Drafting Wills and Trust Agreements, *Fourth Edition*

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The release of the Fourth Edition of *Drafting Wills and Trust Agreements* is an important step in the ongoing development of the drafting system first created by Robert P. Wilkins several decades ago. This new edition retains the core philosophy of the *DWTA* system: **to provide a practice-oriented, straightforward approach to assist with the efficient production of high-quality estate planning documents**.

Following this guiding principle, the Fourth Edition offers the core document language and checklist system in a redesigned organization and structure, with new tools and information to assist with designing the best plan for each client. *Drafting Wills and Trust Agreements, 4th*, offers the following new structure:

Volume One

- Part One: Drafting Techniques for Estate Planners
- Part Two: Drafting Scenarios for Estate Planners

Volume Two

- Part Three: Drafting Estate Planning Documents--Background, Description, and Use
- Part Four: Estate Planning Drafting Checklists

Volumes Three and Four

- Part Five: Estate Planning Drafting Language Library

The Fourth Edition represents a major effort to add relevant, practical explanation and discussion of the most widely used estate planning techniques. In addition, the set is now organized to assist in the efficient review of background materials, followed by the identification and use of logical and straightforward document drafting checklists. The drafting library serves as the comprehensive resource for language options to be used in the drafting process. Hopefully, the end result does indeed provide a practice-oriented, straightforward approach to assist with the efficient production of high-quality estate planning documents.

Introduction--Drafting Techniques and Scenarios for Estate Planners
(Volume One of *DWTA*)

This volume, part of the *Drafting Wills and Trust Agreements* system, serves as an independent practice guide to demonstrate practical drafting techniques for common estate planning situations. Volume highlights include:

- Discussion of basic estate planning concepts, including identification of the steps to follow in the estate planning workflow
- Client intake and fact gathering forms and information, as well as tools to help clients understand and maintain their estate plan
- The anatomy of the core estate planning documents, breaking down the critical components of wills and trust documents
- Estate planning techniques for non-taxable estates

- Estate planning techniques for taxable estates
- Drafting considerations for special situations and particular asset types
- Sample drafting scenarios offering practical analysis and application of planning techniques

The sample drafting scenarios contained in this volume are organized by client type and level of asset ownership, ranging from married clients with minor children and minimal assets to wealthy individuals and unmarried couples. These scenarios demonstrate the planning process and the various planning techniques available and appropriate to each particular situation. In addition to expert author commentary, these scenarios offer flowcharts to provide a visual representation of a particular planning techniques as well as sample document drafting checklists to highlight the topics to be considered for inclusion in each particular document.

The combination of practice-oriented background material and the application of planning techniques demonstrated through sample drafting scenarios provides an excellent basis for moving forward with any drafting methodology, as well as for implementing the drafting system approach set out in the remaining *DWTA* volumes.

Introduction--Estate Planning Documents and Drafting Checklists (Volume Two of *DWTA*)

This volume, part of the *Drafting Wills and Trust Agreements* drafting system, provides a detailed breakdown of the most common estate planning document types, including background, use, benefits, limitations, and drafting considerations when utilizing each document type. Documents range from basic short form wills to highly complex share/trust options within long form will and revocable trust documents. Also included is coverage of a series of irrevocable trust documents.

Each document type references drafting checklists to assist with the actual document drafting process. These drafting checklists, found in Part Four of *DWTA*, make up the second half of this volume. Drafting checklists are a critical component of an efficient drafting system approach, offering an organized method for reviewing relevant options and making the selections appropriate for each particular client.

Volume highlights include:

- Practice-oriented information on the background and use of specific estate planning documents
- Coverage of a wide variety of document types (short form wills, long form wills, single settlor and joint revocable trusts, amendments, codicils, irrevocable trusts such as long-term GST trusts, ILITs, QPRTs, CLTs, CRTs, GRTs, IDGTs, I.R.A. management trusts, SNTs, and more)
- Discussion of related and supporting documents, including client education materials
- Document drafting checklists

These materials form the core to the *DWTA* drafting system. Use these materials to identify the appropriate document to meet a client's needs. Access the relevant drafting checklist(s) to review and select the topics for inclusion in the final assembled document. Complete the drafting process by accessing the selected clauses in the drafting library found in *DWTA's* remaining two volumes.

Introduction--Estate Planning Drafting Library (Volumes Three and Four of *DWTA*)

The drafting library, part of the *Drafting Wills and Trust Agreements* system, contains all of the clauses that make up the language for all of the documents offered in the system. Each clause is uniquely identified and is referenced by the various document drafting checklists. After selecting a topic on a drafting checklist, read the language appropriate for that item by accessing the drafting library.

Each clause in the drafting library contains the language for use in the assembled estate planning document. In addition, each clause contains parallel language offering a plain-language explanation of the meaning of that provision. This plain-language description supports the creation of a companion client explanation document intended to *help the client understand his or her plan* (which is critical to implementing a successful estate plan). To help the *attorney* understand the provision, clauses in the drafting library also contain author commentary.

The clauses used in the system have been consolidated and reorganized to follow topics, such as "heading and introduction" or "administrative provisions." Peruse the library to view similar clauses and related topics.

To help find clauses in the drafting library, access the clause finder in the Tables found at the end of the materials.

Volume highlights include:

- Over 2000 clauses to serve as the building blocks for the creation of comprehensive estate planning documents tailored to meet each individual client's needs
- Author commentary regarding the meaning and use of individual clauses
- Plain-language descriptions of each clause for use in creating companion "client explanation" documents to help explain the primary document to the client
- Finding aids to assist in locating clauses in the drafting library

These materials provide the language necessary to produce complete and professional estate planning documents using the *DWTA* drafting system. Identify the relevant clauses using the system's drafting checklists. Peruse the drafting library for alternate and related language. Utilize the language in the drafting library to create the final assembled documents that will meet--and exceed--your clients' goals and expectations.