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Estate Planning Pathfinder

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ESTATE PLANNING

Estate Planning > Treatises

Estate Planning, 6th Edition, A. James Casner and Jeffrey N. Pennell, 2003- , CCH (Commerce Clearing House)

This is a three-volume, looseleaf treatise.

Estate Planning by the late A. James Casner and Jeffrey N. Pennell brings the estate planning professional up-to-date on ongoing developments and underlying law in this ever-changing field. *Estate Planning* provides the most in-depth, practical coverage of estate planning practice, from complex transfer laws and essential strategies to inter vivos gifts and post-mortem activities. Providing detailed analysis and expert guidance on the various arrangements that may be employed to dispose of wealth, this invaluable reference offers exhaustive coverage of the laws and practices essential to creating comprehensive estate plans, including advice on opportunities to escape (or shift) the tax burden in scores of typical and not-so-typical situations.

At its core, this resource provides the most thorough explanation of the law relating to estate planning that the late Professor Casner dedicated much of his life's work to, encompassing income and wealth transfer taxation, and the laws of property, business, future interests, wills, trusts, agency, and much more.

(Description Source: the publisher, Commerce Clearing House)

Price on Contemporary Estate Planning, 2nd Ed., John R. Price, CCH, 2000-

A mine of information and expertise packed with valuable practice tips, this is the most current and comprehensive single-volume estate planning resource available. Providing theoretical grounding and a practice-oriented approach, Price shows how to handle the full range of estate planning problems and techniques, including:

- Client counseling
- Durable powers of attorney
- Living wills
- Private annuities
- Charitable remainder trusts
- Life insurance
- Lifetime noncharitable gifts
- Closely held business interests
- Community and marital property
- Retirement plans and IRAs

- Post-mortem planning
- Professional responsibility

Helpful practice tools include numerous real-life examples illustrating application of principles, ready-to-adapt forms, and checklists

(Description Source: the publisher, Commerce Clearing House)

Estate Planning > Loose Leafs and Other Continuations

Multistate and Multinational Guide to Estate Planning, 2d ed. Jeffrey A. Schoenblum, CCH, 2003- , 2v.

Multistate and Multinational Guide to Estate Planning analyzes the legal aspects of individual wealth transfers across state and national boundaries. In addition, the *Guide* seeks to develop workable strategies for the attorney involved with a multijurisdictional client. Planning is a central concern of *Multistate and Multinational Guide to Estate Planning*. The set is divided into six parts. The first is an overview of the topic. Part II is concerned with professional issues, particularly malpractice problems across state and national lines. Part III investigates the ties that influence which law is chosen to resolve legal questions that arise in the multijurisdictional setting. Part IV addresses specific restrictions on testamentary freedom. Part V deals with the intricacies of choice of law involving wills, trusts and estates. Part VI addresses tax matters at the multistate and multinational levels.

The 2004 Supplement to *Multistate and Multinational Estate Planning* covers the legislative, regulatory and judicial developments that are of most importance to estate planners and their clients.

(Description Source: the publisher, Commerce Clearing House)

CCH *Inheritance, Estate and Gift Tax Reporter* is the comprehensive authority on state inheritance, estate and gift tax laws. CCH *Inheritance, Estate and Gift Tax Reporter* provides you with the big picture, with coverage of the state inheritance, estate and gift tax laws of all states, the District of Columbia and Puerto Rico.

CCH *Inheritance, Estate and Gift Tax Reporter* offers:

Expert Guidance – CCH Explanations clarify pertinent laws, regulations and decisions — showing you what they mean and how they may be applied.

Source Materials – The full text of relevant state laws and regulations, and annotations to court decisions, Attorney General's opinions, and administrative releases are included in identical format — for all 50 states, the District of Columbia and Puerto Rico.

Practice Aids – All-State Compendiums summarize each state's laws and rates.

News Customized by You – Delivered daily via e-mail and your own personalized web page, with direct links to related full text primary source materials and CCH editorial analysis, via CCH® Tax Tracker NewsSM (internet subscription only).

(Description Source: the publisher: Commerce Clearing House)

Federal Estate and Gift Tax Reporter CCH, 1983- , 4 vol. Looseleaf updates.

This multi-volume looseleaf reference guide contains the full text of the Internal Revenue Code and IRS regulations on federal estate, gift, and generation-skipping taxes, together with applicable final, temporary and proposed regulations and related income tax provisions, which allows you to make informed, accurate decisions.

You'll have full-text reporting on these provisions at your fingertips, along with applicable final, temporary and proposed regulations and related income tax provisions.

We also include full-text reporting of federal court decisions and IRS rulings, including selected private letter rulings, and pending legislation — keeping you current with the latest information.

To simplify your research, CCH Explanations are integrated within the official material to provide you with the law, what it means and how to apply it — and best yet, it's all in one place.

(Description Source: the publisher: Commerce Clearing House)

Federal Income, Gift, and Estate Taxation. By Jacob Rabkin & Mark Johnson with contributor Mary Howley, JD, Matthew Bender, 1962- . 9 vol. Updated by extra-numbered volumes.

This comprehensive treatise on federal taxation combines the highest level of tax scholarship with a practical approach.

Seven text volumes cover a wide variety of federal tax issues relating to: individuals; corporations; partnerships; estate and gift transactions; pensions; debtors and creditors; foreign transactions; and charities.

(Description Source: The Publisher: Matthew Bender)

Estate Planning & Taxation Coordinator. By RIA (Research Institute of America), 1978-. 8 v. Loose-leaf update. (includes forms)

Here is the definitive, hands-on estate planning resource--a complete all-in-one estate and gift tax reference in nine comprehensive volumes, updated biweekly. This RIA compilation covers all federal tax aspects of estate planning and administration. Analysis and explanations from RIA's in-house specialists bring clarity to the applicable tax code provisions, regulations, cases, rulings and procedures.

Comprehensive planning articles present the pros and cons of a particular course of action and offer only the most tax-wise recommendations.

Estate Planning & Taxation Coordinator offers a broad range of sample forms and clauses, including GRATs, GRUTs and Qualified Personal Residence Trusts. Line-by-line explanations for completed sample returns cut preparation time and eliminate guesswork. Samples include Forms 706, 709 and 1041. Look to the *Coordinator* for analysis and reprints of every U.S. estate and gift tax treaty, prototype wills, trusts, estate administration forms and clauses, plus valuation tables, tax tables and AFRs

(Description Source: the publisher: RIA)

Estate Planning Law and Taxation. 4th ed., 2001-. By David Westfall, Warren, Gorham & Lamont. Looseleaf updates.

This practical, hands-on guide focuses on the tax consequences of estate planning decisions. Look to this Fourth Edition of *Estate Planning Law & Taxation* for direction on prudent income, gift, estate, and generation-skipping tax management.

Build a comprehensive and thorough estate plan by weighing tax pros and cons of each planning decision. Get detailed guidance on separation agreements, premarital agreements, arrangements for disabilities of clients

Estate Planning > Forms

Drafting the Estate Plan: Law and Forms, David A. Handler and Deborah V. Dunn, 2003, CCH

Drafting the Estate Plan: Law and Forms does not merely compile the transfer tax and trust laws, it explains how to use or work with and apply those laws to meet client needs. This two-volume resource "takes the next step" by pointing out the pitfalls and opportunities created by each law, rule and case discussed and explains not only how to implement strategies, but also why and when to use them.

In Volume 2 of *Drafting the Estate Plan*, the authors provide user-friendly forms with detailed annotations that provide practical information and advice regarding the meaning and consequences of the provisions and various alternatives, the purposes of which may not be readily apparent. These forms allow users to convert the knowledge and advice imparted in the explanatory text of Volume 1 into actual practice with great ease. Thus, both the novice as well as the experienced practitioner have the tools they need to practice in the estate planning field. In addition, the forms (without annotations) are provided on a free companion CD-ROM that practitioners can immediately put to use in drafting estate plans.

(Description Source: the publisher, Commerce Clearing House)

McGaffey Legal Forms with Tax Analysis By: - Jere D McGaffey

- Provides tax planning implications and consequences
- Presents legal language forms to create documents for business transactions and estate planning
- Provides extensive cross-references to forms that can be customized to meet a client's specific needs
- Includes handy checklists to ensure nothing is overlooked
- Forms are followed by suggestions for alternative provisions

This multivolume resource focuses on agreements attorneys create for corporate structure and compensation; acquisitions and reorganizations; liquidations and redemptions; estate and personal planning; partnerships and tax shelters. It provides legal answers to tax questions, while explaining how those answers affect Subchapter S corporations and professional service corporations; stock options and fringe benefits; operating loss carryovers; wills, divorce, and separation; debt instruments and leases. Includes numerous finding aids (tables of cited cases, IRC Sections, revenue rulings, revenue procedures) and two separate indexes (one for forms, another for analysis).

Estate Planning > Practice Guides

Estate Planning in Depth. ALI-ABA (American Law Institute-American Bar Association Committee on Continuing Professional Education [annual]. 3 vol. (includes forms).

Presented at an advanced level, these materials emphasize the drafting and administration of trusts and systematically examine nontax principles and income and transfer tax foundations. Areas of concentration include fiduciary principles; community property; asset protection; disabled and elderly persons; individuals with foreign connections; income taxation of trusts and estates; grantor trusts; valuation principles; QPRTs and GRATs; valuation discounts, including the effects of Strangi; annual exclusion gifts, including the effects of Hackl; using and adjusting exemptions, including ownership of assets, QTIP elections, and disclaimers; and marital and charitable deduction planning.

(Description Source: the publisher: ALI-ABA)

Family Estate Planning Guide. 4th Ed. By Frederick K. Hoops III. Clark Boardman Callaghan, 1994, 2 vol. (includes forms).

Resolve estate planning problems with knowledge of the law and creativity. This text provide expert answers to all your clients' estate planning questions, with treatment of such issues as marital deduction planning, charitable lead and remainder trusts, insurance planning, estate and gift tax, generation-skipping transfer tax, annual exclusion planning, and will provisions.

- Features of this publication include the following topics:
- Non-traditional estate planning and handling unusual assets
- Basic wills, trusts, GRITS, GRATS & GRUTS, insurance, and health care directives in estate planning
- Federal taxation aspects of estate plans, including succession arrangements and property preservation
- Developments in I.R.C. Chapter 14 estate freezes, limited liability companies, and family partnerships
- Partnership tax, employee benefits plans, and IRAs

Federal estate, gift and generation-skipping transfer tax and beneficiaries, and generation-skipping transfer tax and more.

(Description Source: the publisher: Commerce Clearing House)

An Estate Planner's Guide to Family Business Entities: Family Limited Partnerships, Limited Liability Companies, and More, Second Edition By Louis Mezullo. ABA (American Bar Association), 2003 (includes forms)

As the nation's population ages, an increasing number of clients are This guide discusses the different techniques available for most effectively planning the transfer of a client's wealth, including trusts, S corporations, C corporations, partnerships and LLCs. To guide the selection of the most appropriate entity to meet a client's objectives, the book provides a thorough comparison of the advantages, disadvantages and restrictions of each type of entity. The correct choice will help clients avoid unnecessary transfer taxes, reduce income taxes, and minimize administration expenses.

The book begins with a concise explanation of the objectives and techniques of estate planning for owners of closely held businesses. Subsequent chapters provide a practical guide to the variety of forms of legal business entities available to help clients minimize estate and gift taxes while also realizing a number of non-tax benefits. Among the topics covered include:

- Recent developments relating to S corporations
- Transfer tax issues
- Partnership taxation

- Limited partnerships and LLCs
- Special valuation rules under Chapter 14
- Sample forms
- Examples of tax savings

Completely revised and up-to-date, this edition covers important recent developments affecting estate planning with family business entities, including the Strangi cases, the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) and the final ESBT regulations. A new chapter addresses installment sales to grantor trusts.

(Description Source: the publisher: ABA)

An Estate Planner's Guide to Qualified Retirement Plan Benefits. 3d ed. By Louis Mezullo. ABA, 2002 (includes forms)

Incorporates the changes made by the Economic Growth and Tax Relief Act of 2001 and the final minimum distribution rules under Code 401(a)(9).

Benefits from qualified retirement plans and IRAs represent a significant portion of the net worth of many estate planning clients - by most estimates, up to 75 or 80% of the intangible wealth of the majority of middle class families. However, advising clients about distribution from qualified retirement plans and IRAs involves a series of complex options.

Providing comprehensive, practical advice for the non-ERISA specialist, this newly updated version of *An Estate Planner's Guide to Qualified Retirement Plan Benefits* helps you structure benefits from qualified retirement plans and IRAs in order to achieve maximum benefits for your clients. Incorporating the numerous important changes made by the Economic Growth and Tax Relief Reconciliation Act of 2001 as well as the new minimum distribution rules under Code §401(a)(9), the manual consistently relates key distribution issues to current estate planning practices.

This new edition of the best-selling guide clarifies the options available for distribution, alerts you to the dangers of some traditional estate planning techniques, and helps you meet your clients' interests and needs. Along with summarizing defined benefit and defined contribution plans and the rules that affect each type of plan, it also discusses tax laws, rules, and regulations as well as the penalties related to these distributions. Income taxation of benefits, transfer tax issues and spousal rights are covered in detail. Where appropriate the author notes relevant estate and trust administration issues.

A final chapter details practical planning strategies based on three key objectives: (1) Achieving the client's personal goals when making decisions about benefits while considering restrictions in the plan that may limit the form and timing of the distributions;

(2) Avoiding the 10 percent penalty and the 50 percent excise tax that may apply to distributions; and (3) Incurring the lowest possible income tax on the distribution.

Appendices include an illustration of tax consequences and hypothetical retirement plan scenarios, forms, tables and charts for estate planning purposes, and tables of cases, revenue rulings, private letter rulings, and IRS news releases, notices, and revenue procedures.

(Description Source: the publisher: ABA)

A Lawyer's Guide to Estate Planning: Fundamentals for the Practitioner, 3d ed., by Lara Rae Hunt, L. Rush Hunt. ABA, 2003 (includes forms)

This new book is intended to provide a helpful introduction to the basics of estate planning. It is written with an eye toward the needs of general practitioners and those who are seeking to develop a specialty in the estate-planning field. For this reason, the text is written in a user-friendly manner that provides basic text treatment of the subject along with cautions, examples, and planning pointers clearly denoted throughout the book. The cautions point out problem areas that must be considered to avoid an unwanted tax or other problem. The examples supplement the text and illustrate the point being discussed. The planning pointers show how to use the tax laws to benefit the tax and other planning needs of your clients. Also included on CD-Rom are numerous will and trust forms. These forms are annotated to make it clear why particular provisions are included in the will or trust. There are also cross-references between the text and the forms.

(Description Source: the publisher, American Bar Association)

Closely Held Businesses in Estate Planning, Edwin T. Hood, John J. Mylan, Timothy P. O'Connor, 2004, CCH

Closely Held Businesses in Estate Planning provides exhaustive coverage of the gratuitous transfer tax system, inter vivos gifting strategies, valuations freezes, intra-family sales, buy-sell agreements, the marital deduction, planning strategies for retirement income distributions, and valuation of closely held business interests. This easy-to-use reference provides complete and comprehensive coverage of the strategies and practices for protecting a closely held business while limiting the tax burden on the estate's owner.

(Description Source: the publisher, Commerce Clearing House)

Drafting the Estate Plan: Law and Forms, David A. Handler and Deborah V. Dunn, 2003, CCH

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(Description Source: the publisher, Commerce Clearing House)

Practical Guide to Estate Planning, Ray D. Madoff, Cornelia R. Tenney, Martin A. Hall, 2003, CCH

Practical Guide to Estate Planning provides a clean overview of estate planning, offering the widest variety of discussion on planning principles and tools from the simple to the sophisticated. This book is not lacking in detail, witnessed by its well-annotated collection of forms that will appeal to many experienced estate planners. The layout of this book reflects its emphasis on simplicity and clarity. It is divided into four major sections, the first of which provides a general view of the estate planning process. The second section of this book addresses the rules involved in estate planning and the various ways in which estates may be structured to achieve desired tax effects. The third section explores some of the more specialized areas of estate planning, including Generation-skipping transfer tax rules and charitable planning, including the use of private foundations and split-interest trusts. The last section contains a set of estate planning forms. Included are a pour-over will, a revocable trust, a minor's trust, a Crummey trust, a life insurance trust, a durable power of attorney, and a health care proxy. The authors provide alternative drafting options as well as comprehensive annotations that can be used as quick references that explain why and how these devices operate.

This reference, and with its wealth of basic information as well as its impressive assortment of forms and supporting materials, it offers something of interest for everyone. Its clarity and clean organization, augmented by well-constructed examples, practice tips, diagrams and charts, make it a work that will be useful to both the newcomer and the experienced practitioner in the field.

The *2004 Cumulative Supplement to Practical Guide to Estate Planning* covers the legislative, regulatory and judicial developments that are of most importance to estate planners and their clients. It brings the practitioner up to date in this constantly changing area. Highlights include:

- Extensively revised pour-over trust form and comments to address changes in state estate tax laws brought about as a result of the phase-out and repeal of the State Death Tax Credit;
- New subsection on Education Individual Retirement Accounts;
- Discussion of proposed and supplemental proposed regulations on split-dollar life insurance;
- Up-to-date coverage of developing case law on family limited partnerships; and
- Changes in figures to reflect the 2003 inflation adjustments contained in Revenue Procedure 2002-70.

A Practitioner's Guide to Estate Planning, Doug H. Moy, 2001, CCH

A Practitioner's Guide to Estate Planning provides the accurate objective information the estate planning professional can depend upon to answer his clients' questions. In two loose-leaf volumes, author Doug Moy -- consultant, lecturer, and estate planning specialist -- has assembled the essential theory of the estate planning process together with practical guidance about how to make it all work. Many of the hundreds of the examples used throughout the two-volumes are based on real-life situations to which an attorney can relate. This intensely practical book, which is well founded in theory and law is divided into six parts. Part 1 explains the need for estate planning, how to achieve effective plans, the "nuts and bolts" of the transfer tax system and paying the estate tax -- and points out misconceptions and common mistakes. Part 2 examines the effect of different forms of property ownership on estate plan design -- plus other vitally important material in this area, often skimmed over or ignored in other estate and gift tax books. Part 3 emphasizes the myriad interests in property and assets that may comprise a client's estate -- explains the probate and nonprobate parts of the gross estate ... covers closely-held business planning considerations ... discusses the role of life insurance in estate planning ... and the vast number of problem areas created by business transactions. Part 4 focuses on the three major types of deductions allowed from the gross estate: those for costs actually incurred, those that reduce the value of gross estate property, and those that allow for the tax-free transfer of property. Part 5 covers gift giving, the area with the most potential for avoiding transfer taxes --including advantages, disadvantages, leveraging,

split-interest gifts, and charitable giving strategies. Part 6 covers wills, including an article-by-article analysis of a typical will ... and trusts, from the basics through the many complex aspects of the revocable living trust.

(Description Source: the publisher, Commerce Clearing House)

Estate Planning > Closely Held Businesses

Closely Held Businesses In Estate Planning By: Edwin T. Hood, John J. Mylan, Timothy P. O'Sullivan, 2004, CCH

Closely Held Businesses In Estate Planning provided exhaustive coverage of the gratuitous transfer tax system, inter vivos gifting strategies, valuations freezes, intra-family sales, buy-sell agreements, the marital deduction, planning strategies for retirement income distributions, and valuation of closely held business interests. This easy-to-use reference provides complete and comprehensive coverage of the strategies and practices for protecting a closely held business while limiting the tax burden on the estate's owner. Contents include:

- The Closely Held Business in Estate Planning—An Introduction
- An Overview of the Gratuitous Transfer Tax System
- An Overview of Inter Vivos Gifting Strategies
- Inter Vivos Gifts of Closely Held Business Interests
- Valuation Freezes
- Intrafamily Sales of Closely Held Business Interests
- Buy-Sell Agreements
- Marital Deduction and Life Insurance Related Issues
- Planning for Retirement Plans
- Valuation of Closely Held Business Interests
- Special Use Valuation and Qualified Family-Owned Business Exclusion
- Deferred Payment of Federal Estate Taxes
- Redemption to Pay Death Taxes
- Postmortem Divisions of Family-Owned Businesses
- Table of Cases
- Table of Internal Revenue Code Sections
- Table of Private Letter Rulings
- Table of Revenue Rulings
- Table of Treasury Regulations
- Table of Proposed Treasury Regulations
- Table of Temporary Treasury Regulations

Closely Held Businesses in Estate Planning, 2005 Supplement

The 2005 Supplement for *Closely Held Businesses in Estate Planning* covers the legislative, regulatory and judicial developments that are of most importance to financial and estate planning professionals advising closely held businesses and their owners. It brings the practitioner up to date in this constantly changing area.

Closely Held Businesses in Estate Planning - 2004 Supplement

The 2004 Supplement for *Closely Held Businesses in Estate Planning* covers the legislative, regulatory and judicial developments that are of most importance to financial and estate planning professionals advising closely held businesses and their owners. It brings the practitioner up to date in this constantly changing area.

Tax and Financial Planning for the Closely Held Family Business with 2003-04 Supplement, Gary A. Zwick and James John Jurinski

Tax and Financial Planning for the Closely Held Family Business, by Gary A. Zwick and James John Jurinski, provides traditional planning techniques as well as many often-overlooked nontraditional strategies. The authors, who are J.D.-C.P.A.s with extensive experience representing family businesses, discuss the role of the family business adviser in dealing with the organizational, tax, financial, governance, estate planning, and personal family issues that confront a business and its owners. This 17-chapter text covers:

- The importance of understanding the unique problems of family businesses and the need for advance planning (*Chapters One and Two*);
- Steps the adviser and family members can take to prevent or resolve family conflicts (*Chapters Three and Four*);
- Compensation techniques, including deferred compensation (*Chapter Five*);
- Retirement and distribution planning (*Chapter Six*);
- Succession issues, including development of a formal succession plan (*Chapter Seven*);
- Estate planning, illustrated with exhibits and spreadsheets (*Chapter Eight*);
- Intra-family transfers, including ESOPs (*Chapter Nine*);
- Liquidity planning, with a liquidity worksheet, checklist, and Section 6166 illustration (*Chapter Ten*);
- Valuation issues, such as strategies for valuation reports, discounts, and buy-sell agreements (*Chapter Eleven*);
- Life insurance planning, including use of trusts, partnerships, and split-dollar arrangements (*Chapter Twelve*);
- Financing problems, such as sources of capital for expansion and buyouts (*Chapter Thirteen*);

- Income tax planning opportunities, including use of multiple entities and management companies (*Chapter Fourteen*);
- Related party rules, including rules concerning installment sales and sales of passive activities (*Chapter Fifteen*); and
- The Family-Owned Business Deduction requirements and limitations (*Chapter Sixteen*).

Numerous practical examples, sample calculations, and planning tips are interspersed throughout the book and a dozen exhibits are included. The final chapter provides a case study that follows a hypothetical business from its organizational planning to the implementation of the succession plan.

The *2003-04 Supplement* covers:

- New strategies for intervening when serious problems threaten family businesses;
- Using "family constitutions" to solve business operating problems generated by family discord;
- Sales to outsiders and how they are best accomplished;
- Finding the right successor to run the business;
- Updates on changes in tax rules affecting compensation, retirement, and estate planning for family business owners;
- New sections on using conservation easements when the family business owns real estate;
- Updates on the tax rules relating to intra-family transfers;
- Recent changes in life insurance and income tax planning strategies;

WILLS & TRUSTS

Wills > Treatises

Page on the law of wills: including probate, will contests, evidence, taxation, conflicts, estate planning, forms, and statutes relating to wills, Page, William H., 4th ed. Revised by William J. Bowe and Douglas H. Parker, Cincinnati, Anderson Publishing Co., 1960- 10 vols. Annual pocket parts.

First published in 1901 by William Herbert Page, the fourth edition of this thorough analysis of the law of wills and probate included exhaustive citations to the case law and statutes of all fifty states. Now under revision by Jeffrey A. Schoenblum, Professor of Law, Vanderbilt University School of Law, the set also discusses such topics as will construction, will contests, will substitutes, testamentary capacity, formalities of execution, amendment and revocation, living wills, durable powers and medical directives, and generation-skipping transfer provisions. The text also examines will

drafting, the selection and appointment of fiduciaries, and the use of inter vivos and other forms of trusts. A volume of forms includes both whole will and trust forms as well as sample clauses covering the full range of estate planning options.

(Description source: *Legal information Buyer's Guide and Reference Manual*, by Kendall F. Svengalis, 2002)

Trusts > Treatises

Scott on Trusts, by Mark L. Ascher, Austin Wakeman Scott, William Franklin Fratcher

Widely regarded as the leading authority on the law of trusts, *Scott on Trust* offers practical advice on the creation, administration, and termination of all kinds of trusts, as well as incisive analysis of the underlying principles of trust law.

The duties of trustees and the rights of beneficiaries, would-be beneficiaries, and third parties are constantly being changed and redefined. This preeminent resource keeps you abreast of the latest developments in trust law enabling you to resolve trust problems efficiently and effectively with regular updates integrating the latest court decisions and legislative changes.

Scott on Trusts allows you to examine the full range of your options at every stage, from client counseling to final distribution. You'll find all the guidance you need to handle such trust elements and issues as:

- What can make a trust illegal
- Powers and liabilities of the trustee
- Remedies of the beneficiary
- Charitable, constructive, and resulting trusts
- Third-person liabilities
- Power of creditors to reach trust property
- ERISA
- Conflict of laws
- Moral and political factors influencing a trustee's investments
- Corporate fiduciaries
- Creditors and bankruptcy
- Eligibility of beneficiary for Medicaid

(Description Source: the publisher, Aspen Publishers)

Charitable Trusts, George B. Jewell, 2003, CCH

Charitable Trusts discusses charitable remainder trusts and charitable lead trusts in the context of overall estate and financial planning. This comprehensive book shows attorneys, financial planners, and development officers how charitable trusts can be used to achieve vital estate and financial planning objectives, while securing significant benefits for hospitals, colleges and universities, relief organizations, and other charitable organizations.

Charitable Trusts is a comprehensive, practical resource for both the practitioner who is just beginning to incorporate charitable remainder and lead trusts into his or her practice and the experienced advisor who needs an answer to a technical question that has arisen in his or her practice. *Charitable Trusts* shows the practitioner how to design, draft, fund, administer, and comply with tax laws for every type of charitable trust. Furthermore, the annotated forms section (approximately 200 pages) is provided on a free companion CD-ROM.

(Description Source: the publisher, Commerce Clearing House)

Bogert Trusts and Trustees, 2d By: George T. Bogert and George Gleason Bogert and Amy Morris Hess

- A single source for forms to assure completeness and accuracy when drafting trust instruments
- Reading notes explain fact situations of supporting cases
- Table of Cases leads to the subject when you start with just one case in point
- Practical application of the law to specific situations
- References to significant law review articles
- Comprehensive index helps pinpoint your answer fast
- Regular updating keeps the set current

Your guide through the maze of today's tax laws, administrative rules and regulations, and court decisions regarding trusts. Covers the entire field of modern trust uses and shows how to plan an estate. Illustrates various uses of trusts in personal estate planning as well as in business and commercial arrangements. Includes important developments in law and techniques relating to estate and tax planning with trusts. Contains citations to all cases supporting the text, practical guidance on how to proceed under particular circumstances, and references to pertinent state and federal statutes.

Bogert on Trusts, 6th (Practitioner Treatise Series) By: - Dallin H. Oaks and H. Reese Hansen and Claralyn Martin Hill and George Gleason Bogert

This handy volume combines the basic theory of a law school Hornbook with practical advice and user-ready forms (with reference to the Tax Reform Act of 1986). References throughout the text allow you to easily expand your research to other primary and secondary sources such as state statutes and leading cases, the Uniform Probate Code, federal statutes affecting trusts, and corresponding sections in Bogert's *Trusts and Trustees*, and in the *Restatements of Trusts, 2d*, and *Property, 2d*.

Restatements > Trusts

Restatement of the Law: Trusts

The original work on this subject is now out of print. It was replaced by Restatement of the Law Second, Trusts. Restatement Third is now in progress.

Restatement of the Law Second, Trusts

Restatement of the Law Second, Trusts, replaces the original work published in 1935. Although it does not contain very much that is contrary to what was said in the first Restatement, it contains a great deal that was not said there. There have been many subsequent applications of established principles to new situations, and those are covered in the newer work. The effort in Trusts Second is to provide fuller explanations for conclusions reached, stating not only the rule, but wherever helpful, the reasons behind the rule. Accordingly, Reporter's Notes are included. These cite a great deal of case law and whatever discussion the Reporter desired to give.

In two volumes, the Restatement covers definitions and distinctions; the creation of a trust; the trust property; the trustee; the beneficiary; transfer of the interest of the beneficiary; the administration of the trust; liabilities to third persons; liabilities of third persons; the termination and modification of the trust; charitable trusts; and resulting trusts.

The remaining three volumes of Restatement Second, Trusts, are Appendices containing case citations, cross-references, and Reporter's Notes. Cumulative annual pocket parts update Volumes 4 and 5.

Restatement of the Law Third, Trusts

The Restatement Third of Trusts began with a revision of the Prudent Investor portions of the Second Restatement of Trusts (1959), which was completed and published in a single volume in 1992. In 2003, the Institute published Volumes 1 and 2 of Restatement Third, Trusts, which cover the Nature, Creation, and Elements of Trusts; Interests and Rights of Beneficiaries; and Trust Modification and Termination.

These thoroughly reconsidered and reformulated volumes draw both on court decisions and on statutes to provide a contemporary treatment of trust law offering authoritative guidance to legislators, judges, and especially to those who counsel trustees and beneficiaries and who endeavor to draft instruments that will accurately reflect the lawful intentions of donors. The new Restatement's extensive treatment of charitable trusts provides valuable guidance and rationale — with Illustrations drawn from timely contemporary fact patterns and issues — as to what courts may or may not regard as legitimate charitable purposes and what are appropriate applications of the *cy pres* doctrine. Additional volumes not yet published will deal with the administration of trusts and incorporate an updated version of the earlier Prudent Investor volume.

Tentative and Other Annual Meeting Drafts (Trusts)

Tentative Draft No. 1: Part 1. Nature, Characteristics, and Types of Trusts: Chapter 1. Definitions and Distinctions; Chapter 2. Resulting Trusts; Part 2. Creation of Trusts: Chapter 3. Basic Principles and Requirements; Chapter 4. Formalities: Trusts Created by Will; Chapter 5. Formalities: Creation of Inter Vivos Trusts

Tentative Draft No. 2: Part 2. Creation of Trusts (revised § 26); Part 3. Elements of Trusts; Part 4. Nature of Beneficiaries' Rights and Interests

Tentative Draft No. 3: Part 2. Creation of Trusts: Chapter 4. Formalities: Trusts Created by Will (revised § 19, Comment *f*); Part 3. Elements of Trusts: Chapter 6. Trust Purposes (new § 28 on "Charitable Purposes"); Part 5. Modification and Termination of Trusts

*Tentative Draft No. 4: Part 6. Trust Administration: Chapter 14. Trustee Powers and Duties: General Principles; Chapter 15. Specific Duties of Trusteeship; Chapter 16. Extent and Exercise of Trustees' Powers

* *Official text not yet published.*

Prudent Investor Rule

Although the Prudent Investor Rule project constituted only a partial revision of the Second Restatement of Trusts, it was intended to comprehensively reformulate, in the context of modern portfolio theory and contemporary investment practices and

techniques, the traditional rules governing the trustee's duty to invest and manage the assets of the trust with prudence. This volume will eventually be updated and incorporated into the thorough revision of Restatement Second, now in progress, that will constitute the complete Restatement Third of Trusts. See Volumes 1 and 2.

The coverage of Trusts (Prudent Investor Rule) includes the general standard of prudent investment (§ 227), investment provisions of trust or statute (§ 228), and duty with respect to original investments (§ 229), as well as revisions to other sections of the Second Restatement of Trusts affecting or affected by the prudent investor rule. The Appendix contains the complete text of sections partially revised or presented for information only. Tables of cases, statutes, authorities, and cross-references to the West Digest System and ALR annotations are included, as is an index.

(Description Source: the publisher: American Law Institute)

TAXATION

Federal Taxation of Income, Estates & Gifts By: Bittker, Boris I. 3rd ed. Boston: Warren, Gorham & Lamont of the RIA Group, c1999- , 4v.

Federal Taxation of Income, Estates & Gifts, Second/Third Edition is for professionals seeking informed answers to complex tax questions. Here is a unique source of expert commentary and detailed analysis of current federal tax law. Whether you're a tax practitioner, judge, professor, or government employee, you'll find this six-volume treatise to be an indispensable resource.

Included is a complete discussion of estate, gift and generation-skipping transfer taxation. This treatise offers such special features as:

- Select statistical tables, including requirements for filing Individual Tax Returns, Civil Penalties Assessed and Abated, Tax Rates on Long-term Capital Gains, and more
- References to specialized discussions in books and articles
- History of major changes in capital gain and loss provisions

This treatise is a blend of thorough analysis, a synthesis of federal tax law and illustrated examples, together with the authors' incisive commentary and authoritative reasoning.

Tax Management Estates, Gifts, and Trusts Portfolios. By Tax Management, Inc.
Looseleaf updates.

More than 70 Portfolios scrutinize topics of estates, gifts and trusts planning.
(Description Source: the publisher: Tax Management, Inc.)

U.S. Master Estate and Gift Tax Guide, 2005

CCH's *U.S. Master Estate and Gift Tax Guide* is designed as a guide for both tax advisors and estate representatives involved in federal estate and gift tax return preparation and tax payment. The 2005 Edition of this comprehensive reference (formerly published as *Federal Estate and Gift Taxes Explained* in 32 editions) provides clear explanations of the laws relating to federal estate, gift and generation-skipping transfer taxes to give readers the solid understanding they need to understand and apply today's complex rules.

The *U.S. Master Estate and Gift Tax Guide* provides practical guidance for professionals working with estate and gift tax planning. This helpful resource contains:

- Concise, up-to-date discussions of recent statutory and regulatory law changes, court decisions, IRS rulings, and changes in the regulations affecting the estate, gift and generation-skipping transfer taxes.
- Appendices containing pertinent tax tables, such as the unified rate and credit, state death tax credit and pre-1977 gift tax rates.
- Sample filled-in forms in the 706 and 709 series, as well as various generation-skipping transfer tax forms.
- Citations to Internal Revenue Code, regulations, IRS rulings and court decisions to enable practitioners to further research the estate and gift tax law.
- Code Finding List for quick reference to the IRC sections cited.
- Forms Finding List referencing where key IRS forms and worksheets are reproduced and discussed.

A detailed Topical Index to assist in quickly locating specific points discussed in the volume.

A special feature of this CCH reference is the **Quick Tax Facts** card. This handy card is bound into the book for at-a-glance reference to key estate and gift tax rates and credits, figures, filing deadlines and other valuable information. The card is perforated, so it can be removed from the book and posted near the professional's computer or desktop for instant access

Asset Protection Strategies: Tax & Legal Aspects, (2 volume set), Lewis D. Solomon, Lewis J. Saret, 1995, CCH

This two-volume set is designed to be of use to all professionals involved in the asset protection plan, including attorneys, accountants, and financial planners among others. The subjects covered are those that the planner must consider when properly preparing an asset protection plan.

Volume 1, subtitled *Tax and Legal Aspects*, covers fraudulent conveyance concepts, applicable rules and strategies concerning the planners' choice of an appropriate business entity, use of domestic and foreign trusts, retitling assets into various forms of concurrent ownership, exemption planning, compliance rules concerning foreign bank accounts, and IRS enforcement of its tax claims.

Volume 2, subtitled *Forms and Commentary*, provides forms that planners may use to effect asset protection plans and to provide planners with authoritative, yet practical and pragmatic guidance concerning the use of such forms. The accompanying disk provides the forms in a readily usable format.

(Description Source: the publisher, Commerce Clearing House)

Federal Income Taxation of Estates, Trusts & Beneficiaries By M. Carr Ferguson, James J. Freeland, Mark L. Ascher

While many fiduciaries and professionals share responsibility for wealth planning or reporting the income taxes relating to transfer of wealth, there is little published to guide them through the maze of choices and problems they may encounter. *Federal Income Taxation of Estates, Trusts, & Beneficiaries* provides step-by-step guidance for dealing with the problems of preparation of the decedent's final return, characterization of income in respect of a decedent, computation of distributable net income (DNI), the interaction of the system of taxation of trusts and estates and the passive activity rules, the grantor trust rules, and the rules relating to split interest charitable trusts. Contents include:

- The Income Tax Meaning of Estates and Trusts
- Decedent's Income Tax Liability for the Year of Death
- Income in Respect of Decedents
- Partnership Interests
- Distributable Net Income
- The Charitable Deduction
- The Passive Activity Rules
- The Throwback Rule
- Grantor Trusts
- Split-Interest Charitable Trusts

- Termination
- The Executor's Personal Liability for Federal Income Taxes of the Decedent and the Estate

Income Taxation of Fiduciaries and Beneficiaries, 2003 ed., Byrle M. Abbin, New York: Aspen Publishers, 2003, 2v.

Income Taxation of Fiduciaries and Beneficiaries provides step-by-step guidance on the taxation of fiduciary income. This comprehensive guide for practitioners advising fiduciaries and beneficiaries in federal and state income tax matters covers the broad range of complex issues from charitable remainder trusts to nexus rules and their effect. Providing expert practical advice, *Income Taxation of Fiduciaries and Beneficiaries* helps the practitioner obtain the most advantageous outcomes for his/her fiduciary and beneficiary clients. Contents include:

- Overview of the Fiduciary Entity
- Relationship of Fiduciary Accounting and Tax Concepts
- Itemized Deductions
- Distributions
- Capital Gains and Alternative Minimum Taxes, Accounting Periods, and Special Rules
- Estimated Taxes
- Passive Activity Loss Limitations
- Trusts: Formation to Termination
- Charitable Trusts
- Alternative Use of Grantor Trusts in Transactional Planning
- Ownership of S Corporation Stock by Trusts—Emphasizing Qualified Subchapter S Trusts and the New More Flexible Electing Small Business Trust
- Grantor Trust Rules

(Description Source: the publisher, Aspen Publishers)

INTERNET RESOURCES

Websites

Consultweb.com. Estate Planning Law

<http://www.estate-planninglaw.com/>

This site lists estate, probate, trust & taxation links and resources for both attorneys and consumers.

American Bar Association. Real Property, Probate and Trust Law Section
<http://www.abanet.org/rppt/home.html>

Washlaw (University of Washington, School of Law). Guide to Taxation
<http://www.washlaw.edu/subject/taxation.html>

Hieros Gaamos. Estate & Trust Law
<http://www.hg.org/estate.html>

Findlaw- Wills, Trusts, Estates and Probate Page
<http://estate.findlaw.com/01topics/31probate/index.html>

Estate Planning & Probate Center:

This section contains information and resources to help you with estate planning, wills, trusts, probate, and estate administration. This section contains:

Estate Planning, Wills, & Trusts
<http://print.estate.findlaw.com/estate-planning/>

Probate and Estate Administration
<http://print.estate.findlaw.com/probate/>

Legal Information Institute (Cornell University Law School) Estate Planning:
<http://www.law.cornell.edu/topics/estateplanning.html>

This site links to state and federal on estate planning, the uniform laws, and other pertinent resources for estate planning.

Legal Research for Estate Planners has many estate planning links at all levels of government (<http://www.jasonhavens.net/>)

Blogs

Death and Taxes – The Blog: (http://jas-law.typepad.com/death_and_taxes) which contains very useful commentary and resources on estate planning and estate administration.

Wills, Trusts, & Estates Prof Blog:
 (http://lawprofessors.typepad.com/trusts_estates_prof/) This blog discusses covers such issues as disability planning, estate taxes, intestate succession, and non-probate assets.