Index to Subjects

ABLE ACCOUNTS
Disability planning, **10:30**

ACTUARIAL TABLES
Lifetime gifts, leveraging, **10:48-10:52**

ADEMPTION OF LEGACIES
Generally, **2:42, 2:43**

ADOPTION
Children, will affected by, **1:36**

AGENT
Beneficiary as, **4:22**
Health care proxies, **1:46, 1:47**

AMERICAN TAXPAYER RELIEF ACT OF 2012
Generally, **5:15**

ANNUITIES
Charitable gifts, forms of, **9:16**

ANNULMENT
Dispositive document provisions affected by, **1:33**

APPORTIONMENT
Estate Taxes (this index)

ASSETS
Disclaimer Trust (this index)
Dispositive provisions of will affected by, **2:23**
Gross Estate (this index)
Living trust for disposition of, **3:3-3:10**
Marital Deduction (this index)
Non-probate, **2:40**
Probate, **2:40**

ASSISTED REPRODUCTION
Will, **1:37**

ATTESTATION
Generally, **2:89**
Self-proving affidavit, **2:90**
Self-trusteed revocable trusts, **3:44**
Trust used with pour-over will, **3:47**
Witnesses (this index)

ATTESTATION CLAUSE
Generally, **4:30-4:54**
Ancient document, **4:59**
Date of, **4:10**
Effect, presumption of due execution, **4:57**
Improper execution, **4:58**
Testator's use of mark noted in, **4:20**

ATTORNEY
Attesting witness, **4:35**
Disclaimers, **7:46**
Due Execution (this index)
Execution of will supervised by, **4:55, 4:71, 71**
Liability for malpractice, **1:1**
Safeguarding of will with, **4:97-4:101**
Witness, attesting, **4:35**

ATTORNEY-DRAFTER
Executor, **2:67, 2:69**
Testamentary gifts to, **2:46**

BENEFICIARIES
Agent, **4:22**
Attesting witness, **4:36-4:39**
Charitable, **2:16**
Pension plan, divorce effects on, **1:34**
Residual, estate taxes apportioned to residuary estate, **2:15**
Signature of, instead of testator's signature of will, **4:22**
Trustee removal by, **2:64, 2:65**
Witness, attesting, **4:36-4:39**

BOND
Executor appointment, **2:62**

BURIAL WISHES
Will provisions, **2:3**

BUSINESS POWERS
Fiduciaries, **2:71**

CAPITAL GAINS TAX
Generally, **11:92**

CASUALTY INSURANCE
Inclusion of, in devise, **2:28**

CEMETERY PLOT
Will provisions, perpetual care, **2:6**

CHARITABLE DEDUCTIONS
Gifts to charities, **5:83**
Gross estate, **5:82-5:85**
Leveraging, **10:38-10:44**
Split interest gifts, **5:84, 5:85**

CHARITABLE GIFTS AND GIVING
Alternate minimum tax, **9:48**
Annuities, form of charitable gift, **9:16**
Appropriation rules, **9:3, 9:4**
Cash gifts, percentage limitations for, **9:44-9:46**
Charitable lead trusts, **9:14**
Charitable name, **9:6**
Charitable remainder trusts, **9:13, 9:91-9:93**
Contributions, **9:17**
Cy pres proceeding, **9:8**
Drafting considerations, **9:5-9:8**
Estate tax deduction
generally, **9:19**
cemetery associations, **9:32**
compromise agreements, **9:23**
gift must pass from decedent, **9:22-9:28**
included in decedent's estate, **9:29**
passing to charities selected by another, **9:27**
passing to qualified charity, **9:30-9:33**
requirements for, **9:20, 9:21**
Forms of, **9:9-9:16**
Income tax deduction
generally, **9:35**
long-term capital gain, **9:39-9:43**
qualifying charities, **9:36**
reduction rules, **9:39-9:43**
short-term capital gain, reduction rules for, **9:37**
IRA used to make charitable contributions, **9:38**
Life estates, **9:11**
Limitations on, **9:2, 9:3**
Outright gifts, **9:10**
Percentage limitations for, **9:44-9:47**
Restrictions, **1:31, 9:7**
Split interest trusts, **9:12-9:15**

CHARITABLE GIFTS AND GIVING —Cont'd
State law, **9:1**
Tax appropriation rules, **9:4**
Tax deductions
estate. Estate tax deduction, above
gift, **9:34**
income. Income tax deduction, above
potential, **9:18**

CHARITABLE LEAD TRUSTS
Generally, **9:14**
Common law lead trust, **9:113-9:116**
Funding, **11:95**
Grantor lead trust, **9:110-9:112**
Irrevocable inter vivos, **9:118**
Leveraging, **10:43, 10:44**
Regular lead trust
generally, **9:102**
excise taxes, **9:105**
generation-skipping transfer tax, **9:109**
Medicare contribution tax, **9:106**
no grantor retained interest, **9:107**
payout, **9:103, 9:104**
primary planning use is to leverage transfers, **9:108**
private foundation rules, **9:105**
Testamentary, **9:117**
Types, **9:101**

CHARITABLE REMAINDER TRUSTS
Generally, **6:57-6:61, 9:13**
Amount inducible in grantor's gross estate, **9:76**
Anti-abuse regulation, **9:85**
Capital gains, **9:56, 9:57**
Charitable deductions for, **9:67**
Common rules for, **9:59 et seq.**
Definition, **9:49**
Division of, **9:80**
Estate taxes, **9:75**
Excise taxes, **9:77, 9:78**
Final payout, **9:74**
5% probability test, **9:96, 9:97**
Funding, **9:98, 11:94**
Implications of treatment of gifts as deemed sales, **9:84**
IRS approved forms, **9:100**
Leveraging, **10:39-10:42**
Medicare contribution tax, **9:83**
Ordering rules, **9:81**

CHARITABLE REMAINDER TRUSTS —Cont'd
Payout format, factors in selecting
certainty about the amount of payment, **9:89**
charitable deduction, **9:91-9:93**
expected yield of assets in trust, **9:90**
future additions to trust, **9:94**
inflation, **9:88**
Payout requirements
generally, **9:51**
annuity provision, **9:52**
lesser of income or unitrust interest, **9:54, 9:55**
unitrust interest, **9:53**
Payout targets, **9:95**
Permissible payout recipients
generally, **9:59**
cancellation of survivor recipient's interest, **9:66**
class of individuals, **9:64**
common rules for, **9:69**
payments to trusts for disabled persons, **9:63**
persons, **9:60, 9:63 et seq.**
trusts, **9:62**
waiver of right of election, **9:61**
Permissible remainder beneficiaries, **9:70**
Primary use of, **9:50**
Private foundation rules, **9:77**
Qualified contingencies, **9:73**
Section 2702 valuation rules, **9:86**
Terminating a charitable remainder trust, **9:99**
Term of interest, **9:72**
Tier rules, **9:81**
Timing of payments, **9:82**
Unrelated business taxable income, **9:79**

CHARITABLE SPLIT DOLLAR ARRANGEMENTS
Generally, **11:42**

CHILDREN
Adoption of, will affected by, **1:36**
Birth of, will affected by, **1:36**
Devise of real property to, **2:25**
Disinheritance of, **1:32**
Guardian selection for, **2:51, 2:52**
Pot trust for, **2:49**
Testamentary trusts for, **2:48-2:52**

CLIENT
Diminished capacity, disability planning by, **1:39**
Information gathering, **1:5**
Initial contact with, **1:2**

CODICILS
Avoidance of, **4:95, 4:96**
Prior, revocation of, **2:1**

COHABITATION AGREEMENT
Generally, **1:30**

COMMON DISASTER SURVIVORSHIP
Generally, **2:8-2:10**

COMMON LAW LEAD TRUST
Charitable lead trusts, **9:113-9:116**

COMMON LAW MARRIAGE
Generally, **1:27**

COMMUNITY PROPERTY
Generally, **1:22-1:25**
In New York estates, **1:25**
Presumption of, **1:24**
Spouses may have separate property, **1:23**

CONDITIONAL LEGACIES
Generally, **2:45**

CONFIDENTIALITY
Living trust, **3:6**

CONFLICT OF INTEREST
Generally, **1:4**

CONSTRUCTIVE TRUST
Non-marital partners, **1:29**

COPYING
Generally, **4:82-4:84**

CREDIT SHELTER TRUST
Generally, **6:15**
Assets for
availability of, **6:26-6:29**
beneficiary designations, **6:27**
income in respect to decedent, **6:30, 6:31**
life estate interest in residence, **6:28, 6:29**
selection of, **6:15**
Lifetime power of appointment, **6:20-6:22**
Options for, **6:18-6:24**

CREDIT SHELTER TRUST—Cont'd
Size, **6:78**
Trust principal provisions, **6:19**

CRUMMEY DECISION
Generally, **5:59**

CRUMMEY POWER
Generally, **11:19**
Assets must be available for notice to be effective, **11:24**
Donees who are not current trust beneficiaries, **11:23**
Gift tax consequences of lapsing, **11:27-11:32**
Income tax consequences of, **11:26**
Minor donees, **11:22**
Notice requirement, **11:20**
Record-keeping, **11:25**
Time to exercise, **11:21**

CY PRES PROCEEDING
Charitable gifts and giving, **9:8**

DEATH TAX
Foreign, **5:109, 5:110**
State, **5:102-5:105**

DEBTS
Deductibility of, from gross estate, **5:88**
Forgiveness of, **2:36**
Will, **2:2**

DEDUCTIONS
Gross Estate (this index)
Marital Deduction (this index)

DEFICIT REDUCTION ACT OF 2005
"Lookback" disqualification, Medicaid, **1:61**
Testamentary estate planning implications of, **1:63**

DEMONSTRATIVE LEGACIES
Generally, **2:41**

DEVISE
Definition, **2:24**

DIGITAL ASSETS
Power of attorney, **1:43**

DISABILITY PLANNING
Generally, **1:38-1:49**
ABLE accounts, **10:30**
Diminished capacity, client with, **1:39**

DISABILITY PLANNING—Cont'd
Health Care Proxies (this index)
Long Term Care (this index)
Medical aid in dying legislation, **1:50**
Power of Attorney (this index)

DISABLED OR ELDERLY PERSONS
Trusts (this index)

DISASTER
Common disaster survivorship, **2:8-2:10**

DISCLAIMERS
Generally, **7:1**
Attorney-in-fact, **7:46**
Effect of, **7:47**
Estate planning uses of, **7:48-7:50**
Federal requirements
generally, **7:7-7:37**
delivery required to transferor of interest, **7:15**
disclaimer must be before acceptance of property or benefits, **7:26, 7:27**
entire interest, or entire portion, must be disclaimed
generally, **7:28-7:35**
appointment power disclaimed, income/principal retained, **7:32**
assets from bequest or trust disclaimed, **7:33**
income disclaimed, right to principal retained, **7:30**
pecuniary amount disclaimed, **7:34**
principal disclaimed, right to income retained, **7:31**
separate interests, **7:29**
undivided fractional interests disclaimed, **7:35**
interest must be identified, **7:14**
property
bank accounts, **7:22**
bonds, **7:23**
passing by exercise or lapse of a general power, **7:18**
passing by exercise or lapse of a limited power, **7:20**
passing by joint tenancy, **7:21-7:25**
passing by qualified terminable interest property trust, **7:19**
real property, **7:24**
stocks, **7:23**

DISCLAIMERS—Cont'd
Federal requirements—Cont'd
property must pass without direction, **7:36, 7:37**
qualified disclaimers, **7:11-7:13**
regulations changed effective January 1, 1977, **7:8-7:10**
signature, **7:14**
timeliness gauged by nine-month rule, **7:16-7:25**
Federal tax liens, **7:6**
Filing
court discretion to extend time for, **7:42, 7:43**
necessity of, **7:39**
Guardian, **7:45**
Inability to enjoy property interest, **7:5**
Non-tax reasons for, **7:3-7:5**
Personal representative, **7:45**
Planned, **7:49**
Property
federal requirements, above
state requirements, **7:44**
tax reasons for disclaiming, **7:48-7:50**
Property interests with clean-up liability, **7:4**
Rights frequently disclaimed in estates practice, **7:2**
State requirements
generally, **7:7, 7:38-7:47**
delivery, **7:40**
filing, **7:39, 7:42**
irrevocability of valid disclaimer, **7:39**
no timeliness exception for beneficiaries under 21, **7:41, 7:42**
property interests, **7:44**
Unplanned, **7:50**

DISCLAIMER TRUST
Assets for
availability of, **6:26-6:29**
beneficiary designations, **6:27**
income in respect to decedent, **6:30, 6:31**
life estate interest in residence, **6:28, 6:29**
selection of, **6:15**
Options for, **6:17**
Trust principal provisions, **6:19**

DISINHERITANCE
Children, **1:32**

DISINHERITANCE—Cont'd
Grandchildren, **1:32**

DISTRIBUTABLE NET INCOME
Generally, **11:100**
Income, definition, **11:101**
Taxation of capital gains, **11:103**
Tax year of trust, **11:102**

DIVORCE
Dispositive document provisions affected by, **1:33**
Guardian selection for children, **2:52**
Pension plan beneficiary designation affected by, **1:34**

DRAFTING
Attorney's knowledge about, **1:16**

DUE EXECUTION
Generally, **4:1**
Attestation Clause (this index)
Attesting witnesses
generally, **4:24, 4:31**
address of, **4:50**
age of, **4:34**
attorney as, **4:35**
beneficiary as, **4:36-4:39**
capacity to act as, **4:32**
ceremony involvement, **4:74**
conflicts in recollection of, **4:65-4:67**
disagreement, **4:64**
execution ceremony forgot by, **4:63**
guidance through vital steps, **4:76**
notary as, **4:40**
qualification as, no statutory requirements for, **4:33**
refusal to testify, **4:65-4:67**
signature by, **4:42-4:54**
substantial compliance doctrine, **4:67**
two witnesses are required but three are recommended, **4:41**
Attorney
as attesting witness of testator's signature, **4:35**
execution supervised by, **4:55, 4:71, 71**
Burden to establish, **4:4, 4:5**
Consistent procedures used in, **4:70-4:84**
Copying of will, **4:82-4:83**
Date not required, **4:9, 4:10**
Documents executed after will execution, **4:80**

DUE EXECUTION—Cont'd
"Do-it-yourself" wills, **4:14**
Elements, **4:2**
Foreign jurisdiction, will signed in, **4:3**
Holographic wills, **4:7**
Home versus office, **4:69**
Interlineations after, **4:78**
Kent Rule, **4:79**
Memorandum of, **4:92-4:94**
Multiple languages, will in, **4:84**
Necessity for a writing, **4:6-4:8**
Noncupative wills, **4:8**
Obliteration causing partial revocation, **4:79**
Partial revocation, obliteration as cause of, **4:79**
Presumptions, **4:55-4:59**
Recommended practices, **4:68 et seq.**
Self-Proving Affidavits (this index)
Short cuts not advised in, **4:68**
Simultaneous signature by spouses, **4:91**
Special circumstances, **4:85-4:90**
Staple will together, **4:81**
Statute, strict construction of, **4:5**
Testator
attorney/beneficiary referral of, **4:90**
guidance through vital steps, **4:75**
hospitalization of, **4:87**
physical or mental disability, **4:86**
reading of documents by, **4:73**
referred from a bank, **4:89**
signature
generally, **4:11**
acknowledgment, **4:24, 4:25**
agent signature in lieu of
generally, **4:21**
beneficiary as agent, **4:22**
publication by agent, **4:29**
attestation clause, **4:30-4:54**
attesting witnesses, above
blindness or other disability not a bar, **4:16**
date not required, **4:9**
"do-it-yourself" wills, **4:14**
English, where native language of testator other than, **4:17**
fraud prevention reasons for, **4:13**
initial, mark, name or fingerprint instead of, **4:18-4:20, 4:23**

DUE EXECUTION—Cont'd
Testator—Cont'd
signature—Cont'd
missing page of will does not compel denial of probate, **4:15**
"publication" by testator requirement, **4:26-4:29**
substitutes allowed for, **4:18-4:23**
witnesses. Attesting witnesses, above
Videotaping, **4:88**

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001
Generally, **5:13**

ELDERLY PERSONS
Law, attorney's familiarity with, **1:14**
Trusts (this index)

ELECTIVE SHARE
Generally, **1:18-1:20**
Net estate, **1:19**
Steps in planning of, **1:21**

ENVIRONMENTAL POWERS
Fiduciaries, **2:72**

ESTATE
Liquidity needs of, will provisions, **2:7**

ESTATE PLANNING
Generally, **1:10-1:17**
Alternative property disposition without a will, **1:15**
Complete information from client, **1:12**
Disclaimers, **7:48-7:50**
Disengagement after completion of, **1:17**
Elder law, **1:14**
Knowledge of correct drafting, **1:16**
State law, **1:13**
Taxation, **1:11**

ESTATE TAXES
Generally, **5:8-5:10**
Apportionment
by statute, **2:12**
by testator's direction, **2:12**
residual beneficiaries, **2:15**
to residuary estate, **2:12-2:16**
Attorney's familiarity with, **1:11**
Charitable Gifts and Giving (this index)
Charitable remainder trusts, **9:75**
Computing of, **5:18-5:25**

ESTATE TAXES—Cont'd
Credits that reduce
state death tax, **5:102-5:105**
summary of, **5:94-5:96**
unified, **5:97-5:101**
Gift tax value for, **5:91**
Life insurance policies, **11:2**
Lifetime Gifts (this index)
Loss of option to pay, **10:68**
Planning used to reduce, **5:10**
Pre-death transfers subject to, **5:9**
Qualified Domestic Trust distributions, **6:67-6:73**
Transfer, **5:8-5:10**
Unified system, **5:11, 5:12, 5:17**

ETHICS
Power of attorney, **1:42**

EXCISE TAXES
Charitable lead trusts, **9:105**
Charitable remainder unitrusts, **9:77, 9:78**

EXECUTION
Due Execution (this index)

EXECUTORS
Generally, **2:61-2:68**
Attorney-drafter as, **2:67, 2:69**
Bank as, **4:98**
Bond requirement for, **2:62**
Commissions, **3:9**
Generation-skipping transfer tax exemption allocation by, **8:68-8:72**

EXPATRIATES
Transfer taxes, **5:115-5:117**

EXPRESS CONTRACT
Services rendered, non-marital partners, **1:28**

FAMILY HEALTH CARE DECISIONS ACT
Generally, **1:49**

FAMILY LIMITED PARTNERSHIPS
Lifetime gifts, **10:53, 10:54**

FEDERAL GIFT TAX
Generally, **10:69**
Calculation of, **10:73**
Deductions, **10:78**
Exclusions, **10:78**
Expatriate, defined, **10:72**

FEDERAL GIFT TAX—Cont'd
Gifts subject to, **10:71**
History of, **10:70**
Rate schedule, **10:75-10:77**
Split gifts, **10:74**
Tax return filing
generally, **10:85-10:109**
penalty for late filing, **10:88**
preparer penalties, **10:89-10:109**
timely, **10:87**
Unified credit, **10:77**
Unified rate schedule, **10:76**
Valuation of gifts
generally, **10:79**
gifts of remainder interest, **10:80**
life estate interest gifts, **10:82**
recapitalization, **10:81**
undervaluation penalty, **10:83, 10:84**

FEES
Estimate of, **1:9**
Extraordinary compensation, **3:53**
Initial meeting, **1:6**
Living trust effects on, **3:8**
Ordinary compensation, **3:52**

FIDUCIARIES
Corporate, as trustee, **3:54**
Executors (this index)
Insulating, public policy preclusion from, **2:85**
Investment managers hired by
generally, **2:87**
liability for acts of, **2:88**
Statutory liability for investments
generally, **2:77**
acts of investment agents and advisors, **2:88**
diversification, **2:81**
investments made before 1/1/95, **2:78**
investments made on or after 1/1/95, **2:79-2:84, 2:87**
list of factors in investment decisions, **2:80**
prudent investor act, **2:77, 2:82-2:84, 2:87**
prudent man rule, **2:77**
will or trust modification of responsibility or liability, **2:86**
Statutory powers of
generally, **2:69**

FIDUCIARIES—Cont'd
Statutory powers of—Cont'd
business powers, **2:71**
environmental powers, **2:72**
granting of, **2:70-2:72**
income, **2:73, 2:74**
power to adjust, **2:73, 2:75**
principal, **2:73, 2:74**
unitrust option, **2:73, 2:76**
Trustees
generally, **2:61**
bond requirement for, **2:62**
corporate fiduciary as, **3:54**
limitation of powers, **2:63**
removal of, by beneficiaries, **2:64, 2:65**
Trust protector, **2:66**

FILING FEES
Living trust, **3:10**

FLIP UNITRUSTS
Generally, **9:58**

FLORIDA
Extraordinary compensation, **3:53**
Legal fee structure, revisions to, **3:51**
Ordinary compensation, **3:52**

FOREIGN DEATH TAX CREDIT
Generally, **5:109**
Canadian tax on appreciation at death, **5:110**

FOREIGN JURISDICTION
Due execution of will signed in, **4:3**

FORGIVENESS OF DEBT
Generally, **2:36**

FUNERAL ARRANGEMENTS
Will provisions, **2:3**

FUNERAL EXPENSES
Will provisions, **2:2-2:6**

GENERAL LEGACIES
Generally, **2:38**

GENERATION-SKIPPING TRANSFER TAX
Applicability
to trusts irrevocable on 9/25/85, **8:6, 8:7**
to wills executed before 10/22/86, **8:5**

GENERATION-SKIPPING TRANSFER TAX—Cont'd
Applicable fraction
computation of, **8:34**
role of, **8:33**
Avoidance, interests disregarded for, **8:21**
Computations, **8:23-8:26**
Evolution of, **8:2**
Exclusions
generally, **8:42**
"grandfathered" trusts, **8:43-8:47**
medical expense gifts, **8:51**
tuition expense gifts, **8:51**
Exemptions
generally, **8:9, 8:10**
allocation of
automatic, under EGTRRA, **8:74**
by donor, **8:66, 8:67**
by executor, **8:68-8:72**
Chapter 13 application to nonresident aliens, **8:81**
deemed, **8:73, 8:75-8:77**
effective date, **8:65**
estate tax inclusion period exception, **8:72**
late, **8:67, 8:69-8:72**
relief provisions, **8:80**
retroactive, **8:78**
timely, **8:66-8:72**
challenges, **8:52**
inclusion ratio and, **8:40**
lifetime gifts, **8:53-8:55**
no taxable termination, **8:49**
planning to use, **8:52-8:61**
predeceased child rule, **8:48, 8:61**
reverse qualified terminable interest property election, **8:59, 8:60**
severance of trusts, **8:79**
taxable transfers, **8:62**
testamentary planning, **8:56-8:58**
transferred property valuation, **8:63, 8:64**
transfers eligible for annual exclusion, **8:50**
Generations
assignment of persons to, **8:28-8:32**
defining of, **8:14**
entities assigned to, **8:32**
lineal descendants, **8:29**
non-lineal, **8:15, 8:30**

GENERATION-SKIPPING TRANSFER TAX—Cont'd
"Grandfathered" trusts, **8:43-8:47**
Inclusion ratio
computation of, **8:35**
property valuation for determining, **8:36-8:39**
generally, **8:36**
charitable lead annuity trusts, **8:37**
estate tax inclusion period, **8:38, 8:39**
role of, **8:33**
Nature of, **8:1**
Objective of, **8:3**
Persons responsible for paying, **8:22**
Postponement, interests disregarded for, **8:21**
Regular lead trust, **9:109**
Skip persons
generally, **8:13**
inclusion ratio effects on, **8:41**
tax computation for, **8:26**
State
generally, **10:112**
credit for, **8:27**
Taxable events
generally, **8:11**
direct skips, taxability of, **8:17**
taxable distributions
generally, **8:16**
tax computations for, **8:25**
taxable terminations
generally, **8:12**
generations, **8:14, 8:15**
skip person, **8:13**
tax computations for, **8:24**
Transactions covered by
income or principal used to satisfy obligations, **8:19-8:21**
interest in a trust, **8:18**
taxable events, above
§ 2 million per grandchild exemption, **8:10**

GIFT
Charitable Gifts and Giving (this index)
Estate taxation, within three years of death, **3:22**
Lifetime Gifts (this index)
Medical expenses, generation-skipping transfer tax exclusion for, **8:51**

GIFT—Cont'd
Split interest, **5:84, 5:85**
Testamentary, to attorney-drafter, **2:46**
Tuition expenses, generation-skipping transfer tax exclusion for, **8:51**
Valuation of, for federal gift tax
generally, **10:79**
gifts of remainder interest, **10:80**
life estate interest gifts, **10:82**
recapitalization, **10:81**
undervaluation penalty, **10:83, 10:84**

GIFT TAXES
Generally, **5:7**
Annual exclusion, **5:4**
Charitable gifts and giving, **9:34**
Computing of, **5:18-5:25**
Credits that reduce
generally, **5:96, 5:106**
unified credit, **5:97-5:101**
Crummey power, **11:27-11:32**
Estate taxation, within three years of death, **3:22**
Federal Gift Tax (this index)
Lifetime allowance, **5:5, 5:6**
Lifetime Gifts (this index)
State, **5:40**
Tentative tax reductions, **5:92**
Transfer, **5:7**
Unified Credit (this index)
Unified system, **5:11, 5:12, 5:17**
Value, for estate tax purposes, **5:91**

GIFT TAX RETURN
Federal Gift Tax (this index)
State, **10:111**

GIFT TRUSTS
Annual withdrawal rights, **11:89**
Funding, **11:93**
Gifts that qualify for the annual exclusion used to fund, **11:87**
Income paid to trust beneficiary, **11:90**
Minors, **11:88**

GRANDCHILDREN
Disinheritance of, **1:32**

"GRANDFATHERED" TRUSTS
Generation-skipping transfer tax exclusions, **8:43-8:47**

GRANTOR
Living Trust (this index)

GRANTOR LEAD TRUST
Charitable lead trusts, **9:110-9:112**

GRANTOR RETAINED ANNUITY TRUST
Generally, **5:69**
Amount inducible in gross estate, **11:60**
Beneficial interest in spouse used to reduce taxable gift, **11:59, 11:60**
Estate tax consequences of, **11:58, 11:59**
Gift tax consequences of, **11:58, 11:59**
Proposals to limit, **11:62**
Sales to intentionally defective grantor trust, **11:63-11:66**

GRANTOR RETAINED INCOME TRUSTS
Generally, **5:69, 11:52**
Chapter 14 rules
generally, **11:54**
family members, **11:55**
trusts excluded from, **11:56-11:58**
Planning with, **11:53**

GRANTOR RETAINED UNITRUST
Generally, **5:69**
Amount inducible in gross estate, **11:60**

GROSS ESTATE
Adjustable taxable gifts, **5:89, 5:90**
Adjusted, 35% test for, **10:65**
Assets
generally, **5:26**
conservation easement, **5:29, 5:30**
decedent had general power of appointment, **5:51-5:58**
decedent retained an interest in, **5:43-5:46**
jointly owned property, **5:50**
life insurance proceeds, **5:60-5:62**
property located in another country, **5:27**
retirement plan benefits, **5:47-5:49**
revocable transfers, **5:46**
transfers
insufficient consideration, **5:63, 5:64**
made within three years before death included as, **5:32-5:42**
relinquishment of marital rights, **5:64**

GROSS ESTATE—Cont'd
Assets—Cont'd
transfers—Cont'd
strategies to avoid, **5:65-5:71**
valuation of, **5:28-5:31**
Charitable deductions, **5:82-5:85**
Deductions
charitable, **5:82-5:85**
closely held business interest, **5:87**
debts, **5:88**
funeral and administration expenses, **5:86**
marital deduction, below
Marital deduction
amount of, **5:72**
current, **5:77**
maximum, **5:79-5:81**
original, **5:75**
previous rules, **5:74-5:78**
qualified domestic trust for noncitizens spouses, **5:81**
qualified terminable interest property trust, **5:78**
spouse, definition of, **5:73**
Tax Reform Act of 1976 effects on, **5:76**
Marital Deduction (this index)
Tax, credits that reduce
state death tax, **5:102-5:105**
summary of, **5:94-5:96**
unified, **5:97-5:101**

GUARDIAN
Minor children, **2:51, 2:52**

HEALTH CARE PROXIES
Generally, **1:44**
Agent
alternative, **1:47**
selection of, **1:46**
Family Health Care Decisions Act, **1:49**
Medical Orders for Life Sustaining Treatment, **1:48**
Power of attorney and, **1:45**

HOLOGRAPHIC WILLS
Generally, **4:7**

HOME EQUITY
Medicaid eligibility, Deficit Reduction Act, **1:56**

HOMESTEAD
Transfer, Medicaid ''lookback'' disqualification, **1:59**

IMPLIED CONTRACT
Services rendered, non-marital partners, **1:28**

INCLUSION RATIO
Generation-Skipping Transfer Tax (this index)

INCOME
Generation-skipping transfer tax, **8:19-8:21**
Qualified personal residence trusts, **11:83**

INCOME IN RESPECT TO DECEDENT ASSETS
Credit shelter trust, **6:30, 6:31**

INCOME TAX
Charitable Gifts and Giving (this index)
Crummey power, **11:26**
Irrevocable Trusts (this index)
Living trust, **3:30-3:34**
Non-grantor trusts, **11:99-11:103**

INITIAL MEETING
Generally, **1:7**
Completion date, **1:9**
Conflict of interest, **1:4**
Fees
advice regarding, **1:6**
estimate of, **1:9**
Information gathering, **1:5**
Joint representation, **1:8**
Steps before, **1:3-1:6**

INSURANCE TRUSTS
Generally, **11:8**
Crummey Power (this index)
Funding of
generally, **11:97**
with existing policies
generally, **11:10**
transfer for value rules, **11:12-11:15**
Generation-skipping considerations, **11:51**
Life insurance policies
generally, **11:1**
backup marital deduction provision, **11:44-11:46**
beneficiary, **11:3-11:7**

INSURANCE TRUSTS—Cont'd
Life insurance policies—Cont'd
dispositive provisions
generally, **11:43-11:50**
backup marital deduction provision, **11:44-11:46**
pour-over to other trusts, **11:48**
reciprocal trust doctrine, **11:49**
segregating power of appointment amounts from marital trust, **11:47**
estate tax, **11:2**
options on funds to pay
generally, **11:18**
Crummey strategy to qualify payments as tax-exempt gifts, **11:19**
split dollar arrangement, **11:33-11:42**
third party ownership, **11:3-11:7**
trust application for, **11:16, 11:17**
Sale of policies between trusts, **11:11**
''Survivorship,'' **11:9, 11:50**

IN TERROREM CLAUSES
Generally, **2:17**
Discovery permitted under EPTL 0167 3-3.5, **2:19**
Discovery where bequest to attorney, **2:20**
Effectiveness of, **2:18-2:21**

INTESTACY
Asset disposition, **1:67, 1:68**
Exempt assets, **1:68**

INVASION, POWER OF
Irrevocable trusts, decanting under EPTL 0167 7-1.9, **11:124**

INVESTMENT ADVISOR
Generally, **3:50**

IRREVOCABLE INTER VIVOS CHARITABLE LEAD TRUST
Generally, **9:118**

IRREVOCABLE TRUSTS
Amendment
by third party under terms of trust, **11:120**
under EPTL 0167 7-1.9, **11:121, 11:122**
Decanting under EPTL 0167 7-1.9
decanting authority
limitations on, **11:129**

IRREVOCABLE TRUSTS—Cont'd
Decanting under EPTL 0167 7-1.9 —Cont'd
decanting authority—Cont'd
limited discretion to invade, **11:131**
mechanics, **11:128**
provisions common to two kinds of, **11:127-11:129**
standard of care, **11:127**
unlimited discretion to invade, **11:130**
definitions, **11:125, 11:126**
overview of, **11:123**
power of invasion, need for, **11:124**
Flexible dispositive terms, **11:119**
Funding, **11:91-11:97**
Gift trusts, **11:87-11:90**
Grantor Retained Annuity Trust (this index)
Grantor Retained Income Trusts (this index)
Income taxation
distributable net income, **11:100-11:103**
grantor trusts
overview of, **11:104**
planning considerations with grantor trust status, **11:116, 11:117**
spouse's powers attributed to grantor, **11:106-11:115**
trustee's powers attributed to grantor, **11:105**
non-grantor trusts, **11:99-11:103**
overview of, **11:98**
Insurance Trusts (this index)
Irrevocability of, **11:118**
Reformation, **11:133**
Severance of trusts, **11:134**
Termination of uneconomic trusts, **11:135**
Uneconomic trusts, termination of, **11:135**

JOINT REPRESENTATION
Generally, **1:8**

JOINT REVOCABLE TRUSTS
Advantages of, **3:39**
Considerations for, **3:35**
Contributing spouses have full revocation power, **3:36**
Death of one grantor, **3:38**
Subtrusts needed for sufficiently specific records, **3:37**

JOINT REVOCABLE TRUSTS—Cont'd
Tax issues, **3:39**

KENT RULE
Generally, **4:79**

LANGUAGE
Testator, native language other than English, **4:17**

LEGACIES
Ademption of, **2:42, 2:43**
Conditional, **2:45**
Definition, **2:37**
Demonstrative, **2:41**
General, **2:38**
Living trust used to pay, **3:28**
Payment of, when estate is insufficient, **2:44**
Specific, **2:39**

LEGAL FEES
Florida, **3:51**
Living trust, **3:8**
Ordinary compensation, **3:52**

LIFE ESTATE IN RESIDENCE
Generally, **6:28, 6:29**

LIFE ESTATE INTEREST
Gifts, federal gift tax for, **10:82**
Real property, **2:31**

LIFE ESTATES
Charitable gifts and giving, **9:11**

LIFE INSURANCE POLICIES
Beneficiary designation, **11:3-11:7**
Estate tax, **11:2**
Insurance Trusts (this index)
Proceeds, assets in decedent's gross estate, **5:60-5:62**
Third-party ownership, **11:3**

LIFETIME GIFTS
ABLE accounts, **10:30**
Appreciating assets, **10:31-10:34**
Business continuation planning, **10:3-10:8**
Estate taxes
tax exclusive, **10:57**
transfers that do not generate gift or estate taxes, below
Federal Gift Tax (this index)

LIFETIME GIFTS—Cont'd
Gift taxes
tax exclusive, **10:58-10:60**
transfers that do not generate gift or estate taxes, below
IRS standards for written tax advice
generally, **10:13**
circular 230, **10:14-10:18**
monetary penalties, **10:14**
Leveraging strategies
generally, **10:35**
actuarial tables, **10:48-10:52**
annual gift tax exclusion, **10:36**
charitable deductions, **10:38-10:44**
charitable lead trusts, **10:43, 10:44**
charitable remainder trusts, **10:39-10:42**
gift taxation of retained income interests, **10:46**
insurance policies, **10:37**
minority interest discounts, **10:47**
retained interests for a term of years, **10:45, 10:46**
Loss of redemption advantages under I.R.C. 0167 303, **10:64-10:66**
Loss of step-up in basis at death, **10:63**
Medical care, **10:28, 10:29**
Medical costs effect on savings, **10:9-10:11**
Non-tax reasons for making, **10:1-10:11**
Tax disadvantages, **10:62-10:68**
Tax reasons for, **10:12**
Transfers that do not generate gift or estate taxes
generally, **10:19**
''adjustable taxable gifts'' versus ''otherwise included gifts,'' **10:33**
appreciating assets, **10:31-10:34**
family limited partnerships, **10:53, 10:54**
limited liability companies, **10:54**
medical care gifts, **10:28, 10:29**
''present interest'' exclusion, **10:20, 10:21**
qualified state tuition programs, **10:27**
significant effect of gifts, **10:22**
tuition expenses, **10:24-10:26**
Tuition expenses, **10:24-10:26**

LIVING TRUST
Generally, **3:2**

LIVING TRUST—Cont'd
Amendment
grantor's power for, **3:19**
pour-over will affected by, **3:26**
Assets
continuity of management, **3:5**
creditor access to, **3:13**
disposition of, **3:3-3:10**
Benefits of, **3:3-3:10**
Choice of law, **3:45**
Confidentiality benefits of, **3:6**
Considerations specific to, **3:16**
Continuity of asset management using, **3:5**
Costs savings, **3:7, 3:8**
Elimination or minimization of probate by using, **3:4**
Estate taxation of gifts within three years of death, **3:22**
Fees saved using
executor commissions, **3:9**
filing, **3:10**
legal, **3:8**
Funding of, **3:48**
Grantor
capacity of
standard needed for determining, **3:23**
to make valid trust, **3:46**
death of, **3:38**
estate taxation of gifts within three years of death, **3:22**
investment authority retained by, **3:20**
items affecting administration during life of, **3:19-3:23**
provision for payment of income and principal to, **3:21**
self-trustee, **3:17**
Income, provision for payment of, **3:21**
Income tax, **3:30-3:34**
Investment advisor, **3:50**
Investment authority of grantor, **3:20**
Legacies paid out of, **3:28**
Legal fees saved using, **3:8**
Neutral or negative effects of
generally, **3:11**
creditor access to trust assets, **3:13**
no estate tax advantage, **3:12**
retention of document trail is necessary, **3:15**

LIVING TRUST—Cont'd
Neutral or negative effects of—Cont'd
start-up legal costs, **3:14**
Pour-over will
amendment or termination of trust effects on, **3:26**
attestation of trust used with, **3:47**
tax apportionment provisions, **3:27**
use of, **3:24**
valid, requirements for, **3:25**
Power to amend or revoke, **3:19**
Principal, provision for payment of, **3:21**
Revoke, power to, **3:19**
Tax apportionment provisions, **3:27**
Termination of, pour-over will affected by, **3:26**
Trustee
compensation for executor duties, **3:29**
description of, **3:17**
Use, **3:24**
Valid, grantor's capacity to make, **3:46**

LONG TERM CARE
Generally, **1:51**
Medicaid (this index)

MALPRACTICE
Attorney liability for, **1:1**

MARITAL DEDUCTION
Amount of, **5:72, 6:6-6:11**
Assets
credit shelter trust, below
disclaimer trust, below
Backup, for life insurance proceeds disposition, **11:44-11:46**
Credit shelter trust
generally, **6:15**
advantage to defining, **6:81**
assets for
availability of, **6:26-6:29**
beneficiary designations, **6:27**
income in respect to decedent, **6:30, 6:31**
life estate interest in residence, **6:28, 6:29**
selection of, **6:15**
lifetime power of appointment, **6:20-6:22**
options for, **6:18-6:24**
size of, **6:78**
trust principal provisions, **6:19**

MARITAL DEDUCTION—Cont'd
Current, **5:77**
Disclaimer trust
assets for
availability of, **6:26-6:29**
beneficiary designations, **6:27**
income in respect to decedent, **6:30, 6:31**
life estate interest in residence, **6:28, 6:29**
selection of, **6:15**
options for, **6:17**
trust principal provisions, **6:19**
Expenses charged to income, consequences, **6:94**
Inducible in decedent's estate, **6:7**
Life estates with general power of appointment
generally, **6:35**
beneficial enjoyment, **6:39**
income from entire property or specific portion, **6:38**
life income interest, **6:37**
no power of appointment to any other person, **6:40**
qualifying income interests, **6:36**
Maximum, **5:79-5:81**
Non-U.S. citizens, **6:11**
Original, **5:75**
Passing from the decedent, **6:8, 6:9**
Previous rules, **5:74-5:78**
Qualified Domestic Trust for noncitizens
generally, **5:81, 6:63**
annuity payments, final regulations on, **6:76**
estate tax on distributions, **6:67-6:73**
hardship distributions, **6:68**
New York rule where no federal rule, **6:74**
no counterpart to, in gift tax law, **6:64**
requirements for, **6:65, 6:66**
timely election of, **6:73, 6:74**
transfers by spouse, **6:75**
Qualified Terminable Interest Property trusts
generally, **5:78, 6:43**
effect of election as, **6:55, 6:56**
"exhausted interest" exception, **6:46**
general power of appointment exception, **6:47**

MARITAL DEDUCTION—Cont'd
Qualified Terminable Interest Property trusts—Cont'd
life estates for which QTIP election can be made, **6:53, 6:54**
New York only election, **6:49**
''six-month survivorship'' exception, **6:45**
''terminable interest,'' **6:44-6:47**
trusts for which QTIP election can be made, **6:48-6:52**
Share
advantage to defining, **6:82**
as fraction of residue, **6:84, 6:90**
as pecuniary amount, **6:85-6:92**
expenses charged to income, consequences, **6:94**
formula used to express, **6:77-6:79**
hybrid pecuniary option for, **6:93**
state estate tax exceeds credit, **6:79**
Spouse, definition of, **5:73, 6:1**
Tax Reform Act of 1976 effects on, **5:76**
Unified credit and, interplay between
credit shelter trust, above
disclaimer trust, above
New York estate tax, **6:16**
overview of, **6:12**
U.S. citizens, **6:10**
Vehicles
generally, **6:33**
annuities with general power of appointment, **6:41**
charitable remainder annuity unitrusts, **6:57-6:61**
charitable remainder unitrusts, **6:57-6:61**
estate trusts, **6:62**
for non-U.S. citizens, **6:11**
for U.S. citizens, **6:10, 6:33 et seq.**
life estates with general power of appointment, above
outright gifts, **6:34**
qualified terminable interest property trusts, above

MARRIAGE
Will affected by, **1:35**

MEDICAID
Community spouse, income and resources retained by, **1:54-1:55**
Income first rule, **1:55**

MEDICAID—Cont'd
''Lookback'' disqualification
DRA rule, **1:61**
homestead transfers, **1:59**
penalty period, **1:57**
pre-DRA rule, **1:60**
transfers that do not cause ineligibility, **1:58**
''Medically needy'' standard, **1:52-1:62**
Resources that applicant may retain personally, **1:53**
Substantial home equity, **1:56**
Trust effects on eligibility for, **2:56**

MEDICAL CARE
Gifts, **10:28, 10:29**

MEDICAL ORDERS FOR LIFE SUSTAINING TREATMENT
Generally, **1:48**

MEMORANDUM
Execution, **4:92-4:94**

MINOR
Devise of real property to, **2:26**

MINORS
Tangible personal property given to, **2:35**

MONUMENTS
Will provisions, **2:5**

MORTGAGE
Devised property, **2:27**

NATIVE LANGUAGE
Testator, native language other than English, **4:17**

NET ESTATE
Components of, **1:19**
Testamentary substitute element of, **1:20**

NEW YORK
Community property rights in, **1:25**

NONCUPATIVE WILLS
Generally, **4:8**

NON-MARITAL PARTNERS
Generally, **1:26**
Cohabitation agreement, **1:30**
Common law marriage, **1:27**
Constructive trust, **1:29**

NON-MARITAL PARTNERS—Cont'd
Implied or express contract for services rendered, **1:28**

NOTARY
Attesting witness, **4:40**

PENSION PLAN
Beneficiary, divorce effects on, **1:34**

PERSONAL RESIDENCE TRUSTS
Estate tax consequences of, **11:58**
Gift tax consequences of, **11:58, 11:59**
Not practically viable, **11:68**
Qualified Personal Residence Trusts (this index)
Requirements, **11:67**

PICK-UP TAX
Generally, **5:103, 5:104**

POT TRUST
Generally, **2:49**

POUR-OVER WILL
Amendment or termination of trust effects on, **3:26**
Attestation of trust used with, **3:47**
Tax apportionment provisions, **3:27**
Use of, **3:24**
Valid, requirements for, **3:25**

POWER OF APPOINTMENT
Generally, **2:11**
Credit shelter trust, **6:20-6:22**
General, as assets in decedent's gross estate, **5:51-5:58**

POWER OF ATTORNEY
Digital assets, **1:43**
Ethical issues, **1:42**
Health care proxy and, **1:45**
Legislation, **1:40, 1:41**

PRECATORY GIFTS
Generally, **2:34**

PRINCIPAL
Generation-skipping transfer tax, **8:19-8:21**
Qualified personal residence trusts, **11:83**

PRIOR WILLS
Retaining, pros and cons of, **4:102-4:104**
Revocation of, **2:1**

PROBATE
Elimination or minimization of, living trust for, **3:4**

PROPERTY
Community Property (this index)
Real Property (this index)
Tangible Personal Property (this index)

PROPERTY DISPOSITION
Alternative, attorney's familiarity with, **1:15**

PRUDENT INVESTOR ACT
Generally, **2:77**
Compliance with, **2:82-2:84, 2:87**

PRUDENT MAN RULE
Generally, **2:77**

QUALIFIED ANNUITY INTEREST
Qualified personal residence trust conversion to, **11:84-11:86**

QUALIFIED DOMESTIC TRUST
Marital Deduction (this index)

QUALIFIED PERSONAL RESIDENCE TRUSTS
Generally, **5:70, 11:69**
Acceptance of cash to pay expenses, **11:76**
Estate tax consequences of, **11:58**
Funding, **11:96**
Gift tax consequences of, **11:58, 11:59**
Income, payment of, **11:83**
Insurance, **11:74**
Joint, **11:71**
Mortgaged property, **11:72**
No commutation, **11:73**
Principal, payment of, **11:83**
Proceeds, retention of, **11:82**
Qualified annuity interest conversion of, **11:84-11:86**
Sale of residence held by, **11:77**
Sale of residence to grantor now prohibited
generally, **11:78**
no capital gain if grantor trust as to principal, **11:79-11:81**
Taxes, payment of, **11:74, 11:75**
Two, **11:70**
Utilities, **11:74**

QUALIFIED STATE TUITION PROGRAMS
Gifts, **10:27**

QUALIFIED TERMINABLE INTEREST PROPERTY
Generation-skipping transfer tax exemptions, **8:59, 8:60**

QUALIFIED TERMINABLE INTEREST PROPERTY TRUST
Marital Deduction (this index)

REAL PROPERTY
Devise of
casualty insurance inclusion in, **2:28**
definition, **2:24**
payment of mortgage on, **2:27**
statutory presumptions regarding, **2:29**
to minor, **2:26**
to two or more children, **2:25**
In another state, **2:30**
Life estate interest, **2:31**

RECIPROCAL TRUST
Generally, **11:49**

REGULAR LEAD TRUST
Charitable Lead Trusts (this index)

RELIGIOUS SERVICES
Will provisions, **2:4**

RETIREMENT PLAN BENEFITS
Assets, gross estate, **5:47-5:49**

REVERSE QUALIFIED TERMINABLE INTEREST PROPERTY ELECTION
Generation-skipping transfer tax, **8:59, 8:60**

REVERSE SPLIT DOLLAR ARRANGEMENTS
Generally, **11:41**

REVOCABLE TRUSTS
Amending, **3:49**
Benefits of, **3:3-3:10**
Definition, **3:1**
Joint
advantages of, **3:39**
considerations for, **3:35**
contributing spouses have full revocation power, **3:36**

REVOCABLE TRUSTS—Cont'd
Joint—Cont'd
death of one grantor, **3:38**
subtrusts needed for sufficiently specific records, **3:37**
tax issues, **3:39**
Legal fees saved using, **3:8**
Living Trust (this index)
Qualified, **3:34**
Restating, **3:49**
Self-trusteed
generally, **3:40**
attestation, **3:44**
beneficiaries, **3:43**
merger doctrine, **3:41, 3:42**
trustees, **3:43**
Types of, **3:1**

SELF-PROVING AFFIDAVITS
Generally, **4:60**
Attestation, **2:90**
Objections, **4:62**
Signature at later date, **4:61**
Witness signature on, **4:48**

SELF-TRUSTEED REVOCABLE TRUSTS
Generally, **3:40**
Attestation, **3:44**
Beneficiaries, **3:43**
Merger doctrine, **3:41, 3:42**
Trustees, **3:43**

SEVERANCE OF TRUSTS
Reformation and amendment of irrevocable trusts, **11:134**

SGH SPLIT INTEREST GIFTS
Tentative tax reductions, **5:93**

SIGNATURE
Attesting witnesses, **4:42-4:54**
Simultaneous, by spouses, **4:91**
Testator (this index)

SPECIFIC LEGACIES
Generally, **2:39**
Non-probate assets, **2:40**
Probate assets, **2:40**

SPLIT DOLLAR ARRANGEMENTS
Life insurance policies, options on funds to pay, **11:33-11:42**
Reverse, **11:41**

SPLIT INTEREST GIFTS
Generally, **5:84, 5:85**
Federal gift tax, **10:74**

SPLIT INTEREST TRUSTS
Charitable gifts and giving, **9:12-9:15**

SPOUSE
Definition, for marital deduction from gross estate, **5:73**
Dispositive provisions, **2:47**
Noncitizen, qualified domestic trust for, **5:81**
Powers, attribution to grantor, grantor trusts, **11:106-11:115**
Separate property, **1:23**
Surviving
allowable gifts to, **5:80**

STATE LAW
Attorney's familiarity with, **1:13**

SUBSTANTIAL COMPLIANCE DOCTRINE
Generally, **4:67**

SUPPLEMENTAL NEEDS TRUST
Disabled or elderly persons, **2:59, 2:60**
Requirements for, **2:60**

SURVIVORSHIP
Common disaster survivorship, **2:8-2:10**

TANGIBLE PERSONAL PROPERTY
Generally, **2:32**
Dispositive language must be carefully chosen, **2:33**
Minors, **2:35**
Precatory gifts, **2:34**

TAX
Estate Taxes (this index)
Generation-Skipping Transfer Tax (this index)
Gift Taxes (this index)
Income Tax (this index)
Transfer Taxes (this index)

TAX CUTS AND JOBS ACT OF 2017
Generally, **5:16**

TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010
Generally, **5:14, 5:48**

TESTAMENTARY CHARITABLE LEAD ANNUITY TRUST
Generally, **9:117**

TESTAMENTARY DISPOSITIONS
Annulment effects on provisions in, **1:33**
Children, disinheritance of, **1:32**
Community property, **1:22-1:25**
Divorce effects on provisions in, **1:33**
Elective share, **1:18-1:20**
Grandchildren, disinheritance of, **1:32**
Non-Marital Partners (this index)

TESTAMENTARY TRUSTS
Generally, **2:48**
Children, **2:48-2:52**
Common trust, **2:49**
Pot trust, **2:49**
Separate, **2:50**

TESTATOR
Attorney/beneficiary referral of, **4:90**
Guidance through vital steps, **4:75**
Hospitalization of, **4:87**
Physical or mental disability, **4:86**
Reading of documents by, **4:73**
Referred from a bank, **4:89**
Signature
generally, **4:11**
acknowledgment, **4:24, 4:25**
agent signature in lieu of
generally, **4:21**
beneficiary as agent, **4:22**
publication by agent, **4:29**
attestation clause, **4:30-4:54**
attesting witnesses, above
blindness or other disability not a bar, **4:16**
date not required, **4:9**
"do-it-yourself" wills, **4:14**
English, where native language of testator other than, **4:17**
fraud prevention reasons for, **4:13**
initial, mark, name or fingerprint instead of, **4:18-4:20, 4:23**
missing page of will does not compel denial of probate, **4:15**
"publication" by testator requirement, **4:26-4:29**
substitutes allowed for, **4:18-4:23**
witnesses, **4:24**
witnesses. Attesting witnesses, above

TRANSFER TAXES
American Taxpayer Relief Act of 2012, **5:15**
Computing of, **5:18-5:25**
Economic Growth and Tax Relief Reconciliation Act of 2001, **5:13**
Estate Taxes (this index)
Exemptions, **5:3-5:6**
Generation-Skipping Transfer Tax (this index)
Gift Taxes (this index)
Nonresident, non-U.S. citizens, **5:2**
Non-U.S. citizens
credits, **5:118, 5:119**
deductions, **5:120**
expatriates, **5:115-5:117**
''portfolio interest'' exemption, **5:113**
property, **5:111-5:114**
rates for, **5:118, 5:119**
Principles, **5:1-5:17**
Prior credit, **5:107, 5:108**
Subtractions, **5:92, 5:93**
Taxable amount, additions made to determine, **5:89-5:91**
Tax Cuts and Jobs Act of 2017, **5:16**
Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, **5:14, 5:48**
Unified system, **5:11, 5:12, 5:17**
U.S. citizens, **5:1**

TRUST
Charitable Lead Trusts (this index)
Charitable Remainder Trusts (this index)
Charitable remainder unitrust payout recipient, **9:62**
Credit Shelter Trust (this index)
Disabled or elderly persons
generally, **2:53**
availability of other resources, **2:56**
invasion of corpus for health and support costs, **2:55**
specific issues to consider, **2:54-2:58**
supplemental needs trust, **2:59, 2:60**
''trigger trust'' provisions of EPTL 0167 7-3.1, **2:57**
trust principal availability to creditors, **2:58**
Grantor Retained Annuity Trust (this index)

TRUST—Cont'd
Grantor Retained Income Trusts (this index)
Insurance Trusts (this index)
Irrevocable Trusts (this index)
Living Trust (this index)
Personal Residence Trusts (this index)
Qualified Personal Residence Trusts (this index)
Revocable Trusts (this index)
Severance, **8:79**
Supplemental needs
generally, **2:59, 2:60**
requirements for, **2:60**
Testamentary Trusts (this index)
''Trigger trust,'' **2:57**

TRUSTEE
Living trust, **3:29**

TRUSTEES
Generally, **2:61**
Bond requirement for, **2:62**
Compensation for executor duties, **3:29**
Limitation of powers, **2:63**
Living trust, **3:17**
Removal of, by beneficiaries, **2:64, 2:65**

TRUST PROTECTOR
Generally, **2:66**

TUITION EXPENSES
Gifts, **10:24-10:26**

UNECONOMIC TRUSTS
Termination, **11:135**

UNIFIED CREDIT
Generally, **5:3, 5:97**
At death, **6:2-6:5**
Federal gift tax, **10:77**
Gifts
made before 9/8/76, **6:3**
made between 9/8/76 and 12/31/76, **6:4**
made on or after 1/1/77, **6:5**
Marital Deduction (this index)
Portability of, **5:98, 6:13**
Use of, **5:99-5:101**

UNITRUST OPTION
Generally, **2:73, 2:76**

VIDEOTAPING
Execution of will, **4:88**

WILL
Adoption of child effects on, **1:36**
Alternate dispositions that may obviate need for
generally, **1:64**
family exemption, **1:66**
intestacy laws, **1:67, 1:68**
non-probate assets passed by operation of law, **1:65**
Annulment effects on, **1:33**
Appointment, testator's exercise of power of, **2:11**
Assisted reproduction and, **1:37**
Birth of child effects on, **1:36**
Burial wishes, **2:3**
Cemetery plot, perpetual care of, **2:6**
Codicils, prior, revocation of, **2:1**
Common disaster survivorship presumptions, **2:8-2:10**
Copying of, **4:82-4:84**
Debts, payment of, **2:2**
Dispositive provisions
assets effect on, **2:23**
Legacies (this index)
Real Property (this index)
spouse, **2:47**
Tangible Personal Property (this index)
Divorce effects on, **1:33**
Drafting, **2:1 et seq.**
Estate taxes, apportionment of
by statute, **2:12**
by testator's direction, **2:12**
charitable beneficiaries, **2:16**
non-charitable beneficiaries, **2:16**
to residuary estate, **2:12-2:16**
Fiduciaries (this index)
Funeral arrangements, **2:3**
Funeral expenses, **2:2-2:6**
In terrorem clauses
generally, **2:17**

WILL—Cont'd
In terrorem clauses—Cont'd
discovery permitted under EPTL 0167 3-3.5, **2:19**
discovery where bequest to attorney, **2:20**
effectiveness of, **2:18-2:21**
Limited power of appointment, **2:11**
Liquidity needs of estate, **2:7**
Marriage effects on, **1:35**
Monuments, **2:5**
Pour-Over Will (this index)
Power of appointment, **2:11**
Prior
retaining, pros and cons of, **4:102-4:104**
revocation of, **2:1**
Religious services, **2:4**
Revocation of prior wills and codicils, **2:1**
Safeguarding, **4:97-4:101**
Testator's exercise of power of appointment, **2:11**

WITNESSES
Attesting
generally, **4:24, 4:31**
address of, **4:50**
age of, **4:34**
attorney as, **4:35**
beneficiary as, **4:36-4:39**
capacity to act as, **4:32**
conflicts in recollection of, **4:65-4:67**
disagreement, **4:64**
execution ceremony forgot by, **4:63**
notary as, **4:40**
qualification as, no statutory requirements for, **4:33**
refusal to testify, **4:65-4:67**
signature by, **4:42-4:54**
substantial compliance doctrine, **4:67**
two witnesses are required but three are recommended, **4:41**
Testator's signature before, **4:24**