

# **GARDEN STATE CLE LESSON PLAN**

**A 2.0 CLE CREDIT COURSE**

## **FREE DOWNLOAD LESSON PLAN AND EVALUATION**

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### **BRIDGING THE GAP: BASIC ESTATE ADMINISTRATION**

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**WITH HON. LOUIS SANCINITO,  
TRENTON MUNICIPAL COURT JUDGE (ret.) AND  
PROBATE PRACTITIONER**

**AND FEATURING**

**ROBERT RAMSEY, SENIOR INSTRUCTOR**

#### **Program Description**

This “Bridging the Gap” presentation will provide you with all you need to know about drafting wills and guiding an estate through county probate procedures.

## **I. INTRODUCTION**

## **II. WHEN IS THE BEST TIME FOR EXECUTING A WILL**

- a. Often, it is a couple coming for a Will
- b. Reciprocal wills, one for each spouse
- c. Civil unions and people who reside together
- d. Where is the best place to store a Will: don't give a copy out, just tell the Executor where it is in the home
- e. Safe deposit box may result in bank refusal to open the box absent issuance of Letters qualifying the Executor or Administrator to act for the Estate

## **III. WILL PROVISIONS**

- a. Disposition of the body
- b. Simultaneous death clauses
- c. Specific bequests
- d. Check the named beneficiaries on insurance policies, pensions, other property, CDs, IRAs and 401K Plans, brokerage accounts
- e. List a residual beneficiary, often the spouse
- f. Choose an Executor and Substitutes
- g. Make your Will self-proving

## **IV. COMPETENCY AND UNDUE INFLUENCE**

- a. Discern the influence if any, and competence
- b. Videotaping is an option
- c. Avoid involvement in later Will fight/contest

#### **IV. PROBATE OF A WILL**

- a. Initial call is basic information communication
- b. 10-day waiting period for filing in court
- c. Obtain death certificate from Funeral Director
- d. Send notices to beneficiaries and related parties
- e. Letters Testamentary are issued by the Court

#### **V. AFTER PROBATE IS GRANTED**

- a. Open an Estate account
- b. Follow the will provisions
- c. Pay the debts and assemble the assets
- d. File the last tax return for the decedent
- e. File tax returns for the Estate, if required
- f. Obtain tax waivers for the Estate
- g. Telephone your client

#### **VII. FORMS**

- a. Will, short form
- b. Living Will, notarized but not self proving
- c. Power of Attorney, can be Limited or General, and Durable Powers are favored
- d. Will, long form, with Testamentary Trust and Special Needs Trust (get tax advice)
- e. Executor's Short Certificate granting Letters Testamentary
- f. Estate Tax Return (prepare yourself or have an accountant prepare it?)
- g. Formal Accounting

#### **VIII. ADVICE FOR YOUNG ATTORNEYS**

- Talk to people, understand their needs and make them understand the options