Table of Contents

CHAPTER 1. "WILLS" EXPLAINED

§ 1:1 Overview
§ 1:2 Chapters and Appendices
§ 1:3 "Articles" which should be (and, in some cases, must be) components of every Will
§ 1:4 Using the forms in this book
§ 1:5 Formatting and nomenclature

CHAPTER 2. IMPORTANT ARTICLES FOR EVERY WILL

§ 2:1 Overview
§ 2:2 Exordium
§ 2:3 Pay debts and administration expenses
§ 2:4 Family identification
§ 2:5 Gifts of personal property
§ 2:6 Pre-residuary dispositive provisions
§ 2:7 Residuary estate dispositions
§ 2:8 Wills containing a trust—Protection against inadvertently violating rule against perpetuities
§ 2:9 Terminating trust to be added to remainderperson's trust created under this Will
§ 2:10 General administrative powers of the estate's fiduciaries
§ 2:11 General administrative powers of the estate's fiduciaries: Digital assets
§ 2:12 Fiduciary powers regarding business interests
§ 2:13 Fiduciary powers regarding tax matters
§ 2:14 Power in trust
§ 2:15 Estate tax payment responsibility
§ 2:16 Simultaneous death provisions
§ 2:17 Definition of terms used in the Will
§ 2:18 Appointments of fiduciaries—Guardian nominations
§ 2:19 —Trustee nominations
§ 2:20 —Executor or Personal Representative nominations
§ 2:21 Bond waiver provisions
§ 2:22 Testimonium
§ 2:23 Attestation
§ 2:24 Affidavit of attesting witnesses or self-proving affidavit

CHAPTER 3. GENERAL CONSIDERATIONS REGARDING WILLS AND TESTAMENTARY TRUSTS

§ 3:1 Overview
§ 3:2 When is an outright bequest preferable to a disposition in trust?
§ 3:3 What are the different kinds of trusts and the purposes for which they are used?
§ 3:4 What tax considerations drive the selection of certain tax planning trusts?

§ 3:5 Federal estate and gift taxes
§ 3:6 State estate and gift taxes
§ 3:7 Generation-skipping tax matters
§ 3:8 —State generation-skipping transfer taxes
§ 3:9 Special choices that must be considered when drafting testamentary trusts—Pecuniary vs. fractional formulas
§ 3:10 —Spousal right of election
§ 3:11 —Choices regarding children's or grandchildren's trusts
§ 3:12 —Choices regarding the selection of fiduciaries
§ 3:13 Other significant matters regarding Wills—Same-sex marriages

CHAPTER 4. PLANNING WITH TRADITIONAL A/B TRUSTS AND WITH PORTABILITY

§ 4:1 The history of traditional A/B trust planning
§ 4:2 TRA 2010 and Deceased Spousal Unused Exclusion Amount Portability
§ 4:3 Traditional A/B planning, portability, or both?
§ 4:4 Advantages and disadvantages of both A/B and portability planning
§ 4:5 States with no estate tax
§ 4:6 "Decoupled" states with exemptions equivalent to the federal applicable exclusion amount
§ 4:7 "Decoupled" states with lower-than-federal exemptions
§ 4:8 QTIPs and portability
§ 4:9 Generation skipping transfer tax ("GSTT") considerations

CHAPTER 5. SIMPLE WILLS WHICH DO NOT CONTAIN TRUST PROVISIONS

I. WILL 5-1

§ 5:1 Form: Will 5-1: Residuary estate to spouse outright; if spouse does not survive or disclaims, residuary estate to children in separate outright shares, to grandchildren who are the issue of a deceased child in separate outright parts per stirpes

II. COMMENTARY TO WILL 5-1

A. GENERAL PRINCIPLES

§ 5:2 Essential features of testamentary plan
§ 5:3 When should this Will be used?
§ 5:4 Tax considerations:

B. SPECIFIC MATTERS

§ 5:5 Shares passing to children and grandchildren are distributed outright and free from trust
§ 5:6 Grandchildren receive equal parts of their deceased parent's equal share
§ 5:7 Generation-skipping tax matters
§ 5:8 State Generation-Skipping Transfer Tax

§ 5:9 Potential generation-skipping tax transfers under Will 5-1

III. WILL 5-2

§ 5:10 Form: Will 5-2: Where no spouse, residuary estate to children in separate outright shares, to grandchildren who are the issue of a deceased child in separate outright parts per stirpes

IV. COMMENTARY TO WILL 5-2

A. GENERAL PRINCIPLES

§ 5:11 Essential features of testamentary plan
§ 5:12 When should this Will be used?

B. SPECIFIC MATTERS

§ 5:13 Shares passing to children and grandchildren are distributed outright and free from trust
§ 5:14 Grandchildren receive equal parts of their deceased parent's equal share
§ 5:15 Generation-skipping tax matters
§ 5:16 —State generation-skipping transfer tax
§ 5:17 Potential GSTT transfers under Will 5-2

V. WILL 5-3

§ 5:18 Form: Will 5-3: Where no spouse, residuary estate to named individuals in unequal shares

VI. COMMENTARY TO WILL 5-3

A. GENERAL PRINCIPLES

§ 5:19 Essential features of testamentary plan
§ 5:20 When should this Will be used?

B. SPECIFIC MATTERS

§ 5:21 Shares passing to individual beneficiaries or to the issue of deceased beneficiaries are distributed outright and free from trust
§ 5:22 Generation-skipping tax matters
§ 5:23 —State generation-skipping transfer tax
§ 5:24 Potential GSTT transfers under Will 5-3

VII. WILL 5-4

§ 5:25 Form: Will 5-4: Residuary estate to spouse outright; if spouse does not survive, residuary estate in equal outright shares to testator's parents and to spouse's parents

VIII. COMMENTARY TO WILL 5-4

A. GENERAL PRINCIPLES

§ 5:26 Essential features of testamentary plan

§ 5:27 When should this Will be used?
§ 5:28 Tax considerations

B. SPECIFIC MATTERS

§ 5:29 Shares passing to parents and in-laws equally are distributed outright and free from trust
§ 5:30 The testator's siblings (and their issue) and the testator's spouse's siblings (and their issue) will receive equal parts of their deceased parents' equal share
§ 5:31 Generation-skipping tax matters
§ 5:32 State generation-skipping transfer tax
§ 5:33 Potential GSTT transfers under Will 5-4

CHAPTER 6. WILLS CONTAINING TRUST PROVISIONS WHICH ARE NOT TRADITIONAL APPLICABLE EXCLUSION OR MARITAL DEDUCTION TRUSTS

I. WILL 6-1

§ 6:1 Form: Will 6-1: Residuary estate to spouse outright; if spouse does not survive or disclaims, residuary estate to children under 35 in separate trusts, to grandchildren who are the issue of a deceased child in collective trusts by representation

II. COMMENTARY TO WILL 6-1

A. GENERAL PRINCIPLES

§ 6:2 Essential features of testamentary plan
§ 6:3 When should this Will be used?
§ 6:4 Tax considerations

B. SPECIFIC MATTERS

§ 6:5 Trusts created to receive the shares of issue
§ 6:6 Generation-skipping tax matters
§ 6:7 —State generation-skipping transfer tax
§ 6:8 Potential GSTT transfers under Will 6-1

III. WILL 6-2

§ 6:9 Form: Will 6-2: Where no spouse, residuary estate to children under 35 in separate trusts, to grandchildren who are the issue of a deceased child in collective trusts by representation

IV. COMMENTARY TO WILL 6-2

A. GENERAL PRINCIPLES

§ 6:10 Essential features of testamentary plan
§ 6:11 When should this Will be used?

B. SPECIFIC MATTERS

§ 6:12 Trusts created to receive the shares of issue
§ 6:13 Generation-skipping tax matters
§ 6:14 State generation-skipping transfer tax
§ 6:15 Potential GSTT transfers under Will 6-2

V. WILL 6-3

§ 6:16 Form: Will 6-3: Residuary estate to spouse outright; if spouse does not survive or disclaims, residuary estate to children under 35 in separate trusts, and to grandchildren who are the issue of a deceased child in separate trusts by representation

VI. COMMENTARY TO WILL 6-3

A. GENERAL PRINCIPLES

§ 6:17 Essential features of testamentary plan
§ 6:18 When should this Will be used?
§ 6:19 Tax considerations

B. SPECIFIC MATTERS

§ 6:20 Trusts created to receive the shares of issue
§ 6:21 Generation-skipping tax matters
§ 6:22 —State generation-skipping transfer tax
§ 6:23 Potential GSTT transfers under Will 6-3

VII. WILL 6-4

§ 6:24 Form: Will 6-4: Where no spouse, residuary estate to children under 35 in separate trusts, and to grandchildren who are the issue of a deceased child in separate trusts by representation

VIII. COMMENTARY TO WILL 6-4

A. GENERAL PRINCIPLES

§ 6:25 Essential features of testamentary plan
§ 6:26 When should this Will be used?

B. SPECIFIC MATTERS

§ 6:27 Trusts created to receive the shares of issue
§ 6:28 Generation-skipping tax matters
§ 6:29 State generation-skipping transfer tax
§ 6:30 Potential GSTT transfers under Will 6-4

IX. WILL 6-5

§ 6:31 Form: Will 6-5: Residuary estate to sprinkle trust for spouse, children, and grandchildren

X. COMMENTARY TO WILL 6-5

A. GENERAL PRINCIPLES

§ 6:32 Essential features of testamentary plan
§ 6:33 When should this Will be used?
§ 6:34 Tax considerations

B. SPECIFIC MATTERS

§ 6:35 Residuary estate is gifted a sprinkle trust for the benefit of the spouse, children and grandchildren
§ 6:36 Trusts created to receive the shares of issue
§ 6:37 Generation-skipping tax matters
§ 6:38 State generation-skipping transfer tax
§ 6:39 Potential GSTT transfers under Will 6-5

XI. WILL 6-6

§ 6:40 Form: Will 6-6: Residuary estate to marital power of appointment trust; if spouse does not survive, residuary estate to children under 35 in separate trusts and to grandchilden who are the issue of a deceased child in collective trusts by representation

XII. COMMENTARY TO WILL 6-6

A. GENERAL PRINCIPLES

§ 6:41 Essential features of testamentary plan
§ 6:42 When should this Will be used?
§ 6:43 Tax considerations

B. SPECIFIC MATTERS

§ 6:44 Trusts created to receive the shares of issue
§ 6:45 Generation-skipping tax matters
§ 6:46 State generation-skipping transfer tax
§ 6:47 Potential GSTT transfers under Will 6-6

CHAPTER 7. TWO WILLS WITH FLEXIBLE QTIP PLANNING: THE "ONE-LUNG QTIP TRUST" AND THE "CLAYTON CONTINGENT QTIP TRUST"

I. WILL 7-1

§ 7:1 Form: Will 7-1: Residuary estate to "one-lung" QTIP trust

II. COMMENTARY TO WILL 7-1

A. GENERAL PRINCIPLES

§ 7:2 Essential features of testamentary plan

§ 7:3 When should this Will be used?
§ 7:4 Tax considerations

B. SPECIFIC MATTERS

§ 7:5 IRS rules regarding qualified terminable interest property (QTIP) trusts
§ 7:6 State estate tax rules regarding the qualified terminable interest property (QTIP) trust election:
§ 7:7 Trusts created to receive the shares of issue
§ 7:8 Generation-skipping tax matters
§ 7:9 State generation-skipping transfer tax
§ 7:10 Potential GSTT transfers under Will 7-1

III. WILL 7-2

§ 7:11 Form: Will 7-2: Residuary estate to Clayton contingent QTIP trust

IV. COMMENTARY TO WILL 7-2

A. GENERAL PRINCIPLES

§ 7:12 Essential features of testamentary plan
§ 7:13 The Clayton QTIP trust explained
§ 7:14 When should this Will be used?
§ 7:15 Tax considerations

B. SPECIFIC MATTERS

§ 7:16 IRS rules regarding qualified terminable interest property (QTIP) trusts:
§ 7:17 State estate tax rules regarding the qualified terminable interest property (QTIP) trust election:
§ 7:18 Trusts created to receive the shares of issue
§ 7:19 Generation-skipping tax matters
§ 7:20 State generation-skipping transfer tax
§ 7:21 Potential GSTT transfers under Will 7-2

CHAPTER 8. WILLS WITH TRADITIONAL PRE-RESIDUARY MARITAL DEDUCTION AND RESIDUARY APPLICABLE EXCLUSION DISPOSITIONS

I. WILL 8-1

§ 8:1 Form: Will 8-1: Pre-residuary pecuniary outright marital gift; residuary estate in bypass trust for spouse

II. COMMENTARY TO WILL 8-1

A. GENERAL PRINCIPLES

§ 8:2 Essential features of testamentary plan
§ 8:3 When should this Will be used?

§ 8:4 Tax considerations

B. SPECIFIC MATTERS

§ 8:5 Trusts created to receive the shares of issue
§ 8:6 Generation-skipping tax matters
§ 8:7 State generation-skipping transfer tax
§ 8:8 Potential GSTT transfers under Will 8-1

III. WILL 8-2

§ 8:9 Form: Will 8-2: Pre-residuary pecuniary outright marital gift; residuary estate in sprinkle trust for spouse, children and grandchildren

IV. COMMENTARY TO WILL 8-2

A. GENERAL PRINCIPLES

§ 8:10 Essential features of testamentary plan
§ 8:11 When should this Will be used?
§ 8:12 Tax considerations:

B. SPECIFIC MATTERS

§ 8:13 Income from the residuary trust is sprinkled among testator's spouse, children, and grandchildren in trustee's sole discretion
§ 8:14 Trusts created to receive the shares of issue
§ 8:15 Generation-skipping tax matters
§ 8:16 —State generation-skipping transfer tax
§ 8:17 Potential GSTT transfers under Will 8-2

V. WILL 8-3

§ 8:18 Form: Will 8-3: Pre-residuary pecuniary outright marital gift; residuary estate to children under 35 in separate trusts, to grandchildren who are the issue of a deceased child in collective trusts by representation

VI. COMMENTARY TO WILL 8-3

A. GENERAL PRINCIPLES

§ 8:19 Essential features of testamentary plan
§ 8:20 When should this Will be used?
§ 8:21 Tax considerations:

B. SPECIFIC MATTERS

§ 8:22 Trusts created to receive the shares of issue
§ 8:23 Generation-skipping tax matters
§ 8:24 —State generation-skipping transfer tax
§ 8:25 Potential GSTT transfers under Will 8-3

VII. WILL 8-4

§ 8:26 Form: Will 8-4: Pre-residuary pecuniary marital power of appointment trust; residuary estate to bypass trust for spouse

VIII. COMMENTARY TO WILL 8-4

A. GENERAL PRINCIPLES

§ 8:27 Essential features of testamentary plan
§ 8:28 When should this Will be used?
§ 8:29 Tax considerations

B. SPECIFIC MATTERS

§ 8:30 IRS rules regarding general power of appointment marital deduction trusts
§ 8:31 Trusts created to receive the trust remainder shares of issue
§ 8:32 Generation-skipping tax matters
§ 8:33 —State generation-skipping transfer tax
§ 8:34 Potential GSTT transfers under Will 8-4

IX. WILL 8-5

§ 8:35 Form: Will 8-5: Pre-residuary pecuniary marital power of appointment trust; residuary estate to sprinkle trust for spouse, children and grandchildren

X. COMMENTARY TO WILL 8-5

A. GENERAL PRINCIPLES

§ 8:36 Essential features of testamentary plan
§ 8:37 When should this Will be used?
§ 8:38 Tax considerations

B. SPECIFIC MATTERS

§ 8:39 IRS rules regarding general power of appointment marital deduction trusts
§ 8:40 Income from the residuary trust is sprinkled among testator's spouse, children, and grandchildren in trustee's sole discretion
§ 8:41 Trusts created to receive the trust remainder shares of issue
§ 8:42 Generation-skipping tax matters
§ 8:43 —State generation-skipping transfer tax
§ 8:44 Potential GSTT transfers under Will 8-5

XI. WILL 8-6

§ 8:45 Form: Will 8-6, Pre-residuary pecuniary marital power of appointment trust; residuary estate to children under 35 in separate trusts, to grandchildren who are the issue of a deceased child in collective trusts by representation

XII. COMMENTARY TO WILL 8-6

A. GENERAL PRINCIPLES

§ 8:46 Essential features of testamentary plan

§ 8:47 When should this Will be used?
§ 8:48 Tax considerations:

B. SPECIFIC MATTERS

§ 8:49 IRS rules regarding general power of appointment marital deduction trusts
§ 8:50 Trusts created to receive the gifts to issue who are minors
§ 8:51 Generation-skipping tax matters
§ 8:52 —State generation-skipping transfer tax
§ 8:53 Potential GSTT transfers under Will 8-6

CHAPTER 9. WILLS WITH TRADITIONAL PRE-RESIDUARY APPLICABLE EXCLUSION DISPOSITIONS AND RESIDUARY MARITAL DEDUCTION DISPOSITIONS

I. WILL 9-1

§ 9:1 Form: Will 9-1: Pre-residuary pecuniary bypass trust for spouse; outright gift to spouse of residuary estate

II. COMMENTARY TO WILL 9-1

A. GENERAL PRINCIPLES

§ 9:2 Essential features of testamentary plan
§ 9:3 When should this Will be used?
§ 9:4 Tax considerations:

B. SPECIFIC MATTERS

§ 9:5 Trusts created to receive the shares of issue
§ 9:6 Generation-skipping tax matters
§ 9:7 —State generation-skipping transfer tax
§ 9:8 Potential GSTT transfers under Will 9-1

III. WILL 9-2

§ 9:9 Form: Will 9-2: Pre-residuary pecuniary bypass trust for spouse; residuary marital power of appointment trust

IV. COMMENTARY TO WILL 9-2

A. GENERAL PRINCIPLES

§ 9:10 Essential features of testamentary plan
§ 9:11 When should this Will be used?
§ 9:12 Tax considerations

B. SPECIFIC MATTERS

§ 9:13 IRS rules regarding general power of appointment marital deduction trusts

§ 9:14 Trusts created to receive the trust remainder shares of issue
§ 9:15 Generation-skipping tax matters
§ 9:16 —State generation-skipping transfer tax
§ 9:17 Potential GSTT transfers under Will 9-2

V. WILL 9-3

§ 9:18 Form: Will 9-3: Pre-residuary pecuniary sprinkle trust; residuary estate to outright marital gift

VI. COMMENTARY TO WILL 9-3

A. GENERAL PRINCIPLES

§ 9:19 Essential features of testamentary plan
§ 9:20 When should this Will be used?
§ 9:21 Tax considerations

B. SPECIFIC MATTERS

§ 9:22 Income from the pre-residuary trust is sprinkled among testator's spouse, children, and grandchildren in trustee's sole discretion
§ 9:23 Trusts created to receive the shares of issue
§ 9:24 Generation-skipping tax matters
§ 9:25 —State generation-skipping transfer tax
§ 9:26 Potential GSTT transfers under Will 9-3

VII. WILL 9-4

§ 9:27 Form: Will 9-4: Pre-residuary pecuniary sprinkle trust; residuary marital power of appointment trust

VIII. COMMENTARY TO WILL 9-4

A. GENERAL PRINCIPLES

§ 9:28 Essential features of testamentary plan
§ 9:29 When should this Will be used?
§ 9:30 Tax considerations:

B. SPECIFIC MATTERS

§ 9:31 IRS rules regarding general power of appointment marital deduction trusts
§ 9:32 Income from the pre- residuary trust is sprinkled among testator's spouse, children, and grandchildren in trustee's sole discretion
§ 9:33 Trusts created to receive the trust remainder shares of issue
§ 9:34 Generation-skipping tax matters
§ 9:35 —State generation-skipping transfer tax
§ 9:36 Potential GSTT transfers under Will 9-4

IX. WILL 9-5

§ 9:37 Form: Will 9-5: Pre-residuary pecuniary trusts for issue; residuary estate to outright marital gift

X. COMMENTARY TO WILL 9-5

A. GENERAL PRINCIPLES

§ 9:38 Essential features of testamentary plan
§ 9:39 When should this Will be used?
§ 9:40 Tax considerations:

B. SPECIFIC MATTERS

§ 9:41 Trusts created to receive the shares of issue
§ 9:42 Generation-skipping tax matters
§ 9:43 —State generation-skipping transfer tax
§ 9:44 Potential GSTT transfers under Will 9-5

XI. WILL 9-6

§ 9:45 Form: Will 9-6: Pre-residuary pecuniary trusts for issue; residuary marital power of appointment trust

XII. COMMENTARY TO WILL 9-6

A. GENERAL PRINCIPLES

§ 9:46 Essential features of testamentary plan
§ 9:47 When should this Will be used?
§ 9:48 Tax considerations

B. SPECIFIC MATTERS

§ 9:49 IRS rules regarding general power of appointment marital deduction trusts
§ 9:50 Trusts created to receive gifts to issue who are minors
§ 9:51 Generation-skipping tax matters
§ 9:52 —State generation-skipping transfer tax
§ 9:53 Potential GSTT transfers under Will 9-6

CHAPTER 10. WILLS WITH DISCLAIMER PROVISIONS

I. WILL 10-1

§ 10:1 Form: Will 10-1: Residuary estate to outright marital gift with disclaimer to sprinkle trust; disclaimed amounts to children under 35 in separate trusts, to grandchildren who are the issue of a deceased child in collective trusts by representation

II. COMMENTARY TO WILL 10-1

A. GENERAL PRINCIPLES

§ 10:2 Essential features of testamentary plan
§ 10:3 When should this Will be used?
§ 10:4 Tax considerations

B. SPECIFIC MATTERS

§ 10:5 Elements of a tax qualified disclaimer
§ 10:6 Income from disclaimer trust is sprinkled among testator's spouse, children, and grandchildren in trustee's sole discretion
§ 10:7 Trusts created to receive the sprinkle trust remainder shares of issue
§ 10:8 If testator's spouse predeceases him or her, testator's residuary estate will pass to trusts created in the spouse's Will
§ 10:9 Be sure that testamentary trusts in predeceased spouse's Will conform to plan in testator's Will
§ 10:10 Generation-skipping tax matters
§ 10:11 State generation-skipping transfer tax
§ 10:12 Potential GSTT transfers under Will 10-1

III. WILL 10-2

§ 10:13 Form: Will 10-2: Residuary estate to outright marital gift with disclaimer to sprinkle trust; disclaimed amounts to children under 35 in separate trusts, to grandchildren who are the issue of a deceased child in separate trusts by representation

IV. COMMENTARY TO WILL 10-2

A. GENERAL PRINCIPLES

§ 10:14 Essential features of testamentary plan
§ 10:15 When should this Will be used?
§ 10:16 Tax considerations:

B. SPECIFIC MATTERS

§ 10:17 Elements of a tax qualified disclaimer
§ 10:18 Income from disclaimer trust is sprinkled among testator's spouse, children, and grandchildren in trustee's sole discretion
§ 10:19 Trusts created to receive the sprinkle trust remainder shares of issue
§ 10:20 If testator's spouse predeceases him or her, testator's residuary estate will pass to trusts created in the spouse's Will
§ 10:21 Be sure that testamentary trusts in predeceased spouse's Will conform to plan in testator's Will
§ 10:22 Generation-skipping tax matters
§ 10:23 Potential GSTT transfers under Will 10-2

CHAPTER 11. SPOUSAL COMPANION WILLS OR WILLS WITH POUR-OVER PROVISIONS

I. WILL 11-1

§ 11:1 Form: Will 11-1: Residuary estate to outright marital gift; if spouse does not survive, pour-over to spouse's testamentary trusts

II. COMMENTARY TO WILL 11-1

A. GENERAL PRINCIPLES

§ 11:2 Essential features of testamentary plan
§ 11:3 When should this Will be used?
§ 11:4 Tax considerations:

B. SPECIFIC MATTERS

§ 11:5 Pour over to trusts created in spouse's Will
§ 11:6 Trusts created to receive the shares of issue
§ 11:7 Generation-skipping tax matters
§ 11:8 State generation-skipping transfer tax
§ 11:9 Potential GSTT transfers under Will 11-1

III. WILL 11-2

§ 11:10 Form: Will 11-2: Residuary estate pours-over to intervivos trust

IV. COMMENTARY TO WILL 11-2

A. GENERAL PRINCIPLES

§ 11:11 Essential features of testamentary plan
§ 11:12 When should this Will be used?
§ 11:13 Tax considerations

B. SPECIFIC MATTERS

§ 11:14 Authorization for testamentary disposition to trustee
§ 11:15 Generation-skipping tax matters
§ 11:16 State generation-skipping transfer tax
§ 11:17 Potential GSTT transfers under Will 11-2

CHAPTER 12. WILLS WITH A PRIMARY OBJECTIVE OF CHARITABLE GIVING

I. WILL 12-1

§ 12:1 Form: Will 12-1: Pre-residuary gift of elective share to spouse; outright gift of residuary to charity

II. COMMENTARY TO WILL 12-1

A. GENERAL PRINCIPLES

§ 12:2 Essential features of testamentary plan
§ 12:3 When should this Will be used?

B. SPECIFIC MATTERS

§ 12:4 Entitlement to estate tax exemption

§ 12:5 Identify the charitable organization accurately
§ 12:6 States statutory restrictions on charitable gifts
§ 12:7 Estate tax considerations: Deduction for outright charitable gift
§ 12:8 Will 12-1: Status of proposal to tax gains on death

III. WILL 12-2

§ 12:9 Form: Will 12-2: Residuary estate to charitable remainder unitrust (CRUT) for spouse; if spouse does not survive, residuary outright to charity

IV. COMMENTARY TO WILL 12-2

A. GENERAL PRINCIPLES

§ 12:10 Essential features of testamentary plan
§ 12:11 When should this Will be used?

B. SPECIFIC MATTERS

§ 12:12 Entitlement to estate tax exemption
§ 12:13 Identify the charitable organization accurately
§ 12:14 Some states impose statutory restrictions on charitable giving
§ 12:15 Charitable remainder unitrust and election right
§ 12:16 Estate tax considerations: Deduction for charitable remainder unitrust
§ 12:17 Will 12-2: Status of proposal to tax gains on death
§ 12:18 Permissible versions of the charitable remainder unitrust
§ 12:19 Generation-skipping tax matters

V. WILL 12-3

§ 12:20 Form: Will 12-3: Residuary estate to charitable remainder annuity trust (CRAT) for spouse; if spouse does not survive, residuary estate outright to charity

VI. COMMENTARY TO WILL 12-3

A. GENERAL PRINCIPLES

§ 12:21 Essential features of testamentary plan
§ 12:22 When should this Will be used?

B. SPECIFIC MATTERS

§ 12:23 Entitlement to estate tax exemption
§ 12:24 Identify the charitable organization accurately
§ 12:25 Some states place statutory limitations on charitable giving
§ 12:26 Charitable remainder annuity trust and state election right
§ 12:27 Estate tax considerations:
§ 12:28 Will: Status of proposal to tax gains on death
§ 12:29 Generation-skipping tax matters

VII. WILL 12-4

§ 12:30 Form: Will 12-4: Residuary estate to charitable lead unitrust (CLUT)

VIII. COMMENTARY TO WILL 12-4

A. GENERAL PRINCIPLES

§ 12:31 Essential features of testamentary plan
§ 12:32 When should this Will be used?

B. SPECIFIC MATTERS

§ 12:33 Entitlement to estate tax exemption
§ 12:34 Identify the charitable organization accurately
§ 12:35 Some states impose statutory limitations on charitable giving
§ 12:36 Estate tax considerations: Deduction for charitable lead unitrust
§ 12:37 Other matters not addressed in Revenue Procedure 2008-46
§ 12:38 Will: Status of proposal to tax gains on death
§ 12:39 Generation-skipping tax matters

IX. WILL 12-5

§ 12:40 Form: Will 12-5: Residuary estate to charitable lead annuity trust (CLAT)

X. COMMENTARY TO WILL 12-5

A. GENERAL PRINCIPLES

§ 12:41 Essential features of testamentary plan
§ 12:42 When should this Will be used?

B. SPECIFIC MATTERS

§ 12:43 Entitlement to estate tax exemption
§ 12:44 Identify the charitable organization accurately
§ 12:45 Some states impose statutory limitations on charitable giving
§ 12:46 Estate tax considerations: Deduction for charitable lead annuity trust
§ 12:47 Other matters not addressed in Revenue Procedure 2007-46
§ 12:48 Will: Status of proposal to tax gains on death
§ 12:49 Generation-skipping tax matters

CHAPTER 13. OPTIONAL WILL CLAUSES

§ 13:1 Bequests, legacies, and devises generally
§ 13:2 Education trust
§ 13:3 Estate tax provisions—DSUE
§ 13:4 Fractional funding formula
§ 13:5 Incentive trust
§ 13:6 Personal property—Selection of items by lot
§ 13:7 —Memorandum of gift
§ 13:8 Pet care trust (funded)
§ 13:9 Qualified domestic trust (QDOT)
§ 13:10 Real property trust for family vacation property
§ 13:11 Supplemental needs trust (special needs trust)

§ 13:12 Trust provisions—Discretion exercised by one co-trustee
§ 13:13 —One co-trustee may act alone
§ 13:14 —Precatory language
§ 13:15 —Power of appointment (general)
§ 13:16 —Power of appointment (limited)
§ 13:17 —Power of principal invasion for child
§ 13:18 —Power of principal invasion for adult beneficiary
§ 13:19 —Power of withdrawal—5 & 5 power
§ 13:20 —Spendthrift trust provisions
§ 13:21 —Uneconomic termination
§ 13:22 Will provisions—Elective share planning
§ 13:23 —In terrorem clauses
§ 13:24 —Life insurance
§ 13:25 —Omission of beneficiary

APPENDICES

Appendix A. Federal Estate Tax
Appendix B. All States' Estate, Inheritance, and Generation-Skipping Tax Laws
Appendix C. Generation-Skipping Tax—Discussion of Federal Law
Appendix D. Same-Sex Marriages
Appendix E. State Legislation Regarding Will Execution Requirements of Each State
Appendix F. Who May be a Fiduciary? Eligibility Requirements and Preferences
Appendix G. Uniform Gifts to Minors Act/Uniform Transfers to Minors Act State Legislation Summary
Appendix H. Pour-Over Provisions in Wills
Appendix I. Incorporations by Reference
Appendix J. Simultaneous Death Statutory Provisions
Appendix K. Drafting for Trustee's Power to Adjust and for Trustee's Power to Make a Unitrust Election
Appendix L. Beneficiary Designations for Life Insurance Plans and Employee Benefit Plans
Appendix M. Elective Share, Dower, Curtesy, Homestead Allowances, Family Allowances, Forced Heir Statutes
Appendix N. Rule Against Perpetuities
Appendix O. Powers of Fiduciaries\State Rule Summary
Appendix P. Master Footnotes
Appendix Q. Quick Eye Chart For Wills

Table of Laws and Rules

Table of Cases

Index