

Table of Contents

CHAPTER 1. ESTATE PLANNING INFORMATION

I. COMMENTARY

§ 1:1 In general

II. FAMILY INFORMATION FORM

§ 1:2 Client

§ 1:3 Spouse

§ 1:4 Miscellaneous marital information

§ 1:5 Children and grandchildren

§ 1:6 Other family members

III. PROPERTY INFORMATION FORMS

§ 1:7 Real property

§ 1:8 Tangible personal property

§ 1:9 Bank and brokerage accounts

§ 1:10 Stocks, bonds, and other securities not held in brokerage account

§ 1:11 Life insurance

§ 1:12 Retirement—Private retirement accounts and employee benefits

§ 1:13 Mortgages and notes

§ 1:14 Business interests, private investments and miscellaneous other Assets

§ 1:15 Powers of appointment

§ 1:16 Debts and Liabilities

§ 1:17 Gift tax filings

§ 1:18 Prospective inheritances

§ 1:19 Private retirement plans

§ 1:20 Mortgages, notes, and cash

§ 1:21 Business interests

§ 1:22 Powers of appointment

§ 1:23 Investment Partnerships

§ 1:24 Other assets

§ 1:25 Debts

§ 1:26 Past gifts

§ 1:27 Past transfers to trusts

§ 1:28 Prospective inheritances

§ 1:29 Summary of probate estate

§ 1:30 Summary of non-probate estate

IV. COMMUNITY PROPERTY

§ 1:31 In general

CHAPTER 2. CALCULATION OF TAXABLE ESTATES AND POTENTIAL DEATH TAX LIABILITIES

I. COMMENTARY

- § 2:1 In general
- § 2:2 Federal estate and gift taxes
- § 2:3 Connecticut succession and estate taxes
- § 2:4 Connecticut gift tax
- § 2:5 The impact of “decoupled” Connecticut estate taxes

II. FORMS

- § 2:6 Taxable assets
- § 2:7 Federal estate tax deductions
- § 2:8 Connecticut estate tax deductions
- § 2:9 Net taxable estates and estimated taxes

CHAPTER 3. BASIC CLAUSES

I. COMMENTARY

- § 3:1 In general
- § 3:2 Uniform International Wills Act
- § 3:3 Revocation by acts of testator; modification by handwritten alterations
- § 3:4 Doctrine of dependent relative revocation
- § 3:5 Effect of subsequent marriage, dissolution of marriage, after-born children and adoption on Wills and beneficiary interests

II. CLAUSES

- § 3:6 Exordium
- § 3:7 —More than one name
- § 3:8 Anticipated marriage clause
- § 3:9 Anticipated divorce clause
- § 3:10 Anticipated after-born children clause
- § 3:11 Anticipated adoption clause
- § 3:12 Clause that children born or adopted after execution of Will share equally

CHAPTER 4. IDENTIFICATION OF HEIRS

I. COMMENTARY

- § 4:1 In General
- § 4:2 Anti-lapse statute and survivorship

II. CLAUSES

- § 4:3 Identification of heirs clause

TABLE OF CONTENTS

CHAPTER 5. PAYMENT OF DEBTS, CLAIMS, AND OTHER SETTLEMENT COSTS

§ 5:1 Commentary

§ 5:2 Payment of debts, claims, and other settlement costs clause

CHAPTER 6. FUNERAL AND BURIAL OR CREMATION INSTRUCTIONS

I. COMMENTARY

§ 6:1 In General

II. CLAUSES

§ 6:2 Funeral and burial/cremation instructions clause

§ 6:3 Custodian of Remains—Statutory Form for Disposition of Remains and Appointment of Agent From CGS § 45a-318(e)

CHAPTER 7. PAYMENT OF DEATH TAXES

I. COMMENTARY

§ 7:1 In general

II. CLAUSES

§ 7:2 Clause that residuary estate bears all death taxes

§ 7:3 Clause that all non-testamentary transfers bear their own share of taxes

§ 7:4 Clause providing that only trusts bear their own share of taxes

§ 7:5 Clause that all taxes are allocated to specified portion of residuary estate

§ 7:6 Clause that specific transfers are subject to tax

§ 7:7 Clause providing for complete proration of death taxes

§ 7:8 Clause providing for partial exercise of power of appointment over trust fund to pay pro-rata share of taxes

§ 7:9 Clause providing for partial exercise of power of appointment over trust fund to pay taxes when residuary estate is insufficient

§ 7:10 Clause providing for payment of all taxes out of general estate, including taxes on spouse's "QTIP" trust

CHAPTER 8. POWERS OF APPOINTMENT

I. COMMENTARY

§ 8:1 In general

§ 8:2 Exercise of testamentary power

§ 8:3 Creation of testamentary power

II. CLAUSES

§ 8:4 Clause exercising power

- § 8:5 Clause that power will not be exercised
- § 8:6 Clause exercising power in favor of residuary estate
- § 8:7 Clause requiring express reference to exercise power
- § 8:8 Clause allowing exercise of power in furtherance of trust, with creation of further powers and other conditions of exercise
- § 8:9 Clause creating general testamentary power
- § 8:10 Clause creating special testamentary power limited to descendants

CHAPTER 9. BEQUESTS

I. COMMENTARY

- § 9:1 In general
- § 9:2 Bequests to minors
- § 9:3 Uniform Transfers to Minors Act (UTMA)

II. CLAUSES

- § 9:4 Clause for cash bequest to individual
- § 9:5 Clause for cash bequests to children as a class
- § 9:6 Clause for general bequest of tangible personal property
- § 9:7 Clause for specific bequest of tangible personal property
- § 9:8 Clause for bequest of securities under UTMA
- § 9:9 Clause for bequest establishing pre-residuary trust
- § 9:10 Clause for bequest of specific securities
- § 9:11 Clause for charitable bequest of cash, with or without restrictions
- § 9:12 Clause for charitable bequest of securities
- § 9:13 Clause establishing annuity
- § 9:14 Clause forgiving debts

CHAPTER 10. DEVISES—REAL ESTATE

I. COMMENTARY

- § 10:1 In general
- § 10:2 Devises to aliens

II. CLAUSES

- § 10:3 Clause devising residence(s) to spouse
- § 10:4 Clause “devising” cooperative apartment to spouse
- § 10:5 Clause making specific devise of all realty
- § 10:6 Clause making specific devise of specific realty
- § 10:7 Clause making specific class devise to descendants
- § 10:8 Clause making general class devise to issue

TABLE OF CONTENTS

CHAPTER 11. LIFE ESTATES AND REMAINDER INTERESTS

I. COMMENTARY

§ 11:1 In general

II. CLAUSES

§ 11:2 Clause giving life estate and remainder interest in realty/residence(s)

§ 11:3 Clause giving life estate and remainder interest in personalty

§ 11:4 Clause giving residence in trust for life free of charges

CHAPTER 12. DISPOSITION OF RESIDUARY ESTATE

I. COMMENTARY

§ 12:1 In general

§ 12:2 Minor as beneficiary of residuary estate

II. CLAUSES

§ 12:3 Clause giving residue outright to individual(s)

§ 12:4 Clause giving residue to minor in trust

§ 12:5 Clause giving residue to custodian for minor

§ 12:6 Clause dividing residue into shares

§ 12:7 Clause giving residue to trust created under decedent's Will

§ 12:8 Clause giving residue to inter vivos trust

§ 12:9 Clause giving residue to trust created under another person's Will

CHAPTER 13. APPOINTMENT AND REMOVAL OF FIDUCIARIES

I. COMMENTARY

§ 13:1 In general

§ 13:2 Appointment of guardians

II. CLAUSES

§ 13:3 Clause appointing executor

§ 13:4 Clause appointing trustee

§ 13:5 Clause appointing same person as executor and trustee

§ 13:6 Clause providing for appointment of successor by fiduciary

§ 13:7 Clause providing for appointment of successor by adult income beneficiary

§ 13:8 Clause giving spouse power to remove corporate trustee

§ 13:9 Clause giving adult beneficiaries power to remove corporate trustee

§ 13:10 Clause directing appointment of co-fiduciary

§ 13:11 Clause defining "fiduciaries"

- § 13:12 Clause appointing guardian if both parents die while there are minor children
- § 13:13 Clause establishing fees of executor/trustee
- § 13:14 Reasonable Compensation, including fiduciary published rate compensation clause
- § 13:15 Comment on fiduciary fees
- § 13:16 Investment counsel clause

CHAPTER 14. DISPOSITIVE TRUST PROVISIONS

I. COMMENTARY

- § 14:1 In general
- § 14:2 Trust terms
- § 14:3 Standards for distributions

II. CLAUSES

- § 14:4 Clause for trust to single beneficiary
- § 14:5 Clause dividing trust into separate shares per stirpes
- § 14:6 Clause for flexible family trust
- § 14:7 Clause enabling trust beneficiary to annually make limited-amount withdrawal from trust principal
- § 14:8 Clause enabling trust beneficiary, at designated age, to withdraw all or part of trust principal
- § 14:9 Clause enabling beneficiary, at designated ages, to withdraw fractional parts of trust principal
- § 14:10 Clause authorizing trustee to invade trust principal for support of named beneficiary
- § 14:11 Clause authorizing trustee to invade trust principal to preserve trust annuity
- § 14:12 Clause authorizing “sprinkle” income trust for support of named beneficiary and descendants

CHAPTER 15. ADMINISTRATIVE FIDUCIARY PROVISIONS

I. COMMENTARY

- § 15:1 In general
- § 15:2 Management provisions

II. CLAUSES

A. ADMINISTRATIVE PROVISIONS

- § 15:3 Clause authorizing combination of similar trusts
- § 15:4 Clause waiving probate bond requirement
- § 15:5 Clause exculpating fiduciary
- § 15:6 Clause limiting duty of trustee to periodically account to court
- § 15:7 Clause providing for majority rule among multiple fiduciaries
- § 15:8 Clause disqualifying interested fiduciaries, and appointing advisor

TABLE OF CONTENTS

- § 15:9 Clause delegating powers among multiple fiduciaries
- § 15:10 Clause Employing Directed Trustees and Trust Directors
- § 15:11 Clause suggesting selection of attorneys by fiduciaries

B. MANAGEMENT PROVISIONS

- § 15:12 Clause incorporating basic statutory fiduciary powers
- § 15:13 Clause incorporating supplemental statutory fiduciary powers
- § 15:14 Omnibus clause granting fiduciary powers—Connecticut Fiduciary Powers Act
- § 15:15 Clause granting fiduciary powers; Short form
- § 15:16 Clause granting fiduciary power; Long form
- § 15:17 Clause empowering ancillary representatives
- § 15:18 Clause making discretionary powers of executors the same as those of trustees

C. INVESTMENT PROVISIONS

- § 15:19 Uniform Prudent Investor Act
- § 15:20 Clause authorizing retention and investment in named security
- § 15:21 Clause authorizing retention and operation of closely held business
- § 15:22 Clause authorizing growth-oriented investments
- § 15:23 Clause relating to oil, mineral, and/or gas interests
- § 15:24 Clause directing employment of investment counsel

D. TAX-RELATED PROVISIONS

- § 15:25 Clause allocating income in respect of decedent
- § 15:26 Clause stating that tax-exempt employee benefit payments may not be used to satisfy estate obligations
- § 15:27 Clause giving fiduciary discretion regarding tax deductions and valuations
- § 15:28 Generation-skipping transfer tax reduction clause

E. PAYMENT AND DISTRIBUTION OPTIONS

- § 15:29 Clause authorizing discretionary accumulation of trust income
- § 15:30 Clause authorizing immediate or deferred distribution of trust to minors
- § 15:31 Clause authorizing payments to guardian

F. TERMINATION OF TESTAMENTARY TRUST

- § 15:32 Clause authorizing termination of trust in best interests of income beneficiary
- § 15:33 Clause authorizing termination of trust after beneficiary reaches designated age

CHAPTER 16. TESTIMONIUM

- § 16:1 Commentary
- § 16:2 Testimonium clause

CHAPTER 17. ATTESTATION BY WITNESSES

- § 17:1 Commentary

- § 17:2 Attestation clause
- § 17:3 Remote witnessing during Covid-19 pandemic

CHAPTER 18. AFFIDAVITS OF WITNESSES; LOST WILLS

- § 18:1 Commentary
- § 18:2 Affidavit of witnesses clause
- § 18:3 Probate Court Administrator Opinion No. 18—Adequacy of affidavit
- § 18:4 Lost Wills
- § 18:5 Remote witnessing during Covid-19 pandemic

CHAPTER 19. CODICILS

I. COMMENTARY

- § 19:1 In general

II. CLAUSES

- § 19:2 Clause for first codicil
- § 19:3 Clause for subsequent codicils
- § 19:4 Clause for affidavits of witnesses to codicil
- § 19:5 Remote Witnessing During Covid-19 Pandemic

CHAPTER 20. SUPPLEMENTARY PROVISIONS

I. COMMENTARY

- § 20:1 In general

II. CLAUSES

A. ADOPTED PERSONS AND THOSE BORN OUT OF WEDLOCK

- § 20:2 Clause clarifying status of adopted child
- § 20:3 Clause clarifying status of adopted adult
- § 20:4 Clause clarifying status of child born out of wedlock

B. DISINHERITANCE

- § 20:5 Clause explaining disinheritance of named heir
- § 20:6 Clause that divorce/separation causes disinheritance
- § 20:7 Clause that will contest causes disinheritance

C. RENUNCIATION AND DISCLAIMER

- § 20:8 Clause authorizing renunciation and disclaimer
- § 20:9 Affidavit by legatee disclaiming property interest
- § 20:10 Clause naming legatee to take upon specific disclaimer
- § 20:11 Clause that residuary legatees take upon any disclaimer

D. COMMON DISASTER

- § 20:12 “Common disaster” clause, in general

TABLE OF CONTENTS

- § 20:13 Clause making 30-day provision applicable to trusts
- § 20:14 Clause making 30-day provision inapplicable for marital deduction purposes

E. RULE AGAINST PERPETUITIES

- § 20:15 Clause distributing trust principal to last qualifying descendants
- § 20:16 Clause distributing trust principal to income beneficiaries and addressing potential uncertainty as to actual termination of perpetuities period

F. ADVANCEMENTS

- § 20:17 Clause that all lifetime gifts Will be considered as advancements
- § 20:18 Clause that no lifetime gifts Will be considered as advancements

G. ABATEMENT

- § 20:19 Clause for proportionate preservation of residuary estate
- § 20:20 Clause for preservation of residuary estate policy for debts, taxes, funeral and estate administration expenses

H. MARITAL DEDUCTION FORMULA TRUST

- § 20:21 Clauses setting forth formula fractional division between optimum marital deduction and estate tax exempt share
- § 20:22 Clause disposing of undisposed residuary or trust property
- § 20:23 Clause disposing of partnership interest
- § 20:24 Clause disposing of sole proprietorship
- § 20:25 Clause for access to Digital Assets and Information

CHAPTER 21. MODEL WILLS

I. COMMENTARY

- § 21:1 In general
- § 21:2 Pour Over Wills—Commentary

II. MODEL WILLS

- § 21:3 Simple Will leaving residuary estate to surviving descendants per stirpes
- § 21:4 Simple Will leaving residuary estate to surviving spouse, or, if none, to family trust for descendants until youngest reaches selected age of maturity
- § 21:5 Complex Will dividing residuary estate into optimum marital deduction Q-TIP trust and credit shelter trust for surviving spouse

APPENDICES

- APPENDIX 1. Uniform Transfers to Minors Act CGS sections 45a-557 through 45a-560(b)
- APPENDIX 2. Connecticut Fiduciary Powers Act CGS sections 45a-233-235
- APPENDIX 3. Connecticut Principal and Income Act CGS sections 45a-542-542ff
- APPENDIX 4. Uniform Testamentary Additions to Trust Act CGS section 45a-260

APPENDIX 5.	Uniform Disposition of Community Property Rights at Death Act CGS sections 45a-458 through 45a-464
APPENDIX 6.	Uniform International Wills Act CGS sections 50a-1 through 50a-9
APPENDIX 7.	Connecticut Uniform Prudent Investor Act CGS sections 45a-541-541l
APPENDIX 8.	State of Connecticut—Probate Court Rules of Procedure
APPENDIX 9.	Connecticut Revised Uniform Fiduciary Access to Digital Assets Act sections 45a-334b-334s
APPENDIX 10.	Connecticut Uniform Trust Code sections 45a-499a-500a
APPENDIX 10.1.	Connecticut Uniform Trust Code—Connecticut Uniform Directed Trust Act sections 45a-500b-500s
APPENDIX 10.2.	Connecticut Qualified Dispositions in Trust Act sections 45a-487j-487s
APPENDIX 11.	Protection of Public Health and Safety During COVID-19 Pandemic and Response—Remote Notarization, Suspension of Non-Critical Probate and Workers’ Compensation Operations, and Various Public Health Measures

Table of Laws and Rules

Table of Cases

Index