

# Will & Trust Drafting Techniques

*Practical guidelines, sample provisions*

## Why attend?

The series begins with predrafting considerations, then progresses through basic and more complex will and trust clauses while examining the related property and tax issues. The faculty use MCLE's *Drafting Wills and Trusts in Massachusetts* practice handbook to illustrate how to properly prepare will and trust documents with practical guidelines, sample provisions and drafting techniques. Emphasis is placed on drafting wills and trusts unambiguously and comprehensively.

## You will learn...

- ▶ **February 25: Preliminary Matters; Drafting the Will**  
This introductory session guides you through the initial client meeting and points out some key pieces of information to gather. We address the requirements for a valid will in Massachusetts and begin to discuss the drafting considerations involved in some typical will provisions
- ▶ **March 4: Will Provisions**  
Discussed at length are tax clauses, tax apportionment statutes, and the impact of these clauses and statutes on the disposition of the testator's property. Also discussed are choice of executors and guardians for minor children, powers of executors, execution of wills and drafting codicils
- ▶ **March 11: Drafting the Trust**  
This session covers establishment of the trust; power to amend or revoke; trust property; marital deduction formulas; forms of marital and family trusts; and trusts for children, grandchildren, and others
- ▶ **March 18: Trust Provisions**  
Focus on important, yet often under-emphasized trust provisions including: how to draft effective discretionary payment and early termination provisions; comprehensive investment and special asset management provisions; trustee appointment, resignation, and removal powers; and facility of payment and other administrative provisions
- ▶ **March 25: Special Trusts**  
The use of trusts in exemption amount (tax shelter) planning and marital deduction (tax deferral) planning for a husband and wife—the bread and butter of a sound estate plan for a married couple is examined in detail
- ▶ **April 1: Special Trust Provisions**  
An overview of the generation-skipping tax, including descriptions of the type of transfers

Take this program—  
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## Drafting Will and Trusts in Massachusetts

### CONTENTS AT-A-GLANCE

- ▷ Estate Planning Checklist
- ▷ Drafting Estate Plans for the New Millennium: Implications of EGTRRA
- ▷ Drafting Under the Proposed Massachusetts Uniform Probate Code
- ▷ Publishing Clause
- ▷ Funeral Arrangements and Organ Donations
- ▷ Bequests
- ▷ Real Estate
- ▷ Residuary Disposition
- ▷ Miscellaneous Provisions
- ▷ Payment of Estate Taxes
- ▷ Appointment of Fiduciaries
- ▷ Powers of Executors
- ▷ Special Situations: Wills
- ▷ Execution and Attestation
- ▷ Codicils
- ▷ Establishment of Trusts, Amendments, and Trust Property
- ▷ Payments During the Life of the Donor
- ▷ Disposition on Donor's Death
- ▷ Forms of Marital and Family Trusts
- ▷ Trusts for Children, Grandchildren and Others
- ▷ Special Situations: Trusts
- ▷ Ultimate Disposition
- ▷ Payment of Testamentary Legacies, Debts, and Taxes
- ▷ Original and Successor Trustees
- ▷ Trustee Powers and Compensation
- ▷ Incapacity Documents
- ▷ Estate Planning for the Divorcing Client

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