

Decedent's Estates (Wills)

1. Will Formation

A. Formal Requirements (written, signed, witnesses, intent)

Vs. Holographic Wills

B. Capacity

1. Age
2. Undue Influence
3. Mental Capacity
4. Fraud
5. Mistake

C. Codicils & Additional Wills (& Incorporation by reference)

D. Revocation & Revival

II. Construction (Who gets what)

- A. Lapses (beneficiary predeceases)
- B. Ademption (specific item no longer in estate)
- C. Accretion (one beneficiary dead, other gets greater amount)
- D. Satisfaction (Advancements?)
- E. Simultaneous Death (& murder)
- F. Abatement (Not enough in estate)
- G. Class Gifts (those who survive)
- E. Children & Issue (Adopted)
- F. Specific vs. General Gifts (My car vs. \$100,000)

III. Intestate Succession (Always Consider that Will Invalid)

IV. Spouse Election

V. Inter Vivos Gifts & Insurance