C. v. Nat'l City Bank, 737
 Johnson v. Greenelsh, 429
 Johnson v. Johnson (Md. Ct. App. 2009), 718, 723, 724
 Johnson v. Johnson (Okla. 1954), 175
 Johnson v. Rogers, 364
 Johnson v. Shriver, 588
 Johnson, Estate of, 112, 164
 Johnston v. Wheeler, 297
 Jones, In re Estate of, 730
 Joseph Pimental Medeiros Testamentary Trust, In re, 564, 565
 Josephson, Matter of Estates of, 287
 JP Morgan Chase Bank, N.A. v. Longmeyer, 727
 Jud, In re Estate of, 212
 Juliano & Sons Enters. v. Chevron, Inc., 624
 Karsenty v. Schoukroun, 326
 Kehler, Estate of, 302, 581
 Kehr Will, 138
 Kendra, In re Marriage of, 418
 Kennewick Pub. Hosp. Dist. v. Hawe, 602
 Kenny v. Citizens Nat. Trust & Say. Bank of Los Angeles, 720
 Keough, Matter of, 101
 Kern, In re Estate of, 576
 Kerwin v. Donaghy, 328, 329, 330
 Kibbee v. First Interstate Bank, 235
 Kidwell v. Rhew, 364
 Kiene v. Wash. State Bank, 168
 Kiknadze v. Elis, 194
 Kimmel's Estate, 138
 King v. Talbot, 667
 Kinnett v. Hood, 323
 Kissinger, In re, 288
 Klabacka v. Nelson, 472

- Klooz v. Cox, 212
 Kobylski, In re, 313
 Kolb v. City of Storm Lake, 522
 Kolb, In re, 277
 Kremer, In re Estate of, 120
 Kretzer v. Brubaker, 212
 Kristof v. Centier Bank, 496
 Kritsch, In re Estate of, 208
 Kronauge v. Stoecklein, 189
 Kryzsko v. Ramsey Cnty. Soc. Servs.,
 479
 Kuhn, In re Estate of, 162
 Kulig, In re Trust under Deed of, 364
 Kullbom v. Kullbom, 432
 Kully v. Goldman, 431
 Kuralt, In re Estate of, 102, 151
 Kurkowski, In re Estate of, 717
 Kurrelmeyer, In re Estate of, 395
 Kuruzovich, Estate of, 304
 L.B. Research & Educ. Found. v. UCLA
 Found., 506
 L.J.M., In re Matter of the Parentage of,
 52, 80
 L.N., In re, 410
 Laborers' Pension Fund v. Miscevic,
 289
 Lady Truro, In re Goods of, 173
 Lake of the Woods Ass'n v. McHugh,
 565
 Lakeside Hosp. Ass'n v. First Nat'l
 Bank, 512
 Lanagan v. Rorke, 457
 Larsen v. Stack, 534
 Latham v. Father Divine, 133
 Lattig, In re Estate of, 425
 Lauga, Succession of, 361
 Law v. Law, 672
 Lawler, Estate of v. Weston, 117
 Lawson v. Lawson, 548
 Laymon v. Minnesota Premier Proper-
 ties, L.L.C., 292
 Le Gassick v. University of Michigan
 Regents, 506
 Leake v. Robinson, 606
 Leavey, In re Estate of, 141
 Lee, In re Estate of, 613
 Leix Estate, In re, 211
 Leonardi v. Leonardi, 206
 Leventritt, In re Estate of, 60
 Levings v. Danforth, 514, 517
 Lewis v. Atkins, 501
 Lewis, In re Estate of, 161
 Liberman v. Liberman, 371
 Lilyhorn v. Dier, 34
 Liner, Succession of, 162
 Linkins v. Protestant Episcopal Cathe-
 dral Found., 203
 Linthicum v. Rudi, 237
 Lipper v. Weslow, 166, 167
 Lippincott v. Lippincott, 467
 Little, In re Estate of, 183
 Lloyd, In re, 316
 Loar v. Massey, 456
 London v. Harris, 148
 Longworth, In re, 144
 Loyola College, 260
 Lucas v. Hamm, 28, 31, 32
 Luce, In re Estate of, 138
 Lucker v. Bayside Cemetery, 506
 Luke v. Stevenson, 557
 Luongo, Estate of, 164
 Macintyre v. Wedell, 237
 MacMackin Nominee Real Estate
 Trust, Matter of, 496
 Maheras, Estate of, 120
 Mahoney v. Grainger, 185
 Malachowski v. Bank One, Indianapo-
 lis, 672
 Mangel, In re Estate of, 305
 Mangels v. Cornell, 238
 Mannara, In re, 425
 Maria-Irene D., Matter of, 58
 Marine Midland Bank, N.A., In re, 547
 Markofske, Estate of, 195
Marriage of (see name of party)
 Marsh v. Frost Nat'l Bank, 511
 Marshall & Iisley Trust Co., N.A. v.
 Woodward, 724

- Marshall v. Marshall, 10, 130
Marshall v. Stern, 10
Martin B., Matter of, 570
Martin v. Dieringer, 644
Martin v. Martin, 483
Martin, In re Trust Created by, 672
Martin's Will, Re, 453
Martino v. Martino, 546
Marvin v. Marvin, 168
Mary R. Latimer Trust, In re, 496
Mason v. Mason, 105
Mason v. Torrellas, 235
Mathew, Estate of, 288
Matson, In re Marriage of, 359
Matter of (see name of party)
Matthew Larson Trust Agreement, In re, 482
Mayo, In re Trusteeship of, 493
McAleeer, In re Estate of, 651
McArthur v. McArthur, 730
McCann, In re Will of, 741
McCarthy v. Aetna Life Ins. Co., 243
McCarthy v. Taylor, 236
McFarland, In re Estate of, 304
McGregor v. McGregor, 488, 489
McIntyre, In re Probate Appeal of, 730
McKenzie v. Vanderpoel, 166
McMurtrie v. McMurtrie, 429
McNeil v. McNeil, 647, 730, 743
Meduna v. Holder, 621
Megiel-Rollo v. Megiel, 482
Meima v. Broemmell, 425
Meinhard v. Salmon, 644
Merrick v. Mercantile-Safe Deposit & Trust Co., 596
Michoud v. Girod, 642
Micki D. Thompson, In re Estate of, 150
Miller v. Bank of Am., N.A., 736
Miller v. SRS, 477
Miller v. Walker, 565
Milton Hershey School Trust, In re, 508
Mississippi Univ. for Women v. Hogan, 526
Mitchell, Estate of, 150
Moffatt v. Heon, 296
Molloy v. Bane, 277
Moody, In re Will of, 144
Moore v. Regents of University of California, 374
Moore, Estate of, 154, 155
Moos' Estate, In re, 201
Morgan v. Superior Court of Orange County, 651
Morse v. Converse, 296
Morse v. Kraft, 484
Morsman v. Commissioner, 438, 538
Mortensen, In re, 473
Moseley v. Goodman, 179
Mosser v. Darrow, 643
Mow v. Baker, 255
Muller, In re Estate of, 717
Mullins v. Ratclif, 117
Murphy v. Richert, 10, 735
Murphy v. Shehan, 565
Nagle, In re Estate of, 11
Nakoneczny Estate, 296
Nass's Estate, In re, 547
National Shawmut Bank v. Cumming, 339
Nelson v. First National, Bank & Trust Co. of Williston, 690
Nelson v. Kring, 522
Nevin v. Union Trust Co., 34
New Britain Bank & Tr. Co., Appeal of, 700
New State Ice Co. v. Liebmann, 407
Newcomer v. Nat'l City Bank, 743
Newman v. Dore, 326
Nichols v. Suiter, 270
Nielsen v. Cass County Social Servs. Bd., 277
Niemann v. Vaughn Cmty. Church, 496, 523
Niki & Darren Irrevocable Tr., In re, 417
Nobbe v. Nobbe, 297
Noble v. Bruce, 34

- Norris, In re Marriage of, 359
 Norwood v. Barclay, 304, 306
 Noveletsky v. Metropolitan Life Insurance Company, 16, 645
 Novotny, Guardianship & Conservatorship of, 483
 O'Connor, Estate of, 594
 O'Donnell, In re, 181
 O'Neal v. Wilkes, 64
 O'Neill, In re, 7
 O'Toole v. Central Laborers' Pension & Welfare Funds, 252
 Oaks, In re Estate of, 223
 Obergefell v. Hodges, 54
 Obermeyer v. Bank of Am., N.A., 513
 Old People's Home of Evangelical Ass'n of Ebenezer, N.Y. v. South Bend Old People's Home, 501, 502, 503
 Oliver v. Fowler, 321
 Ollife v. Wells, 448
 Orrell v. Cochran, 148
 Osornio v. Weingarten, 120
 Otto v. Gore, 566
 Oursler v. Armstrong, 210
 Palma, In re, 425
 Paloutzian v. Taggart, 565
 Palozie v. Palozie, 425
 Panzirer v. Deco Purchasing & Distrib. Co., 220
 Parish v. Parish, 106
 Parker v. Benoist, 166
 Parris v. Ballantine, 566
 Parsons, Estate of, 142, 277
 Passarelli Family Trust, In re, 168, 428
 Patricia Bixby McHugo, In re, 206
 Patten, In re Estate of, 200
 Paul F. Suhr Trust, In re, 483
 Paulson v. Paulson, 470
 Pavletich v. Pavletich, 144
 Paxson Trust I, In re, 645
 Payne, In re Estate of, 300
 Pedersen v. Dempsey, 131
 Peierls Family Inter Vivos Trusts, In re, 638
 Perez, In re Estate of, 106
 Perkins v. Iglehart, 603
 Perosi v. LiGreci, 395
 Pestrikof v. Hoff, 339
 Petelle, In re, 84
 Pfannenstiehl v. Pfannenstiehl, 470
 Phelps v. Shropshire, 619
 Phillips v. Ledford, 62
 Phillips v. Moore, 596
 Phillips v. Najar, 138
 Phillips, Matter of, 356, 358
 Phipps v. Palm Beach Trust Co., 484
 Phoenix, City of v. Garbage Servs. Co., 729
 Pickelner v. Adler, 448
 Pickens v. Estate of Fenn, 148
 Pierce v. Doyle, 589
 Pike Family Trusts, In re, 488
 Plance, In re Estate of, 437
 Podgorski, In re Estate of, 270
 Pohlmann v. Nebraska Department of Health and Human Services, 474
 Pomar v. Hash, 162
 Popp v. Rex, 483
 Portillo v. Shappie, 318
 Potter v. Potter, 219
 Potter v. Smith, 643
 Potter, In re, 457
 Preston v. Chabot, 288
 Price v. Johnson, 296
 Proctor v. American Security & Tr. Co., 700
 Provident Life and Accident Ins. Co. v. Little, 416
 Provident Tr. Co. v. Radford, 297
 PSI Energy, Inc. v. Roberts, 688
 Pullum v. Pullum, 183
 Purdy v. Lynch, 667
 Putnam v. Putnam (Mass. 1974), 185
 Putnam v. Putnam (Mass. 1997), 185, 187
 Putnam, In re Estate of, 112
 Putnam's Will, 120
 Quick v. Pearson, 744

- Quick v. United Benefit Life Ins. Co., 286
Quinlan, In re, 401, 403
Quirin, Estate of, 170
R.B. Plummer Mem. Loan Fund Trust,
 In re, 521
Rabin, In re Estate of, 652
Rachal v. Reitz, 167, 730
Racht, In re Estate of, 84
Radford, In re Estate of, 262
Rafalko v. Georgiadis, 429, 455
Rafert v. Meyer, 726, 743
Ramsey v. City of Brookfield, 516
Ranney, In re Will of, 156
Rauch v. Rauch, 209
Reagh v. Kelley, 441
Rector v. Tatham, 280
Reed v. Eagleton, 517
Reed v. Roberts, 140
Regions Bank v. Lowrey, 738
Register of Wills v. Cook, 510
Reid, In re Estate of, 123
Reineck v. Lemen, 395
Reisman, In re Estate of, 596
Reliance Trust Co. v. Candler, 736
Renard, In re Estate of, 339
RFT Mgmt. Co. v. Tinsley & Adams
 L.L.P., 30
Rhein v. Wheltle, 258, 259, 260
Richards v. Humphreys, 294
Rickard v. McKesson, 567
Ricketts, Estate of, 148
Riggs Nat'l Bank v. Zimmer, 651
Riggs v. Palmer, 281
Riley v. New York Trust Co., 42
Robert Paul P., In re Adoption of, 168
Robert T. McLean Irrevocable Trust v.
 Davis, 684
Robert T. McLean Irrevocable Trust v.
 Ponder, 684
Robertson v. Central Jersey Bank &
 Trust Co., 688
Robinson v. Benton, 34
Robinson v. First State Bank of Monticello,
 130, 131
Robison v. Graham, 212
Rodgers v. Rodgers, 296
Roenne v. Miller, 456
Rogers v. Estate of Pratt, 361, 364
Roll v. Newhall, 557
Rollins v. Rollins, 648
Romero, In re Estate of, 107
Ron v. Ron, 684
Rose v. Firststar Bank, 638
Rose v. Waldrip, 435, 437
Rosenbloom v. Kokofsky, 144
Rosso, In re, 644
Rotert v. Stiles, 446
Rothko, In re Estate of, 644, 732
Rothko, Matter of, 667, 736
Royal, In re Estate of, 158, 159
Royce v. Estate of Denby, 364
Ruotolo v. Tietjen, 305
Rush University Medical Center v. Sessions,
 472
Russ ex rel. Schwartz v. Russ, 226, 382
Russell v. Chase Investment Services
 Corp., 383
Russell v. Pasik, 73
Russell v. Yale Univ., 506
Russell, Estate of, 181
Rutanen v. Ballard, 688
Ruth Easton Fund, In re, 521
Ryan v. Ryan, 211
Ryan, In re Matter of, 141
Rybolt, Estate of, 384
Rydde v. Morris, 29
Safran, In re Estate of, 281
Sanders v. Riley, 65
Sanders v. Yanez, 566
Sanders, State v., 418
Sandstead-Corona v. Sandstead, 429
Sanger, In re Estate of, 425
Santosky v. Kramer, 405
Sarkar, In re Revocable Trust Created
 by, 326
Saucier, In re Estate of, 116
Scalfaro v. Rudlof, 237
Scheffel v. Krueger, 470

- Scheidmantel, In re, 672, 743
Schell v. Dep't of Pub. Welfare, 277
Scherer, Estate of, 65
Schilling v. Herrera, 131, 132
Schlobohm v. Spa Petite, Inc., 740, 741
Schmidt v. Wachovia Bank, N.A., 575
Schmidt, Matter of, 146
Schneider v. Finmann, 34
Schoneberger v. Oelze, 730
Schreiner v. Scoville, 35
Schwerin Jr. v. Bessemer Trust Company, 571
Scobey v. Beckman, 500
Scott v. Bank One Trust Co., N.A., 464
Scott, Estate of, 594
Scott, Matter of, 524
Scribner v. Berry, 565
Seader, In re Estate of, 306
Sears v. Choate, 486, 487
Second Bank-State-St. Trust Co. v. Pinion, 240
Seidenberg v. Seidenberg, 467, 468
Seifert v. Southern National Bank, 339
Self v. Slaughter, 211
Sellick v. Sellick, 324
Senfour Investment Co. v. King Cnty., 440
Serrano, Matter of, 662
Sewall v. Wilmer, 592
Shaak v. Pa. Dep't of Pub. Welfare, 479
Shaffer, In re Estate of, 162
Shalkhauser v. Beach, 305
Sharp, Matter of, 202
Shaw Family Archives Ltd. v. CMG Worldwide, Inc., 101
Shawmut Bank, N.A. v. Buckley, 186
Shelley v. Kraemer, 526
Shelley v. Shelley, 464
Shelton v. Tamposi, 737
Shelton, In re Estate of, 395
Shenandoah Valley National Bank v. Taylor, 510
Shimp v. Huff, 211
Shimp v. Shimp, 211
Shipley v. Crouse, 721
Shipman, In re Estate of, 323
Shire v. Unknown Heirs, 488
Siegfried v. Barger, 429
Simon v. Grayson, 172
Simon v. Zipperstein, 34
Simpson v. Calivas, 34
Sims v. Hall, 276
Singer, In re Estate of, 166
Sjobeck v. Leach, 741
Skelton v. Skelton, 496
Skindzier v. Comm'r of Soc. Servs., 476
Sky Dancer, In re Estate of, 159, 160
Slezak v. Matherly, 735
Sligh v. First Nat'l Bank, 470
Small v. Small, 281
Smart, In re Goods of, 173
Smith v. First Cmty. Bancshares, 456
Smith v. Smith (Neb. 1994), 478
Smith v. Smith (W. Va. 1950), 452
Smith v. Szeyller, 738
Smithers v. St. Luke's-Roosevelt Hosp. Ctr., 506
Smolka v. Chandler, 728
Smothers v. U.S. Fidelity and Guar. Co., 276
Snide, In re, 162
Solon v. Slater, 133
Somers, In re Estate of, 417, 496
Southern Bank & Trust Co. v. Brown, 456
Sowder v. United States, 187
Spivey v. Pulley, 35
St. Jude Children's Research Hospital v. Scheide, 195
St. Mary's Medical Center, Inc. v. McCarthy, 498
Stack, Will of, 179
Stan, In re Estate of, 429
Stanley L. and Carolyn M. Watkins Trust, 34
Stanton v. Stanton, 524
State St. Bank & Trust Co. v. Reiser, 240

- State v. (see name of defendant)**
- Stegemeier v. Magness, 646
- Stein v. Brown, 277
- Steinberg Family Living Trust, In re, 297
- Stephano, Estate of, 417, 426
- Stephen v. Commissioner of Social Security, 72
- Stevens, Estate of, 456
- Stevenson, In re Estate of, 645
- Stewart, In re Estate of, 590
- Stites v. Gray, 578
- Stix v. Comm’r, 722
- Stockton v. Northwestern Branch of Women’s Foreign Missionary Soc’y of Methodist Episcopal Church, 500, 502
- Stoebner v. Huether, Estate of, 394, 395
- Stowe v. Smith, 32
- Strand v. Rasmussen, 480
- Succession of (see name of party)**
- Sullivan v. Burkin, 327, 336, 338
- Sunshine, Matter of, 357
- SunTrust Bank v. Merritt, 647
- Sveen v. Melin, 270
- Swanson v. Swanson, 544
- Swansons’ Estates, In the Matter of the, 283
- Swearingin v. Estate of Swearingin, 212
- Swiecicki, In re Estate of, 672
- Swiss v. Flanagan, 115
- Tait v. Community First Trust Co., 546
- Tamplin, Will of, 236
- Taylor v. Hanks, 106
- Taylor v. Hodges, 106
- Taylor v. Holt, 138, 139
- Taylor v. Robertson, 211
- Taylor, In re Trust under Agreement of, 730
- Teall, In re Estate of, 384
- Tenn. Div. of the United Daughters of the Confederacy v. Vanderbilt Univ., 505
- Thatcher v. Lewis, 514
- Thiele v. Whittenbaugh, 456
- Thomas, In re Estate of, 699
- Thomas, Matter of, 652
- Thompson v. Hudgens, 29
- Thompson, State v., 235
- Thorsen v. Richmond SPCA, 29
- Tibble v. Edison Int’l, 744
- Tigani v. Tigani, 645, 730
- Timmons v. Ingrahm, 594
- Tisdale, In re Estate of, 235
- Tkachuk, In re Estate of, 144
- Toledo Trust Co. v. Santa Barbara Foundation, 596
- Toledo Trust Co. v. Toledo Hospital, 496
- Tomlinson v. Bury, 296
- Toni 1 Trust v. Wacker, 473
- Totten, In re, 226
- Totten, Matter of, 434
- Tougas, In re, 241
- Townley Bypass Unified Credit Trust, In re, 460
- Trask v. Butler, 650
- Trimble v. Gordon, 57, 60
- Trimble, In re Trust of, 235, 737
- Trust Created by/under (see name of settlor)**
- Trust D Created Under the Last Will and Testament of Harry Darby, 488, 496
- Trust Fund A, In re, 556
- Tuan Anh Nguyen v. INS, 62
- Tubbs v. Berkowitz, 595
- Tulsa Prof. Collection Servs., Inc. v. Pope, 9
- Turner v. Estate of Turner, 286
- Twin City Bank v. Nebeker, 404
- United Bank, Inc. v. Blosser, 498, 510
- United States v. (see name of defendant)**
- Univ. of Me. Found. v. Fleet Bank of Me., 496
- Univ. of S. Ind. Found. v. Baker, 177
- Vacco v. Quill, 410

- Van Dusen, In re, 455
Van Gilder Will, 138
Vicki Bagley Realty, Inc. v. Laufer, 643
Vogel v. Mercantile Trust Co. Nat'l Ass'n, 361
Vogt v. Witmeyer, 133
Vollmann v. Rosenburg, 521
Wachter, In re, 463
Wagner, In re Estate of, 16
Waldrep v. Goodwin, 145
Walsh v. Gillespie, 294, 295
Walton v. Fujita Tourist Enterprises Co., 740
Ward v. Espy, 179
Warren v. Foster, 65
Warren, Matter of, 187
Wartnick v. Moss & Barnett, 742
Washburn, Estate of, 437
Washington v. Glucksberg, 410
Wasserman v. Cohen, 294, 297
Watkins, In re Estate of, 297
Watson v. Baker, 564
Webb v. Webb, 276
Weidner, In re Estate of, v. Peifer, 566
Wells Fargo Bank v. Superior Court, 651
Wells, In re, 441
Westleigh v. Conger, 223
Weston, Matter of, 670
Wetmore v. Wetmore, 467
Wheadon, In re Estate of, 195
Wheeling Dollar Sav. & Tr. Co. v. Singer, 65
Whirlpool Corp. v. Ritter, 565
White v. Fleet Bank, 605, 634
Wilbur v. Univ. of Vt., 522
Wild's Case, 582
Wilde, Estate of, 736
Wilkerson v. McClary, 435
Will of (see name of party)
Willett v. Estate of Vesselle, 138, 150
William J. Raggio Family Trust, In re, 457
William R. Zutavern Revocable Trust, In re, 441, 729
Williams, In re Will of, 671
Williams, In re, 739
Willis v. Sharp, 717
Wilmington Trust Co. v. Mills, 595
Wilner, In re Estate of, 137, 195
Wilson v. Rhodes, 547
Wilson, In re Estate of, 496, 512, 523
Wiltfong, In re Estate of, 157
Winans, In re, 120
Windsor Green Owners Ass'n v. Allied Signal, Inc., 32
Windsor, United States v., 24, 54
Wing v. Goldman Sachs Tr. Co., 647
Witcher v. Witcher, 545
Wong, Estate of, 151
Wood v. U.S. Bank, N.A., 645, 689
Wood, In re, 606
Woodward School for Girls v. City of Quincy, 677
Woodward v. Commissioner of Social Security, 72
Wu, Matter of, 144
Yivo Institute for Jewish Research v. Zaleski, 256
Yost v. Yost, 362
Youngberg v. Romeo, 404
Youngblut v. Youngblut, 132
Zartman v. Zartman, 738
Zilles, In re Estate of, 304
Zim Israel Navigation Co. v. 3-D Imports, Inc., 647
Zucker, Estate of, 547
Zukerman, In re, 426, 447

Table of Statutes

Alabama

Ala. Code §43-8-70 (2010), 325

Alaska

Alaska Stat. §13.36.370, 684

Arizona

Ariz. Rev. Stat. §14-10205, 167, 730

Ariz. Rev. Stat. §14-11014(2), 711

Ariz. Rev. Stat. §33-405, 227

Arkansas

Ark. Code Ann. §23-85-137(a), 70

Ark. Code Ann. §28-9-209(c), 70

Ark. Code Ann. §28-9-210(a), 71

Ark. Code Ann. §28-9-221, 72

Ark. Code Ann. §28-39-401, 325

Ark. Code Ann. §28-73-105, 726

California

Cal. Fam. Code §297.5(a), 321

Cal. Fam. Code §1100, 312

Cal. Prob. Code §62, 374, 375

Cal. Prob. Code §66, 355

Cal. Prob. Code §86, 115

Cal. Prob. Code §249.5, 73

Cal. Prob. Code §259(a), 281

Cal. Prob. Code §5700, 375

Cal. Prob. Code §6112, 144

Cal. Prob. Code §6407, 377

Cal. Prob. Code §6408, 377

Cal. Prob. Code §15301(b), 463

Cal. Prob. Code §15305.5, 470

Cal. Prob. Code §15306.5, 463

Cal. Prob. Code §15401, 236

Cal. Prob. Code §15410, 236

Cal. Prob. Code §15800, 235

Cal. Prob. Code §16004.5, 743

Cal. Prob. Code §21101, 306

Cal. Prob. Code §21109, 546

Cal. Prob. Code §21110, 306

Cal. Prob. Code §21380, 120

Cal. Prob. Code §21622, 364

Cal. Prob. Code §2580(b)(13), 106

Cal. Welfare & Institutions Code
§15610.70, 115

Cal. Welfare & Institutions Code
§15610.76, 115

Colorado

Colo. Rev. Stat. §15-3-5023, 158

Colo. Rev. Stat. §15-10-102, 158

Colo. Rev. Stat. §15-11-501, 108

Colo. Rev. Stat. §15-11-502, 141, 159, 160

Colo. Rev. Stat. §15-11-502(1), 158, 159,
160

Colo. Rev. Stat. §15-11-502(2), 160

Colo. Rev. Stat. §15-11-502(3), 161

Colo. Rev. Stat. §15-11-503, 160, 161

Colo. Rev. Stat. §15-11-503(1), 159, 161

Colo. Rev. Stat. §15-11-503(2), 158, 159,
160

Colo. Rev. Stat. §15-14-409(4), 108, 111

Colo. Rev. Stat. §15-19-110, 101

Colo. Rev. Stat. §28-5-219, 111

Colo. Rev. Stat. §42-6-110.5, 228

Connecticut

Conn. Gen. Stat. Ann. §45a-436, 325

Conn. Gen. Stat. Ann. §53a-251, 659

Delaware

Del. Code Ann. Ch 49-A, 382

District of Columbia

D.C. Code §19-113, 325

D.C. Code §20-701, 643

D.C. Code §20-743, 643

Florida

Florida Constitution, Art. X §4, 43

Fla. Stat. §732.105, 81

Fla. Stat. §732.505(2), 192

Fla. Stat. §732.615, 187

Fla. Stat. §732.616, 187

Fla. Stat. §732.701(1), 211

Fla. Stat. §732.806, 120

Fla. Stat. §732.8031, 281

Fla. Stat. §736.0403(2)(b), 448

Fla. Stat. §736.0703, 683

Georgia

Ga. Code Ann. §44-6-66, 546

Ga. Code Ann. §53-2-1(b)(1), 73

Ga. Code Ann. §53-2-76, 360

Ga. Code Ann. §53-5-1, 323

Hawaii

Haw. Rev. Stat §525-4(6), 628

Idaho

Idaho Code Ann. §15-2-108, 73

Illinois

755 ILCS 5/2-8, 325

755 ILCS 5/8-1, 128, 129, 130

Ill. Ann. Stat. ch. 6, §2, 50

Ill. Rev. Stat. 1985, ch. 30, 579

Ill. Rev. Stat. 1987, ch. 110, 560

Ill. Rev. Stat. 1989 §2-4(f), 558, 560, 561

Ill. Rev. Stat. 1989 §2-4(f)(1), 560

Ill. Rev. Stat. 1989, ch. 40, 560

Ill. Rev. Stat. 1989, ch. 110, 558, 559, 560

Ill. Rev. Stat. 1989, ch. 110½, 559

Indiana

Ind. Code §29-1-3-1, 325

Ind. Stat. §29-1-5-3(c), 137

Ind. Code §30-4-3.5-1, 687

Ind. Code §30-4-3.5-1(b), 688

Ind. Code §30-4-3.5-2(a), 688

Ind. Code §30-4-3.5-3, 688

Ind. Code §30-4-2-8, 502

Kansas

Kan. Stat. Ann. §59-610, 360

Kentucky

Ky. Rev. Stat. Ann. §392.080, 325

Louisiana

La. Civ. Code Ann. art. 1493–1501, 361

Maine

M.R.S.A. tit. 18, §4054, 714

Me. Rev. Stat. Ann. tit. 18A, §2-514, 153

M.R.S.A. tit. 18-A, §3-703(a), 653

M.R.S.A. tit. 18-A, §7-302(a), 714

Maryland

Md. Code (1957), Article 93, §351, 267

Md. Code (2001) Estates & Trusts
Article §3-106, 256

Md. Code Estates & Trusts §3-203, 325

Md. Code Estates & Trusts Article
§4-105(4), 263

Md. Code Estates & Trusts Article
§14-405(j)(1), 720

Md. Code Estates & Trusts Article
§14-405(j)(1)(ii), 720

Md. Code Estates & Trusts Article
§14-405(j)(2), 721

Massachusetts

Mass. Gen. Laws, ch. 190, §3(6), 82

Mass. Gen. L. ch. 191, §1A(4), 593

Mass. G.L. c. 191, §15, 327, 329, 330, 331,
335, 337

Mass. G.L. c. 208, §34, 332, 337

Mass. Stat. 209C §1, 59

Minnesota

Minn. Rev. Stat. §86B.841, 228

Minn. Rev. Stat. §168A.125, 228

Minn. Stat. §501B.10, 742

Minn. Stat. §524.2-804, 270

Minn. Stat. §525.152, 44

Mississippi

Miss. Code Ann. §91-5-25, 325

Miss. Code Ann. §91-9-503, 470

Montana

Mont. Code Ann. §45-2-101(23), 287
 Mont. Code Ann. §46-14-101(1), 287
 Mont. Code Ann. §72-2-113(1)(e), 82
 Mont. Code Ann. §72-2-113(2), 82
 Mont. Code Ann. §72-2-813, 284, 285,
 286, 287
 Mont. Code Ann. §72-2-813(2), 284
 Mont. Code Ann. §72-2-813(7), 285, 286
 Mont. Code Ann. §72-2-813(10), 285, 286

Nebraska

Neb. Rev. Stat. §30-3803(19), 477
 469 Neb. Admin. Code, ch. 2,
 §009.07A5b(2), 476, 478
 469 Neb. Admin. Code, ch. 2,
 §009.07A5g, 478

New Hampshire

N.H. Rev. Stat. Ann. §560:10, 325
 N.H. Rev. Stat. Ann. §564-B:9-901, 691
 N.H. Rev. Stat. Ann. §564-B:12-1201(a),
 684

New Mexico

N.M. Stat. Ann. §45-1-201(A)(53), 192
 N.M. Stat. Ann. §45-2-507, 191
 N.M. Stat. Ann. §45-2-507(A), 190
 N.M. Stat. Ann. §45-2-507(A)(1), 191, 192
 N.M. Stat. Ann. §45-2-507(A)(2), 191, 193

New York

N.Y. Banking Law §675, 226
 N.Y. Civil Practice Law and Rules
 §4503(a)(2), 651
 N.Y. Civil Practice Law and Rules
 §4503(b), 652
 N.Y. Civil Practice Law and Rules
 §4519, 177
 N.Y. Civil Practice Law and Rules
 §5205(d), 463
 N.Y. Domestic Relations Law §24, 57, 59
 N.Y. Domestic Relations Law §70, 57
 N.Y. Domestic Relations Law §73, 57
 N.Y. Domestic Relations Law §175, 57, 59
 N.Y. EPTL §1-2.19, 100

N.Y. EPTL §2-1.6, 40
 N.Y. EPTL §3-2.1(a)(1), 139
 N.Y. EPTL §3-3.5, 166
 N.Y. EPTL §3-4-1(a)(2), 196
 N.Y. EPTL §3-5.1(c), 145
 N.Y. EPTL §4-1.2, 61
 N.Y. EPTL §4-1.3, 73
 N.Y. EPTL §4-1.3(b), 73
 N.Y. EPTL §4-1.4, 281
 N.Y. EPTL §5-1.1[f], 356
 N.Y. EPTL §5-1.2, 54
 N.Y. EPTL §5-1.2(a)(6), 281
 N.Y. EPTL §5-3.1, 43
 N.Y. EPTL §5-3.3, 732
 N.Y. EPTL §7-1.9(b), 577
 N.Y. EPTL §7.1.17, 448
 N.Y. EPTL §7-1.18, 437
 N.Y. EPTL §7-3.1(a), 472
 N.Y. EPTL §7-3.4, 463
 N.Y. EPTL §7-6.6(c), 224
 N.Y. EPTL §8-1.1, 524
 N.Y. EPTL §9-1.1(a), 634
 N.Y. EPTL §9-1.2, 616
 N.Y. EPTL §9-1.3, 616
 N.Y. EPTL §10.6-1(a)(4), 593
 N.Y. EPTL §11-1.7, 743
 N.Y. EPTL §11-2.1, 707
 N.Y. EPTL §11-2.2, 667
 N.Y. EPTL §11-2.3(a), 667
 N.Y. EPTL §11-2.3(b)(3)(C), 667
 N.Y. EPTL §11-2.3(b)(5), 707, 708, 709
 N.Y. EPTL §11-2.4, 706, 707, 708, 709, 710
 N.Y. EPTL §11-2.4(a), 711
 N.Y. EPTL §11-3.2(b), 35
 N.Y. Fam. Ct. Act §581-101, 58
 N.Y. Fam. Ct. Act §581-303, 58
 N.Y. Fam. Ct. Act §581-304, 58
 N.Y. Fam. Ct. Act §581-704, 58
 N.Y. Gen. Oblig. Law §5-1501, 382
 N.Y. Gen. Oblig. Law §5-1512, 395
 N.Y. Ins. Law §3212(b), 243
 N.Y. Penal Code §156.00, 659
 N.Y. Pub. Health Law §2599-cc, 76
 N.Y. Pub. Health Law §2990, 410

- N.Y. Pub. Health Law §4201, 101
 N.Y. Sur. Ct. Proc. Act §1404, 166
 N.Y. Sur. Ct. Proc. Act §1407, 195
 N.Y. Sur. Ct. Proc. Act §1407(3), 195
 N.Y. Sur. Ct. Proc. Act §2307-a, 121
 N.Y. Sur. Ct. Proc. Act §2309, 437
- North Carolina**
 N.C. Gen. Stat. §29-16, 87
 N.C. Gen. Stat. §31-43, 594
 N.C. Gen. Stat. §64-5, 50
- North Dakota**
 N.D. Cent. Code §30.1-10-03 (2007), 287
- Ohio**
 Ohio Rev. Code Ann. §2106.01, 325
 Ohio Rev. Code Ann. §2107.03, 136
 Ohio Rev. Code Ann. §2107.34, 361
 Ohio Rev. Code Ann. §2107.37, 361
 Ohio Rev. Code Ann. §5801.04(C), 726
- Oklahoma**
 Okla. Stat. tit. 58, §1252, 227
 Okla. Stat. tit. 84, §44, 325
- Oregon**
 Or. Rev. Stat. §29.175(2), 469
 Or. Rev. Stat. §97.010, 101
 Or. Rev. Stat. §112.305, 361
- Pennsylvania**
 20 Pa. C.S. §2514(9), 303, 304
 20 Pa. C.S. §7203(d), 508
- Rhode Island**
 R.I. Gen. Laws §33-25-2, 325
- South Carolina**
 S.C. Code Ann. §12-16-1910, 273
 S.C. Code Ann. §62-1-201(21), 273
 S.C. Code Ann. §62-2-102(2), 273
 S.C. Code Ann. §62-2-801(d), 273
 S.C. Code Ann. §62-2-801(e)(1), 273
 S.C. Code Ann. §62-7-112, 339
- South Dakota**
 S.D. Codified Laws §29A-5-420(8), 106
 S.D. Codified Laws §55-1B-2, 683
- S.D. Codified Laws §55-1B-4, 684
 S.D. Codified Laws §55-1B-6, 684
- Tennessee**
 Tenn. Code Ann. §31-4-101, 325
- Texas**
 Tex. Prob. Code Ann. §38, 354
 Tex. Prob. Code §201.056, 181
 Tex. Prop. Code §112.036, 617
- Vermont**
 Vt. Stat. Ann. tit. 15, §1204(b), 53, 324
 Vt. Stat. Ann. tit. 14, §311, 325
- Virginia**
 Va. Code Ann. §64.1-16.3, 281
- Washington**
 Wash. Rev. Code Ann. §64.28.040, 312
 Wash. Rev. Stat. §68.04.10, 101
- West Virginia**
 W. Va. Code §35-2-2, 622
 W. Va. Code Ann. §36-1A-1, 624
 W. Va. Code Ann. §36-1A-8, 624
- Wisconsin**
 Wis. Stat. §243.07, 382
 Wis. Stat. §243.10, 382, 384
 Wis. Stat. §700.16, 633
 Wis. Stat. §705.03, 383, 384, 385
 Wis. Stat. §853.50, 153
 Wis. Stat. §853.62, 153
 Wis. Stat. ch. 244, 387
- Wyoming**
 Wyo. Stat. §2-5, 325
 Wyo. Stat. §4-10-808, 683
 Wyo. Stat. §4-10-808(d), 684
- FEDERAL STATUTES, RULES, AND REGULATIONS**
- Constitution**
 U.S. Const., 14th Amdt., §1.1, 526
- Statutes**
 11 U.S.C. §541(b), 588
 11 U.S.C. §541(c)(2), 463

15 U.S.C. 7003(a)(1), 149
 18 U.S.C. §1030, 659
 18 U.S.C. §2701, 659
 25 U.S.C. §2206(c), 225
 26 U.S.C. §401, 246
 26 U.S.C. §501(c)(3), 511
 26 U.S.C. §529, 243, 393
 26 U.S.C. §642(g), 647
 26 U.S.C. §664, 520
 26 U.S.C. §664(d)(2), 706
 26 U.S.C. §1001(a), 19
 26 U.S.C. §1011, 19, 20, 22, 24, 27
 26 U.S.C. §1011(a), 19
 26 U.S.C. §1011(b), 19
 26 U.S.C. §1014, 19
 26 U.S.C. §1014(b)(6), 312
 26 U.S.C. §1015, 19
 26 U.S.C. §2010(c), 25
 26 U.S.C. §2033, 24
 26 U.S.C. §2040(a), 24
 26 U.S.C. §2040(b), 24
 26 U.S.C. §2041(a), 587
 26 U.S.C. §2041(a)(3), 587
 26 U.S.C. §2041(b), 586
 26 U.S.C. §2041(b)(1)(A), 587
 26 U.S.C. §2041(b)(2)(A), 24
 26 U.S.C. §2056, 25
 26 U.S.C. §2501, 20
 26 U.S.C. §2503(b), 22, 348, 393
 26 U.S.C. §2503(c), 23
 26 U.S.C. §2503(e), 22
 26 U.S.C. §2513, 393
 26 U.S.C. §2514, 587
 26 U.S.C. §2518, 273, 274
 26 U.S.C. §2518(b)(4), 274, 275
 26 U.S.C. §2523, 25
 26 U.S.C. §2602, 27
 26 U.S.C. §2613(a), 27
 26 U.S.C. §2641(a)(1), 18
 29 U.S.C. §1104(a)(1)(B), 637
 29 U.S.C. §1144(a), 245
 42 U.S.C. §402(d), 69, 72
 42 U.S.C. §416(h), 72
 42 U.S.C. §416(h)(2)(A), 71

42 U.S.C. §1395, 407
 42 U.S.C. §1396, 475
 42 U.S.C. §1396a(a), 475
 42 U.S.C. §1396a(a)(17)(B), 475
 42 U.S.C. §1396p, 476, 477
 42 U.S.C. §1396p(c)(1)(D), 481
 42 U.S.C. §1396p(d), 475, 476, 477
 42 U.S.C. §1396p(d)(2)(A), 475, 476
 42 U.S.C. §1396p(d)(3)(B)(i), 474, 476,
 478
 42 U.S.C. §9607, 729
 42 U.S.C. §9607(n), 729

Regulations

Treas. Reg. §25.2503, 22
 Treas. Reg. §25.2511-2, 22
 Treas. Reg. §25.2518-2(e)(4), 274
 26 C.F.R. §25.2518-2(e)(1), 274
 38 C.F.R. §3.353(a), 110
 38 C.F.R. §3.355(c), 110

UNIFORM LEGISLATION

**Revised Uniform Fiduciary Access to
 Digital Assets Act**
 Revised Uniform Fiduciary Access to
 Digital Assets Act §1(8), 661
 Revised Uniform Fiduciary Access to
 Digital Assets Act §1(26), 661
 Revised Uniform Fiduciary Access to
 Digital Assets Act §2(10), 660
 Revised Uniform Fiduciary Access to
 Digital Assets Act §4(b), 662
 Revised Uniform Fiduciary Access to
 Digital Assets Act §4(c), 662
 Revised Uniform Fiduciary Access to
 Digital Assets Act §5(c), 662
 Revised Uniform Fiduciary Access to
 Digital Assets Act §6, 662
 Revised Uniform Fiduciary Access to
 Digital Assets Act §7, 662
 Revised Uniform Fiduciary Access to
 Digital Assets Act §8, 662
 Revised Uniform Fiduciary Access to
 Digital Assets Act §9, 394, 662

- Revised Uniform Fiduciary Access to Digital Assets Act §10, 394, 662, 663
- Revised Uniform Fiduciary Access to Digital Assets Act §11, 663
- Revised Uniform Fiduciary Access to Digital Assets Act §12, 663
- Revised Uniform Fiduciary Access to Digital Assets Act §13, 663
- Revised Uniform Fiduciary Access to Digital Assets Act §14, 663
- Revised Uniform Fiduciary Access to Digital Assets Act §15(a), 662
- Revised Uniform Fiduciary Access to Digital Assets Act §15(b), 662
- Uniform Anatomical Gift Act**
- Uniform Anatomical Gift Act §2(3), 100
- Uniform Anatomical Gift Act §4, 100
- Uniform Determination of Death Act**
- Uniform Determination of Death Act §1, 40
- Uniform Disclaimer of Property Interests Act**
- Uniform Disclaimer of Property Interests Act §6(b)(3)(D), 556
- Uniform Electronic Transactions Act**
- Uniform Electronic Transactions Act §3(b), 149
- Uniform Electronic Transactions Act §7(a), 149
- Uniform Electronic Wills Act**
- Uniform Electronic Wills Act §6, 146
- Uniform Fiduciary Income and Principal Act**
- Uniform Fiduciary Income and Principal Act §104, 705
- Uniform Fiduciary Income and Principal Act §201(c)(1), 700
- Uniform Fiduciary Income and Principal Act §201(c)(2), 700
- Uniform Fiduciary Income and Principal Act §201(e), 705
- Uniform Fiduciary Income and Principal Act §203, 704, 705
- Uniform Fiduciary Income and Principal Act §401(d)(1), 699
- Uniform Fiduciary Income and Principal Act §404(2), 699
- Uniform Fiduciary Income and Principal Act §409, 699
- Uniform Fiduciary Income and Principal Act §410, 699
- Uniform Fiduciary Income and Principal Act §502(a)(5), 700
- Uniform Fiduciary Income and Principal Act §503, 699
- Uniform Health-Care Decisions Act**
- Uniform Health-Care Decisions Act §1, 408
- Uniform Health-Care Decisions Act §1 to 14, 408
- Uniform Health-Care Decisions Act §1(1), 401
- Uniform Health-Care Decisions Act §2, 408
- Uniform Health-Care Decisions Act §3, 408
- Uniform Health-Care Decisions Act §4, 408
- Uniform Health-Care Decisions Act §5, 408, 409
- Uniform Health-Care Decisions Act §6, 408
- Uniform Marital Property Act**
- Uniform Marital Property Act §14, 320
- Uniform Marriage and Divorce Act**
- Uniform Marriage and Divorce Act §209, 54
- Uniform Parentage Act**
- Uniform Parentage Act §104, 59
- Uniform Parentage Act §202, 63
- Uniform Parentage Act §203, 56

Uniform Parentage Act §609, 52, 58, 59, 79	Uniform Principal and Income Act §103(b), 647, 702
Uniform Parentage Act §613, 80	Uniform Principal and Income Act §104, 702, 704
Uniform Parentage Act §708(b)(2), 78	Uniform Principal and Income Act §104(a), 695
Uniform Power of Attorney Act	Uniform Principal and Income Act §105, 638, 645, 686, 704, 725
Uniform Power of Attorney Act §102(6), 586	Uniform Principal and Income Act §201(1), 696
Uniform Power of Attorney Act §103(13), 585	Uniform Principal and Income Act §301, 696
Uniform Power of Attorney Act §114	Uniform Principal and Income Act §302, 696
Uniform Power of Attorney Act §117, 646	Uniform Principal and Income Act §401, 696, 697
Uniform Power of Attorney Act §201, 392	Uniform Principal and Income Act §401(b), 699
Uniform Power of Attorney Act §204, 393	Uniform Principal and Income Act §401(c), 699
Uniform Power of Attorney Act §216, 393	Uniform Principal and Income Act §401(d)(2), 699
Uniform Power of Attorney Act §217, 393	Uniform Principal and Income Act §402, 697
Uniform Power of Attorney Act §302, 594	Uniform Principal and Income Act §403, 697
Uniform Power of Attorney Act §305(c) (3), 595	Uniform Principal and Income Act §404, 697
Uniform Power of Attorney Act §309, 595	Uniform Principal and Income Act §409(c), 699
Uniform Power of Attorney Act §310, 595	Uniform Principal and Income Act §410, 699
Uniform Power of Attorney Act §311, 595	Uniform Principal and Income Act §413, 699
Uniform Power of Attorney Act §502, 588	Uniform Principal and Income Act §413(b), 699
Uniform Power of Attorney Act §502(a)(1), 589	Uniform Principal and Income Act §501, 698
Uniform Principal and Income Act	Uniform Principal and Income Act §501(1), 698
Uniform Principal and Income Act §102, 695, 735	Uniform Principal and Income Act §502, 698
Uniform Principal and Income Act §103, 695	Uniform Principal and Income Act §502(a)(4), 700
Uniform Principal and Income Act §103(a), 702	
Uniform Principal and Income Act §103(a)(4), 700	

Uniform Principal and Income Act §502(a)(7), 697	Uniform Probate Code §2-119(a), 64
Uniform Principal and Income Act §503(b), 699	Uniform Probate Code §2-119(b), 64, 66
Uniform Principal and Income Act §506, 647	Uniform Probate Code §2-119(b)(2), 67
Uniform Probate Code	Uniform Probate Code §2-119(c), 64
Uniform Probate Code §1-107(4), 41	Uniform Probate Code §2-119(e), 67
Uniform Probate Code §1-107(5), 41	Uniform Probate Code §2-120, 46, 62, 66, 74, 78, 562
Uniform Probate Code §1-109, 43, 84	Uniform Probate Code §2-120(f)(2)(b), 73
Uniform Probate Code §1-201, 56, 100, 198	Uniform Probate Code §2-120(k), 41
Uniform Probate Code §2-101(b), 366	Uniform Probate Code §2-121, 46, 62, 66, 74, 76, 78, 562
Uniform Probate Code §2-102, 45, 46, 47, 84, 88, 89, 564	Uniform Probate Code §2-121(h), 41
Uniform Probate Code §2-102A, 47	Uniform Probate Code §2-202, 341, 344
Uniform Probate Code §2-103, 46, 47, 55, 83, 88, 91	Uniform Probate Code §2-202(1), 341
Uniform Probate Code §2-103(1), 49, 87	Uniform Probate Code §2-202(2), 341
Uniform Probate Code §2-103(3), 49	Uniform Probate Code §2-202(b), 351
Uniform Probate Code §2-103(b), 81	Uniform Probate Code §2-202(c), 351
Uniform Probate Code §2-104, 41, 48	Uniform Probate Code §2-202(d), 339
Uniform Probate Code §2-104(a)(2), 76, 77	Uniform Probate Code §2-203, 333, 345
Uniform Probate Code §2-104(b)(3), 78	Uniform Probate Code §2-203(4), 82
Uniform Probate Code §2-105, 42, 48	Uniform Probate Code §2-203(a), 351
Uniform Probate Code §2-106, 48, 86	Uniform Probate Code §2-203(b), 344, 350, 351
Uniform Probate Code §2-106(b), 87, 90	Uniform Probate Code §2-204, 345, 346, 349, 350, 351
Uniform Probate Code §2-106(c), 89	Uniform Probate Code §2-205, 333, 346, 351
Uniform Probate Code §2-106(e), 90	Uniform Probate Code §2-205(1), 349, 350, 589
Uniform Probate Code §2-107, 81, 564	Uniform Probate Code §2-206, 345, 346, 348, 349, 350, 351
Uniform Probate Code §2-109, 254	Uniform Probate Code §2-207, 345, 346, 349, 350, 351, 556
Uniform Probate Code §2-109(b), 255	Uniform Probate Code §2-207(a)(1), 344, 349, 350, 351
Uniform Probate Code §2-109(c), 255	Uniform Probate Code §2-208, 345, 349
Uniform Probate Code §2-114, 49, 62, 67	Uniform Probate Code §2-209(b), 345, 349, 351
Uniform Probate Code §2-114(a)(2), 50	Uniform Probate Code §2-209(c), 345
Uniform Probate Code §2-115, 65, 74, 80, 562	Uniform Probate Code §2-210, 350
Uniform Probate Code §2-117, 62	Uniform Probate Code §2-212(b), 323
Uniform Probate Code §2-118, 64, 65, 80	
Uniform Probate Code §2-119, 62, 64, 65, 66, 80	

- Uniform Probate Code §2-212(c)(3), 323
 Uniform Probate Code §2-213, 358
 Uniform Probate Code §2-301, 360, 361
 Uniform Probate Code §2-301(a)(3), 362
 Uniform Probate Code §2-301(b), 361
 Uniform Probate Code §2-302, 362
 Uniform Probate Code §2-302(a), 365
 Uniform Probate Code §2-302(a)(2), 361
 Uniform Probate Code §2-302(b)(2), 365
 Uniform Probate Code §2-302(c), 364
 Uniform Probate Code §2-402, 43
 Uniform Probate Code §2-403, 43
 Uniform Probate Code §2-404, 44
 Uniform Probate Code §2-502, 137, 145, 155, 157, 159, 219
 Uniform Probate Code §2-502(a), 141
 Uniform Probate Code §2-502(a)(3), 148
 Uniform Probate Code §2-502(a)(3)(B), 141
 Uniform Probate Code §2-502(c), 150
 Uniform Probate Code §2-503, 137, 155, 156, 157, 160, 163, 194, 202, 262
 Uniform Probate Code §2-504, 146
 Uniform Probate Code §2-504(c), 148
 Uniform Probate Code §2-505(b), 141
 Uniform Probate Code §2-506, 421
 Uniform Probate Code §2-507, 190, 192, 194, 199
 Uniform Probate Code §2-507(a)(2), 197
 Uniform Probate Code §2-507(c), 189
 Uniform Probate Code §2-507(d), 189
 Uniform Probate Code §2-509, 197, 199
 Uniform Probate Code §2-510, 174
 Uniform Probate Code §2-511, 238
 Uniform Probate Code §2-511(a), 434
 Uniform Probate Code §2-513, 137, 174
 Uniform Probate Code §2-514, 206, 211
 Uniform Probate Code §2-601, 181, 308
 Uniform Probate Code §2-603, 305, 307, 362, 552
 Uniform Probate Code §2-604(b), 304
 Uniform Probate Code §2-605(a), 293
 Uniform Probate Code §2-606, 293, 297, 299
 Uniform Probate Code §2-607, 300
 Uniform Probate Code §2-608, 594
 Uniform Probate Code §2-608(i), 594
 Uniform Probate Code §2-609, 256, 259, 260, 262
 Uniform Probate Code §2-612, 260
 Uniform Probate Code §2-701, 550, 555, 562
 Uniform Probate Code §2-702, 308, 309, 549, 550, 571
 Uniform Probate Code §2-705, 562, 563, 564, 566, 568
 Uniform Probate Code §2-705(b), 564, 566, 567, 568
 Uniform Probate Code §2-705(c), 567
 Uniform Probate Code §2-705(e), 567
 Uniform Probate Code §2-705(g)(1), 569
 Uniform Probate Code §2-705(g)(2), 570
 Uniform Probate Code §2-706, 309, 552
 Uniform Probate Code §2-707, 549, 552, 553, 554, 555, 556
 Uniform Probate Code §2-707(b)(3), 555
 Uniform Probate Code §2-708, 571
 Uniform Probate Code §2-709, 571
 Uniform Probate Code §2-709(c), 571
 Uniform Probate Code §2-710, 576
 Uniform Probate Code §2-711, 551, 574, 575, 581
 Uniform Probate Code §2-802, 54, 268
 Uniform Probate Code §2-803, 269, 282, 287, 288, 289
 Uniform Probate Code §2-803(b), 287
 Uniform Probate Code §2-804, 268, 270
 Uniform Probate Code §2-804(a)(5), 270
 Uniform Probate Code §2-804(b), 271

- Uniform Probate Code §2-804(b)(1),
267
- Uniform Probate Code §2-901, 617, 623
- Uniform Probate Code §2-901(a), 620
- Uniform Probate Code §2-901(a)(1), 623
- Uniform Probate Code §2-901(a)(2),
623
- Uniform Probate Code §2-901(b)(2),
623
- Uniform Probate Code §2-903, 623,
624
- Uniform Probate Code §2-904, 624
- Uniform Probate Code §2-905, 624
- Uniform Probate Code §2-905(b), 624
- Uniform Probate Code §2-906, 617
- Uniform Probate Code §2-907, 443
- Uniform Probate Code §2-1105, 277
- Uniform Probate Code §2-1106, 278,
570
- Uniform Probate Code §2-1106(b)(3)
(D), 556, 570
- Uniform Probate Code §2-1107, 278
- Uniform Probate Code §2-1111, 278
- Uniform Probate Code §2-1112, 278
- Uniform Probate Code §3-101, 292
- Uniform Probate Code §3-713, 643
- Uniform Probate Code §3-715, 653, 717
- Uniform Probate Code §3-808(a), 728
- Uniform Probate Code §3-808(b), 729
- Uniform Probate Code §3-902, 300,
362, 363
- Uniform Probate Code §4-105, 264, 267
- Uniform Probate Code §4-105(4), 263,
265, 266, 267
- Uniform Probate Code §5-411(a)(7), 106
- Uniform Probate Code §5-411(b), 106
- Uniform Probate Code §6-101, 218
- Uniform Probate Code §6-204, 226
- Uniform Probate Code §6-211, 226
- Uniform Probate Code §6-301, 227
- Uniform Probate Code §6-307, 229
- Uniform Probate Code §6-311, 227
- Uniform Probate Code §7-302, 653
- Uniform Probate Code §7-303, 727
- Uniform Probate Code §8-101(b)(5),
565
- Uniform Prudent Investor Act**
- Uniform Prudent Investor Act §1(b),
677, 690, 691
- Uniform Prudent Investor Act §2(c),
677
- Uniform Prudent Investor Act §3, 690
- Uniform Prudent Investor Act §9, 681
- Uniform Recognition of Substitute
Decision-Making Documents Act**
- Uniform Recognition of Substitute
Decision-Making Documents Act
§3, 395
- Uniform Transfers to Minors Act**
- Uniform Transfers to Minors Act §5,
224
- Uniform Transfers to Minors Act §6,
224
- Uniform Transfer to Minors Act §11,
224
- Uniform Trust Code**
- Uniform Trust Code §103, 420
- Uniform Trust Code §103(2)(B), 587
- Uniform Trust Code §103(13), 724
- Uniform Trust Code §105(b)(3), 638,
686, 690, 691
- Uniform Trust Code §105(b)(8), 725,
726
- Uniform Trust Code §105(b)(9), 725,
726
- Uniform Trust Code §107, 422, 423
- Uniform Trust Code §108, 638
- Uniform Trust Code §108(c), 638
- Uniform Trust Code §108(e), 638
- Uniform Trust Code §110(a), 506
- Uniform Trust Code §112, 364
- Uniform Trust Code §304, 492
- Uniform Trust Code §305, 492
- Uniform Trust Code §305(c), 492
- Uniform Trust Code §402, 442
- Uniform Trust Code §403, 421, 422

Uniform Trust Code §404, 445, 446	Uniform Trust Code §601, 235, 428
Uniform Trust Code §405(a), 510	Uniform Trust Code §602, 237
Uniform Trust Code §405(c), 506, 729	Uniform Trust Code §602(a), 236
Uniform Trust Code §406, 428	Uniform Trust Code §602(b)(1), 237
Uniform Trust Code §407, 447	Uniform Trust Code §602(c)(1), 236
Uniform Trust Code §408(a), 443	Uniform Trust Code §602(c)(2)(A), 236
Uniform Trust Code §408(b), 443	Uniform Trust Code §603(a), 234, 727
Uniform Trust Code §409, 443	Uniform Trust Code §604, 236
Uniform Trust Code §410(a), 483	Uniform Trust Code §604(a), 236
Uniform Trust Code §410(b), 521	Uniform Trust Code §706, 731
Uniform Trust Code §411, 488	Uniform Trust Code §801, 638, 653
Uniform Trust Code §411(a), 483, 489	Uniform Trust Code §802, 645
Uniform Trust Code §411(b), 487	Uniform Trust Code §802(c), 646
Uniform Trust Code §411(c), 488	Uniform Trust Code §802(f), 646
Uniform Trust Code §412, 495, 496, 690, 693	Uniform Trust Code §803, 647
Uniform Trust Code §412(a), 496	Uniform Trust Code §804, 653
Uniform Trust Code §412(b), 496	Uniform Trust Code §806, 654
Uniform Trust Code §413, 520	Uniform Trust Code §807, 680
Uniform Trust Code §413(a), 521	Uniform Trust Code §808, 683
Uniform Trust Code §413(b), 521, 522	Uniform Trust Code §808(b), 683
Uniform Trust Code §414(a), 496	Uniform Trust Code §808(d), 484
Uniform Trust Code §414(b), 496	Uniform Trust Code §810, 727
Uniform Trust Code §415, 482, 483	Uniform Trust Code §813, 723, 724, 725
Uniform Trust Code §416, 187, 483	Uniform Trust Code §814, 455, 479
Uniform Trust Code §417, 497	Uniform Trust Code §815, 654
Uniform Trust Code §501, 458	Uniform Trust Code §816, 654, 658
Uniform Trust Code §502(a), 463	Uniform Trust Code §817(b), 727
Uniform Trust Code §502(b), 459	Uniform Trust Code §1001, 730
Uniform Trust Code §502(c), 463	Uniform Trust Code §1002, 731
Uniform Trust Code §503, 470	Uniform Trust Code §1002(a)(1), 736
Uniform Trust Code §503(b), 470	Uniform Trust Code §1004, 737
Uniform Trust Code §503(b)(3), 470	Uniform Trust Code §1005(a), 744
Uniform Trust Code §504, 451, 460, 470, 479	Uniform Trust Code §1005(c), 744
Uniform Trust Code §504(b), 470	Uniform Trust Code §1008, 654, 742, 743
Uniform Trust Code §504(c), 479	Uniform Trust Code §1008(b), 743
Uniform Trust Code §505(a), 472	Uniform Trust Code §1009, 645, 743
Uniform Trust Code §505(a)(1), 241, 472	Uniform Trust Code §1010(a), 728
Uniform Trust Code §505(a)(2), 472	Uniform Trust Code §1010(b), 729
Uniform Trust Code §505(a)(3), 241	Uniform Trust Code §1012, 731
Uniform Trust Code §505(e), 471	Uniform Trust Code §1012(b), 737
	Uniform Trust Code §1106(a)(4), 562, 565

Preface

This sixth edition updates and selectively expands the fifth edition to continue meeting the need for a lean set of materials, flexibly structured to accommodate three-hour and four-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 sole 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.

Ira Bloom acknowledges with thanks the helpful and careful efforts of Carolina Academic Press editor Elisabeth Ebben and production associate TJ Smithers. Ira Bloom also wishes to thank William Gaskill, Research, Instructions and Scholarly

Communications Librarian, Albany Law School, his research assistant, Garreth Santosuosso, Albany Law School, Class of 2023, and his legal assistant, Theresa Colbert, for their excellent work in helping to prepare this edition.

IRA MARK BLOOM

December 2021

Acknowledgments

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