

LOYOLA UNIVERSITY OF CHICAGO
Spring 2012 - Estates Syllabus
Professor Rhodes

Required Materials

Dukeminier et al, Wills, Trust, and Estates (8th ed., 2009)
Selected sections of Illinois Probate Code (handout)

Basic Classroom Requirements

A) Attend B) Be prepared C) Contribute

Tentative Syllabus

A. Intestacy

Week 1 DSL pp 1-3; 16-22; 24-26; skim pp. 38-47; and skim 48-49; read 71-97

Week 2 DSL pp. 97-106; 109-136; 145-157

B. Wills

1. Grounds for Contest

(a) Capacity and Intent

Week 3 DSL pp. 159-178; Lister v. Smith, and Eaton v. Brown
(attached); 180-182, 184-190; 193-201

Week 4 DSL pp. 207-209, 210-214; 215; 219-221

2. Execution Formalities

Week 4 DSL pp 223-224; 226-228; skim 242-245; read 229-242; 246-249;
252-253; 258; 265-266; 268-271; 274-277; 280-285

3. Revocation and Revival

Week 5 DSL pp. 286-307

4. Incorporation by Reference/Acts of Independent Significance

Weeks 5-6 DSL pp. 307-324

5. Contracts to make/not to revoke will

Week 6 DSL pp. 325-333

C. Will Substitutes

1. Contracts/Joint Tenancies

Week 6 DSL skim pp. 393-397; read 407-410; 418-422; 434-435; 426-431; 432;
434-435

2. Revocable Trusts

Week 7 DSL pp. 397-403; 413-415; 436; 444-447; skim 448-449; 457

D. Will Construction

- 1. Extrinsic Evidence
Week 8 DSL pp. 335-337; 340-351
- 2. Lapse/Class Gifts
Week 8 DSL pp. 358-363; 367-372; 376-378
- 3. Changes in Property
Week 9 DSL pp. 380-392

E. Restrictions on Testamentary Disposition

- 1. Spouse's Rights
Weeks 9-10 DSL skim pp. 469-471 and 475-477; read 483-486; 487-491; 495-501; 503-506; 516-518
- 2. Others' Rights
Week 10 Estate of Feinberg (attached); DSL pp. 519-521; 528-531

F. Trusts

- 1. General
Week 11 DSL skim 541-555; read 557; 563-569; 572-575; 578-584; 593-595
- 2. Spendthrift Clause
Week 11 DSL pp. 597-598; 609-611; 614-624; 628-634
- 3. Modification:
Week 12 DSL pp. 641-643; 645-649; 651-655

C. Future Interests

- 1. Power of Appointment:
Week 12 DSL pp. 803-808; 813-818; 822-823; 832-835
- 2. Future Interests:
Week 13 DSL pp. 838; 845-850; 857-858; 876-882
- 3. Rule Against Perpetuities:
Week 14 DSL skim pp. 885-897
- 4. Cy Pres and Trust Administration:
Week 14 DSL pp. 760-762; 785-786; 675; 688; 725-726; 736-738

Open Book Exam
Wednesday, May 16, 2012
1:00 p.m.