

Understanding Trusts and Estates

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Understanding Trusts and Estates

SEVENTH EDITION

Roger W. Andersen

PROFESSOR OF LAW EMERITUS
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Susan N. Gary

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To Kyanne, for Zoe, Barney, and Emmalyn.

R.W.A.

To Alec, Richard, and George.

S.N.G.

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Preface to the Seventh Edition

This volume takes into account recent developments while retaining the approach of earlier editions. We acknowledge with appreciation the insights we have gained from the co-authors of our respective casebooks: Ira Bloom, Jerome Borison, Naomi R. Cahn, and Paula A. Monopoli.

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Most importantly, on the personal side, Roger Andersen thanks his wife, Kyanne, for her continuing understanding of his need to stay involved in projects like this, and to their children, in part for their having provided him with grandchildren, to whom he could dedicate this edition. Susan Gary thanks her husband, Alexander Murphy, and their children, Richard and George.

How to Use This Book

This textbook is designed to help law students understand their Trusts and Estates courses. Law professors may find it a source of ideas for classroom or research. Practicing attorneys may also find it useful if they are new to the subject or have been away from it for some time. The text's structure allows different ways of using the book in different situations.

If you are a law student using the book as a regular supplement to your casebook, try reading the text and ignoring the footnotes until you need more examples or greater depth. You will find that the organization here differs from your casebook in various particulars. Scanning the Table of Contents or using the Index should help you find the relevant sections.

If you are consulting the book with a particular problem in mind, start with the Index or one of the tables (Cases, UPC or UTC). This book uses as examples many of the cases found in popular casebooks. Because details should enrich your understanding, read the footnotes after you have read the text and have a basic sense of a topic.

If you are studying for finals, start by reading the Table of Contents, to get a sense of the whole. Then concentrate on the text, but be sure to scan the footnotes for those that cross-reference to other sections of the book. These references help identify the interconnections holding the subject together.

Table of Authorities

The list below gives the short forms used for material cited frequently in this text.

1. Statutes

IRC — Internal Revenue Code, 26 U.S.C. § 1 et seq. (current).

UPC — Uniform Probate Code (current).

UPC (pre-1990) — Uniform Probate Code (earlier versions).

UTC — Uniform Trust Code (current).

2. Single-Volume Texts

Atkinson — Thomas E. Atkinson, *Law of Wills* (West 2d ed. 1953).

Bergin & Haskell — Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* (Foundation Press 2d ed. 1984).

Bogert — George T. Bogert, *Trusts* (West 6th ed. 1987).

Cribbet & Johnson — John E. Cribbet & Corwin W. Johnson, *Principles of the Law of Property* (Foundation Press 3d ed. 1989).

Haskell — Paul G. Haskell, *Preface to Wills, Trusts and Administration* (Foundation Press 2d ed. 1993).

Kurtz — Sheldon F. Kurtz, *Moynihan's Introduction to the Law of Real Property* (West 2015).

Powell & Patrick J. Rohan, *Powell on Real Property (One-Volume Edition)* (Matthew Bender 1968).

Simes — Lewis M. Simes, *Law of Future Interests* (West 2d ed. 1966).

3. The Restatements

Rest. Prop. — Restatement of Property.

2d Rest. Prop. — Restatement (Second) of Property: Donative Transfers.

3d Rest. Prop. — Restatement (Third) of Property: Wills and Other Donative Transfers.

Rest. Trusts — Restatement of Trusts.

2d Rest. Trusts — Restatement (Second) of Trusts.

3d Rest. Trusts — Restatement (Third) of Trusts.

