

El Paso Community College
Syllabus
Part II
Official Course Description

| | |
|---------------------------------|--|
| SUBJECT AREA | <u>Paralegal</u> |
| COURSE RUBRIC AND NUMBER | <u>LGLA 1353</u> |
| COURSE TITLE | <u>Wills, Trusts, and Probate Administration</u> |
| COURSE CREDIT HOURS | <u>3 3 : 0</u> Credits Lec Lab |

I. Catalog Description

Presents fundamental concepts of family law of wills, trusts, and probate administration emphasizing the paralegal's role. (3:0).

II. Course Objectives

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

- A. Unit I. Intestate Succession
1. Define and distinguish between separate property and community property.
 2. Identify the terminology associated with Intestate Succession.
 3. Define the partition theory, the tracing principle, and conflict laws principles as they apply to Intestate Succession.
 4. List and discuss the various distributions of separate and community property under the rules of Intestate Succession.
- B. Unit II. Formal Requisites of a Will
1. List and explain the factors that influence the making of a will.
 2. List the requirements under the Texas Probate Code for attested, holographic, and nuncupative wills.
 3. Discuss the purpose of a self-proving affidavit.
 4. List and discuss the various parts of a will.
 5. Discuss the purpose of a Durable Power of Attorney.
 6. Discuss the purpose of an Anatomical Gift clause in a will.
 7. Discuss the purpose of a Directive to Physicians clause in a will.
- C. Unit III. Modification, Revocation, and Contesting of a Will
1. List the various ways by which a will may be modified.
 2. List and discuss the various methods used for revoking a will.
 3. Discuss the burden of proof which a Will proponent has in court.
 4. List and discuss the various grounds which may be used to contest a will.
- D. Unit IV. Miscellaneous Legal Concepts Applicable to Wills
1. Discuss the doctrine of Dependent Relative Revocation.
 2. List and discuss the various types of gifts which can be made in a will.
 3. List and discuss the order of gifts in a will.
 4. Discuss the theory of Ademption of Gifts as it applies to gifts.
 5. Discuss the theories of Integration, Incorporation by Reference, and Republication by Codicil.

- E. Unit V. Introduction to Trusts
1. Define a trust.
 2. Discuss the various purposes for using a trust in a will.
 3. List and discuss the various types of trusts.
 4. List and discuss the formal requirements of trusts under trust law.
 5. List and discuss the duties of a trustee under the Texas Trust Code.
- F. Unit VI. Probate Administration
1. Discuss the purpose of probate administration.
 2. Distinguish between formal and informal probate administration.
 3. List and discuss the procedures for formal and informal administration.
 4. List and define the various types of administrators.
- G. Unit VII. Drafting Documents
1. Identify the role and ethical considerations of the paralegal in wills, trusts, and probate administration.
 2. Apply the rules of Intestate Succession to fact situations.
 3. Prepare an Attested, Holographic and Nuncupative Will.
 4. Prepare a Private and a Charitable Trust.
 5. Employ interviewing techniques and apply them to the preparation of wills and trusts.
 6. Prepare tax returns.
 7. Demonstrate the process of conducting an estate sale.
 8. Discuss the specific “billable” tasks associated with wills, trusts, and probate administration.

III. THECB Learning Outcomes (WECM)

1. Use terminology relating to wills, trusts, and probate administration.
2. Analyze sources relating to wills, trusts, and probate administration.
3. Draft documents commonly used in wills, trusts, and probate administration.
4. Analyze the ethical considerations of the paralegal in wills, trusts, and probate administration.

IV. Evaluation

Semester grade will be determined by an average of the tests, assignments and discussions in conformance with the college policy.

Grading Scale:

| | | |
|-----------------------|---|---|
| 90-100 | = | A |
| 80-89 | = | B |
| 70-79 | = | C |
| 60-69 | = | D |
| Below 60 | = | F |
| Incomplete | = | I |
| Withdrew or Withdrawn | = | W |

V. Disability Statement (Americans with Disabilities Act [ADA])

EPCC offers a variety of services to persons with documented sensory, mental, physical, or temporary disabling conditions to promote success in classes. If you have a disability and believe you may need services, you are encouraged to contact the Center for Students with Disabilities to discuss your needs with a counselor. All discussions and documentation are kept confidential. Offices located: VV Rm C-112 (831-2426); TM Rm 1400 (831-5808); RG Rm B-201 (831-4198); NWC Rm M-54 (831-8815); and MDP Rm A-125 (831-7024).

VI. 6 Drop Rule

Students who began attending Texas public institutions of higher education for the first time during the Fall 2007 semester or later are subject to a 6-Drop limit for all undergraduate classes. Developmental, ESL, Revised by Discipline: Fall 2015 (next revision in 3 years)

Dual Credit and Early College High School classes are exempt from this rule. All students should consult with their instructor before dropping a class. Academic assistance is available. Students are encouraged to see Counseling Services if dropping because exemptions may apply. Refer to the EPCC catalog and website for additional information.