

**5339 Trusts & Wills**  
**Section 11857**  
**Fall 2017**  
**Class Assignments & Policies**  
**(PART ONE)**

Professor: Gus G. Tamborello  
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(please use this email address rather than my UH email)  
Phone: (713) 659-7777  
Class Time/Room: 6:00 p.m. - 7:18 p.m. Tuesdays and Thursdays  
Dates: August 22, 2017 through November 21, 2017 (27 total classes)

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**TEXTBOOK:**  
**DUKEMINIER & SITKOFF, *WILLS, TRUSTS, AND ESTATES* (10<sup>TH</sup> ED. 2017) (D&S)**

**STATUTES:**  
**All references to the Texas Estate Code except as indicated below.**  
**Fam.- Tex. Family Code**  
**Prop.- Tex. Property Code (which also contains the Texas Trust Code)**  
**Const.- Tex. Constitution**  
**Ins.- Tex. Insurance Code**

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**Class #1      8/22**

D&S 1-25

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**Class #2      8/24**

D&S 26-51 (skip 52-62)

22.001      Applicability of Definitions  
22.008      Devise  
22.009      Devisee  
22.012      Estate  
22.015      Heir  
22.018      Interested Person  
22.020      Legacy  
22.021      Legatee  
22.031      Personal Representatives  
22.034      Will

101.001	Passage of Estate at Decedent's Death
101.003	Possession of Estate by Personal Representative
101.051	Liability of Estate for Debts
256.001	Will Not Effective Until Probate
257.001	Muniment of Title
351.101	Duty of Care
401.001	Independent Administration
401.002	"
401.003	"
402.002	Independent Executor Acts without court approval
403.051	Duty of Independent Executor

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**Class #3**      **8/29**

D&S 63-79 (top)

(review 69-71 for background purposes only. We will use scheme in the Texas Estates Code)

251.002	Disinheritance by Will
22.004	Child
22.015	Heir
201.001	Intestacy Single Person
201.002	Intestacy Married Person- Sep. Property
201.003	Intestacy Married Person- Comm. Property
202.002	When Heirship is Authorized
202.0025	No statute of limitations
202.009	Attorney Ad Litem
Fam. 2.401	Common Law Marriage/statute of limitations
121.001	Applicability of sub-chapter
121.052	120 hour rule
121.053	120 hour rule- failure to survive presumed
121.101	120 hour rule- wills
121.102	120 hour rule- contingent beneficiary

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**Class #4**      **8/31**

D&S 79-90

201.101	Per Capita With Representation
201.057	Half-Bloods

**Class #5**        **9/5**

D&S 90-117 (top) (skip 117-122 top)

201.051        maternal inheritance  
201.052        paternal inheritance  
201.054        adopted child  
201.056        persons not in being

Fam. 160.204 presumption of paternity  
Fam. 161.206 order terminating parental rights  
Fam. 162.017 effect of adoption- child  
Fam. 162.507 effect of adoption- adult

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**Class #6**        **9/7**

D&S 122 (middle) -140

201.062        bad parent statute  
201.058        convicted persons

201.151        advancements  
201.152        advancements

Ins. 1103.151 forfeiture of life insurance  
Ins. 1103.152 payment of insurance proceeds to contingent beneficiaries

Prop. 240.009 disclaimers  
240.051  
240.0511  
240.101  
240.151

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**Class #7**        **9/12**

D&S 141-163 (top)

251.001        Who may execute a will  
251.002        Interests that pass by will  
251.051        Elements of a Will  
251.101        Self-Proved Will

251.102 Self-Proved Will  
251.103 Self-Proved Will  
251.104 Self-Proved Will  
251.1045 Simultaneous Execution  
251.105 Effect of Signature on Self-Proving Affidavit  
251.106 Contest of Self-Proved Will

254.002 Bequests to Certain Witnesses

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**Class #8**      **9/14**

D&S 163 (bottom) -190 (top)

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**Class #9**      **9/19**

D&S 190 (bottom) - 210

251.052 Holographic wills  
251.107 Self-Proved holographic wills  
256.154 Proof of Execution of Holographic will

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**Class #10**      **9/21**

D&S 210-231

253.001 Court may not prohibit revocation  
253.002 Revocation of Will  
  
256.054 Additional Application Requirements when no will produced  
256.152 Additional Proof Required  
256.156 Proof of Will not produced in court

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**Class #11**      **9/26**

D&S 231-254

123.001 Will provisions made before dissolution of marriage  
123.002 Treatment of Decedent's former spouse  
123.051 Effect of dissolution  
123.052 Revocation of non-testamentary transfers  
123.053 Effect of Revocation  
  
Fam. 9.301 Ex-spouse as beneficiary of life insurance  
Fam. 9.302 Ex-spouse as beneficiary of retirement plans

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**Class #12**     **9/28**

D&S 254 (bottom) - 276 (top)

254.004	Contractual Wills
54.001	Effecting of Filing Contest
55.001	Contests
55.002	Trial by Jury
256.204	Period of Contest

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(PART TWO WILL CONTAIN THE REMAINING ASSIGNMENTS)

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*Class Attendance and Preparation*

You will be expected to attend every class meeting and to arrive promptly. We will adhere to the school's standard 80% attendance policy. Therefore the maximum amount of absences allowed will be six (6) classes. **Any student not complying with the attendance policy will be dropped from the class.** You will gain more from each class if you have finished the assigned reading ahead of time. This course contains a significant amount of information. It will be very difficult to perform well on the exam if you do not attend class or if you wait until late in the semester to start studying.

*Grades*

There will be one final exam at the end of the semester. However, your grade may be affected by class participation and attendance. I reserve the right to raise or lower your grade 1/3 (i.e. A- to A, B to B-, etc.) based upon class participation and/or absences.

*Counseling and Psychological Services*

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)

*Final Exam*

The final exam will be completely closed book. That means closed text book, closed statute book, closed notes, closed outlines, closed everything.

**FINAL EXAM                      December 14, 2017                      6-9 p.m.**