Chapter 2

"Legal Trusts and Technical Applications of Estate Planning Strategies"

Course Description: This course will present the established legal strategies and techniques to achieve the client's objectives, goals, and desires. The students will learn various trust document structures, basic and advanced estate planning concepts, and applicable case studies.

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Course Syllabus: Recommended Study Time = 8 Hours

Hour 1: Introduction and Course Outline

Definition of Estate Planning

Maximizing Benefits of Estate Planning

Client's Needs and Objectives

Hour 2: Maslow's Hierarchy of Needs
- Physiological Needs
- Safety Needs
- Belongingness and Love Needs
- Self-Esteem Needs
- Self-Actualization
- Transcendence

Questions for Estate Planning
- Financial Information
- Status of Beneficiaries
- Special Needs Considerations
- Multiple Trusts
- Prenuptial-Postnuptial Agreements

Issues in Estate Planning
- Issue #1: Client's Personal Needs
- Issue #2: Client's Estate Asset Management Needs

Hour 3: Needs Benefits Approach to Estate Planning
- Imparting Knowledge to Clients
- Needs, Objectives, and Goals
- Planning Process Begins
- Benefit-Oriented Solutions

The Planning Pyramid
- Agreement of Estate Planning Definition
- Client Feedback and Monitoring
- Avenues of Communication
- Framework of Planning Goals

Hour 4: Initial Information Needed for Estate Plan

- Existing Estate Planning Documents
- Identification of Beneficiaries
- Proportional Distribution of Assets
- Distribution Timetables
- Contingent Plans and Considerations
- Selection of Trustees and Guardians
- Issuance of Special Instructions

Titling and Asset Registration

- Fee Simple Property
- Tenancy in Common Property
- Joint Tenancy with Right of Survivorship Property
- Good and Bad Factors of Titling
- Community and Common Law States

Hour 5: Wills and Revocable Living Trusts

- Structure of Wills
- Structure of Revocable Living Trusts
- Comparison of Wills and Revocable Living Trusts

Basics of Estate Planning Ideas

- Planning with Revocable Living Trusts
- Probate Courts Considerations
- Funding of Trusts
- Funding with Retirement Benefits
- Four Levels of Operation of a Trust
- Survivor, Family, and Marital Trust
- Individual, Successor, Corporate Trustees
- Life Insurance Trust Considerations
- Powers of Attorney and Living Wills
- The Gift and Estate Tax System

Hour 6: Beyond the Basics of Estate Planning

- Family Limited Liability Companies
- LLC Tax Savings, Structure, Discounts
- Further Advantages of LLCs
- Disadvantages of LLCs
- Business Purpose/Nontax Reasons for LLCs
- LLCs vs. S Corporations
- Qualified Personal Residence Trusts
- Grantor Retained Annuity Trusts
- Grantor Retained Unitrusts
- Private Annuity Considerations

Hour 7: Thirteen Case Studies

- Case Study I: Burial Instructions
- Case Study II: Gross Estate Inclusions
- Case Study III: Real Property Titling
- Case Study IV: Common Stock Transfers

- Case Study V: QTIP Elections

Case Study VI: JTWRS Considerations
Case Study VII: Closely Held Stock
Case Study VIII: Identification of Transferors
Case Study IX: Children Discretionary Trusts
Case Study X: Income Beneficiary Issues
Case Study XI: Non-Citizen Issues
Case Study XII: Irrevocable Life Insurance Trusts
Case Study XIII: Determining Correct Estate Tax

Hour 8: Special Trusts (QDOT, QTIP)
Qualified Domestic Trusts
Qualified Terminable Interest Property Trusts

Marital Deductions Review

Special Estate Evaluations

Course Review and Summary