

**BERGEN COMMUNITY COLLEGE
DIVISION OF BUSINESS, ARTS & SOCIAL SCIENCE
DEPARTMENT OF LEGAL STUDIES**

Instructor:

Office Hours:

Office:

Course Title:

LGL-207 Wills and Estate Administration

Email:

Course Description:

LGL-207 Wills and Estate Administration introduces the student to estate and probate procedures in the State of New Jersey. This course incorporates estate analysis, document drafting, probate, including estate administration and settlement with recognition of tax and accounting aspects of estate law.

Prerequisites:

LGL-101 Fundamentals of Law; LGL-103 Legal Research and Writing, LGL-220 Computer Assisted Legal Research

Credits:

3 credits (3 lect.)

Text:

Basic Estate Administration, New Jersey Institute of Continuing Legal Education, Michael P. Vito, 2013 (or most recent edition).

Basic Estate Planning, New Jersey Institute of Continuing Legal Education, Robert J. Pinto, Esq. and Lisa M. Butler, Esq., 2013 (or most recent edition)

**Supplemental
Materials:**

As course may require, Professor shall provide supplemental handouts during the semester to supplement course textbooks.

Practical Assignments:

Drafting of Estate Documents including Last Will and Testament, Healthcare Proxy and Power of Attorney; Preparation of NJ Inheritance Tax Return. Preparation of Legal Memoranda.

Learning Objectives:

1. To provide the student with the ability analyze wills and estates issues and to perform the document drafting necessary to effectuate an estate plan.

Measure: Students will take examinations and submit projects during intervals during the course. These projects will relate to analysis of wills, trusts and estates issues and the practical application of drafting legal documents and understanding estate

principles.

Standard: At least 80% of all students will receive an average grade of “70” or better on the examinations and projects. The submissions will be reviewed with students and concepts reinforced.

2. To provide the student with an understanding of how to settle an estate in New Jersey through the probate process. Consideration will be given to the administration process, contested probate actions and their relationship to our judicial system. Tax and accounting principal relating to wills, trusts and estates will also be considered.

Measure: Students will take examinations and submit projects during intervals during the course which will require the utilization of computer assisted only and with projects that will require the analysis and execution of the probate and estate settlement process. Students will be required to utilize their legal research and writing skills. Emphasis will also be placed on legal ethical concerns.

Standard: At least 80% of all students will receive an average grade of “70” or better on these examinations and projects. Submissions will be reviewed with students and concepts reinforced.

Course Content:

Class Session #

Material

1 (3 hours)	Introduction - Client Interview: Information Gathering, Registration of Assets, Estate Representatives, Retainer Letters, Testamentary and Non-Testamentary Property (<i>Estate Planning</i> , Ch. 1-2)
2 (3 hours)	Estate Plan Summary – General Considerations Outright Distribution Wills, Disclaimer Trust Will, Marital Deduction Will, Mechanics of Establishing a Trust Under a Will (<i>Estate Planning</i> , Chs. 1-2)
3 (3 hours)	The Single Client, Special Needs Trust, Revocable Living Trust Other Estate Planning Techniques and Documents – Drafting Of Documents – The Will, Clauses, Codicils, Self-Proving Will, Acknowledgment and Affidavit Relating to Execution of Will, Execution and Final Meeting (<i>Estate Planning</i> , Chs 3-4)
4 (3 hours)	Project 1

- Pre-Probate Procedures (*Estate Administration*, Ch 1)
- Federal & State Estate Tax Comparison (*Estate Planning*, Ch. 1
Estate Administration, Ch. 4)
- 5 (3 hours) New Jersey Probate Procedures (*Estate Administration*, Ch. 2)
- 6 (3 hours) New Jersey Probate Procedures (*Estate Administration*, Ch. 2)
- 7 (3 hours) Contested Probate Matters (*Estate Administration*, Ch. 3)
- 8 (3 hours) Contested Probate Matters (*Estate Administration*, Ch. 3)
- 8 (3 hours) Midterm Exam
Post- Probate Matters (*Estate Administration*, Ch. 4)
- 9 (3 hours) Federal and New Jersey Estate and Inheritance Taxes.
(*Estate Administration*, Ch. 4 and Appendix p. 138-252,
Estate Planning, Ch. 1)
- 9 (3 hours) Federal Estate Tax Forms.
(*Estate Administration*, Ch. 4 and Appendix p. 138-252,
Estate Planning, Ch. 1)
- 10 (3 hours) Federal & NJ Tax Forms
(*Estate Administration*, Ch. 4 and Appendix p. 138-252,
Estate Planning, Ch. 1)
- 11 (3 hours) Project 2 – Federal and NJ Taxes (cont'd)
- 12 (3 hours) Wills, Self Proving Wills, Administrators,
Executors & Commissions, Inventory, Accounting
(*Estate Administration*, Ch 4)
- 13 (3 hours) Intestacy, Post-Mortem Administration, Administration CTA,
Substitutionary Administration CTA, Affidavit in Lieu of
Administration, Administration Ad Prosequendum and
Administration Generally (*Estate Administration*,
Ch.2 and Appendix)
- 14 (3 hours) Final Exam
- 15 (3 hours) Final Exam Review – Semester Summary
- Reading:** It is expected that each student will have read all materials prior

to coming to class.

Evaluation:	Exam #1	25%
	Exam #2	25%
	Project #1 (drafting of estate documents)	25%
	Project #2 (preparation of inheritance tax return)	<u>25%</u>
		100%

If an exam is missed, student must be prepared to take the exam either prior to or at the following class session. If the student does not take an exam and F grade will be given for the exam missed. If a student does not take either exam during the semester, the student shall be given an “F” grade for the course.

Homework: Assignment submission will be required for course credit as assigned and required by the Professor during the semester and will be integrated into final grade pursuant to evaluation procedures listed above. All homework assignments must be completed and submitted in order to receive credit for the course.

Attendance: Will be taken at each session and is subject to the rules of the college. Attendance at lectures is imperative to acquisition and understanding of the substantive material of the course. Habitual absence (considered more than two unexcused absences) and/or tardiness may result in loss of credit for the course. Students are instructed to notify the professor prior to absences, if known and are responsible for the materials from classes which are missed. Students are required to take all examinations on the announced date, first class date returning from excused absence or otherwise scheduled at the discretion of the instructor. All projects and examinations must be completed for credit for the course. Late submissions will be penalized a quarter grade for each day project is late.

Faculty absence: A daily listing will appear in the glass case located in the front lobby of the Administration Wing of the main building which will indicate all classes which are cancelled. Another listing will appear in the glass case adjacent to the Hotel/Restaurant bulletin board in East Hall and on the Bergen Community College website. Students may consult these bulletin boards before going to class.

SUBMISSION OF LATE PROJECTS SHALL BE ASSESSED A QUARTER GRADE PENALTY FOR EACH DATE THAT THE PROJECT IS LATE (IE. B+ to B). ALL PROJECTS (INCLUDING HOMEWORK ASSIGNMENTS) MUST BE SUBMITTED BY SEMESTER’S END FOR THE STUDENT TO RECEIVE CREDIT FOR THE COURSE. IF

ALL PROJECTS ARE NOT SUBMITTED BY THE FINAL ASSIGNMENT DUE DATE, STUDENT SHALL RECEIVE AN “F” GRADE FOR THAT ASSIGNMENT WHICH HAS NOT BEEN SUBMITTED.

ADDITIONAL MATERIALS: TO BE PROVIDED BY PROFESSOR IN BOOKLET AND HANDOUT FORM. EACH STUDENT SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THESE MATERIALS AND THE COMPREHENSION OF THESE MATERIALS.

CELL PHONES and CLASS RECORDING: CELL PHONE USE IS NOT PERMITTED IN CLASS. CELL PHONES SHOULD BE OUT OF SIGHT AND EITHER TURNED OFF OR ON VIBRATE MODE. RECORDING OF CLASS LECTURE IS PROHIBITED.

LEGAL STUDIES NOTE: THIS COURSE IS CONSIDERED A LEGAL SPECIALTY COURSE. ALL LEGAL STUDIES STUDENTS MUST ATTAIN A “C” GRADE OR BETTER IN ALL LEGAL SPECIALTY COURSES AS A PREREQUISITE TO REGISTERING FOR REQUIRED COOP COURSE (LGL-462).

CLASS CONDUCT: STUDENTS ARE BOUND AND SUBJECT TO THE BCC CONDUCT RULES.