

**Fiduciary Administration - Law 7511**  
**Fall 2009**  
**Thursday 4:10 - 5:50**  
**Room 652**

**PROFESSOR ANNE EMANUEL**  
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August 20	Private Express Trusts Trust-like Arrangements Property theory v. Contract Theory Trustees' Powers	Text 485-504, 771-778 Rest.3d Trusts Sec. 5, 41 OCGA 53-12-231, 232
August 27	Investment Power Delegation	Text 791-821 OCGA 53-12-287, 288, 290 Rest.3d Trusts Sec. 227
Sept. 3	Duties: Care & Loyalty Allocation of Principal & Income Unitrust	Text 821-830 OCGA 53-12-190-191; 210-212; 265 OCGA 53-12-221-222 Handout: Duties
Sept. 10	Duties: Care & Loyalty	Text 533-541; 779-791; 830-832 <i>Preuter</i> , 435 N.E.2d 109 (1981)
Sept. 17	Duties: Inform & Account Beneficiaries' Remedies	Text 789 n. 2; 832-43 OCGA 53-12-192-197 OCGA 53-12-265
Sept. 24	Exculpation of Trustee Statute of Limitations/Laches	Text 541-543 OCGA 53-12-194; 198 Rest. 3d Trusts Sec. 222 <i>Snuggs</i> , 275 Ga. 647 (2002) <i>Goldston</i> , 259 Ga. App. 690 (2003)
Oct. 1	Creditors: Discretionary Trusts	Rest.3d Trusts, Sec. 60 Text 543-547
Oct. 8	Creditors: Spendthrift Trusts	OCGA 53-12-28 Text 547-572
Oct. 15	Modification & Termination Removal of Trustee	Text 572-587 OCGA 53-12-150-153; 176 Rest.3d Trusts Sec. 63-66
Oct. 22	Trustee's Liability to Third Parties	OCGA 53-12-199 Rest.2nd Trusts 261-265 Uniform Trust Code Sec. 1010

OCT. 29	Charitable Trusts	Text 729-69 OCGA 53-12-110-116 <i>Warren</i> , 272 Ga. 142 (2000) <i>Warren</i> , 247 Ga. App. 758 (2001)
Nov. 5	Who Do You Represent?	Rest.3d Law Governing Lawyers Sec. 53 Ga. Rules of Prof. Conduct, Rule 1.6, 1.7 Ga. Formal Advisory Opinion No. 03-2
Nov. 12	Perpetual Trusts	Text 712-723
Nov. 19	Review; Q&A	

**Text: Dukeminier & Johanson, WILLS, TRUSTS AND ESTATES (7th ed.).**

All assignments not in the text can be accessed online, with the exception of the Handout noted on Sept. 3<sup>rd</sup>, which I will provide.

You should print out the statutes, cases, and Restatement rule sections denoted and bring them to class.

Although you may find them helpful, it is not necessary to print comments or annotations.

Contact me if you have difficulty locating assigned material online.

The exam will be a take home; in the alternative, students may opt to write a paper. The grade will be based on the exam or paper, and on class attendance, preparation, and participation.