

## TABLE OF CONTENTS

CHAPTER 1	COMMUNITY PROPERTY
§1.01	In General
§1.02	Marriage Contracts
§1.03	Management of Community Property
§1.04	Termination of Community
§1.05	Special Property
	- Life Insurance
	- Retirement Plans
	- U.S. Savings Bonds
	- Foreign Property
CHAPTER 2	FORCED HEIRSHIP
§2.01	In General
§2.02	Calculation of Forced Portion
§2.03	Encumbrance of Forced Portion
§2.04	Actions by Forced Heirs
§2.05	Life Insurance and Forced Heirship
CHAPTER 3	WILLS
§3.01	In General
§3.02	Why Have a Will?
§3.03	Types of Wills
§3.04	Capacity of Testator and Witnesses
§3.05	Amendment and Revocation
§3.06	Disinheritance
§3.07	Marital Portion
CHAPTER 4	PROBATE PROCEEDINGS
§4.01	In General
§4.02	Succession Representative
§4.03	Administration of the Estate
§4.04	Independent Administration
§4.05	No Administration
CHAPTER 5	LOUISIANA GIFT AND INHERITANCE TAXES

CHAPTER 6 FEDERAL TRANSFER TAXES

- §6.01 In General
- §6.02 Imposition of the Gift and Estate Tax
- §6.03 Valuation
  - In General
  - Special Use Valuation
  - Closely-Held Businesses
- §6.04 Annual Exclusion from Gift Tax
- §6.05 Marital Deduction
- §6.06 Charitable Deduction
- §6.07 Other Federal Estate Tax Deductions
  - Debts, Funeral and Administrative Expenses
  - Qualified Retirement Plans - Death Benefit
  - State Death Tax Deduction
- §6.08 Tax Credits
  - Unified Tax Credit
  - Credit for Tax on Prior Transfers
- §6.09 Filing Requirements and Liability for Tax
  - Federal Gift Tax
  - Federal Estate Tax
- §6.10 Generation-Skipping Transfer Tax
  - Imposition of the GST Tax
  - Calculation of the GST Tax
  - Valuation
  - Non-Taxable Gifts Exempt from GST Tax
  - Deductions
  - GST Exemption
  - Interaction Between Allocation of GST Exemption and Valuation
  - Filing Requirements
  - Miscellaneous

CHAPTER 7 TRUSTS

- §7.01 In General
- §7.02 Trustee
- §7.03 Beneficiaries
- §7.04 Operation of Trust
- §7.05 Revocation, Modification and Termination
- §7.06 Legitime Trust
- §7.07 Class Trust
- §7.08 Substitute Principal Beneficiaries

- §7.09 Life Insurance Trusts
  - Revocable Life Insurance Trust
  - Irrevocable Life Insurance Trust (ILIT)
  - Crummey Trust
- §7.10 Section 2530(c) or Minor's Trust
- §7.11 Dynasty or Perpetual Trusts
- §7.12 Asset Protection Trust (APT)
- §7.13 Special or Supplemental Needs Trust (SNT)
- §7.14 Grantor Trust
- §7.15 GRATs and QPRTs
- §7.16 Split Interest Trust

## CHAPTER 8 BUY-SELL AGREEMENTS

- §8.01 In General
- §8.02 Buy-Sell at Death
- §8.03 Buy-Sell During Lifetime
  - Sales or Donations
  - Disability
  - Termination of Community
  - Non-Competition Clause
- §8.04 Methods of Valuation
- §8.05 Funding the Buy-Sell
- §8.06 Income Tax Consequences
  - Corporate Entity Redemption
  - Corporate Cross-Purchase
  - Restructuring Entity and Cross-Purchase Transaction
  - Partnership Entity Purchase
  - Partnership Cross-Purchase
- §8.07 Estate Tax Consequences

## CHAPTER 9 POST-MORTEM TAX PLANNING

- §9.01 In General
- §9.02 QTIP Marital Deduction
- §9.03 Portability of Deceased Spousal Unused Exemption Amount
- § 9.04 Disclaimers
- §9.05 Alternate Valuation Date
- §9.06 Section 303 Redemption
- §9.07 Deferred Payment of Estate Tax
  - Discretionary Extension

- Elective Extensions
- §9.08 Conclusion

## CHAPTER 10 ESTATE FREEZING AND THE CLOSELY HELD BUSINESS

- §10.01 In General
- §10.02 Historical background of I.R.C. Section 2036
- §10.03 Revenue Reconciliation Act of 1990
- §10.04 Special Valuation Rules - In General
- §10.05 Corporations and Partnerships
- §10.06 Transfers of Interests in Trust
- §10.07 Buy-Sell Agreements and Options
- §10.08 Lapsing Rights and Restrictions
- §10.09 Statute of Limitations
- §10.10 Planning Opportunities

## CHAPTER 11 ESTATE PLANNING FOR THE TERMINALLY ILL

- §11.01 In General
- §11.02 Will
- §11.03 Living Will
- §11.04 Durable Power of Attorney
- §11.05 Revocable Trust
- §11.06 Interdiction
- §11.07 Life Insurance and Annuities
- §11.08 Benefit Plans
- §11.09 Business Interests
- §11.10 Gifts
- §11.11 Income Tax Planning

## CHAPTER 12 ESTATE PLANNING FOR PERSONS WITH PHYSICAL OR MENTAL DISABILITIES

- §12.01 In General
- §12.02 Financial Planning for a Family Member with a Disability
  - Joint Accounts
  - Durable Power of Attorney
  - Outright Gifts
  - Gifts to Third Parties
  - Trusts
  - Governmental Assistance Programs
- §12.03 Financial Planning for the Client's Own Disability
  - Business Buy-Out Agreements

- Settlor's Trust
  - Substitution of Judgment Doctrine
- §12.04 Conclusion

CHAPTER 13 ESTATE PLANNING FOR SENIORS

- §13.01 In General
- §13.02 Transfer Taxes
- §13.03 Retirement Issues
- §13.04 Life Insurance
- §13.05 Marital Issues
- Divorce
  - Remarriage
- §13.06 Incapacity
- Financial POA
  - Healthcare POA
  - Living Will and/or LaPOST
- §13.07 Financial Exploitation
- §13.08 Long-Term Care
- Income Test
  - Resource Test
  - Transfer of Asset Test

CHAPTER 14 CHARITABLE GIVING

- §14.01 In General
- §14.02 Types of Charitable Organizations and Percentage Limitations
- §14.03 Forms of Charitable Contributions
- Cash
  - Other Property
- §14.04 Deferred Charitable Giving
- Charitable Remainder Annuity Trusts and Charitable Remainder Unitrusts
  - Income, Gift and Estate Tax Consequences
  - Funding a Charitable Remainder Trust
  - Pooled Income Fund
  - Income, Gift and Estate Tax Consequences of a Pooled Income Fund
- §14.05 Charitable Income (Lead) Trusts
- §14.06 Donor Advised Funds and Supporting Foundations
- §14.07 Private Foundations
- §14.08 Charitable Gift Annuities

CHAPTER 15      TAXATION OF DISTRIBUTIONS FROM QUALIFIED PLANS

- §15.01      In General
- §15.02      Annuities
- §15.03      Lump Sum Distributions
- §15.04      Rollovers
- §15.05      Minimum Distributions
  - Pre-death Distributions
  - Post-death Distributions
- §15.06      Early Distributions
- §15.07      Plan Loans

CHAPTER 16      ASSET PROTECTION

- §16.01      In General
- §16.02      Convert Non-Exempt Assets into Exempt Assets
  - Family Home
  - Personal Property
  - Life Insurance
  - Annuities
  - Education Savings Accounts
  - Tax-Deferred Arrangements
  - Health and Accident Insurance Benefits
  - Other States
  - Louisiana Self-Settled Irrevocable Trust
  - Asset Protection Trusts (APT)
- §16.03      Transfer of Assets to Others
- §16.04      Creditor Challenges
- §16.05      Operate an Enterprise or Hold an Investment in a Protected Entity
- §16.06      Using an Entity to Shelter Assets
- §16.07      Conclusion