



# Thomas M. Cooley Law Libraries' Research Guide Series

## ESTATE PLANNING, PROBATE, WILLS & TRUSTS: A Selective Research Guide

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### Overview:

This research guide is a selective guide to assist the legal researcher in conducting research in the area of estate planning, wills and trusts. It is not comprehensive in scope or intended to be a catchall source, but rather to act as a starting point for the researcher to find additional sources and relevant information. At its core, the guide attempts to lead the researcher to up-to-date items held by the Cooley libraries. Additionally, the guide is tilted towards Michigan sources on the topic while other state specific guides have been omitted. Furthermore, Michigan estate planning was greatly impacted by the Estates and Protected Individuals Code (EPIC) which passed in 1999. Therefore, those items which have been updated to reflect EPIC's changes have been selected to the detriment of older historical estate material.

### I. MICHIGAN TREATISE(S)

#### **Planning for Estates and Administration in Michigan by Frederick Hoops**

**Location: KFM4340.H66 1983**

The four volume treatise was created to offer the legal researcher with a comprehensive work to virtually every facet of the estate planning process in Michigan. It is updated through pocket parts.

### II. MICHIGAN GUIDES

#### **Annual Probate Seminar: Course Handbook by Probate and Trust Law Section, State Bar of Michigan and the Institute of Continuing Legal Education (ICLE)**

**Location: KFM4344.A15A5**

Each year the above mentioned seminar is conducted to review current issues surrounding state and federal probate and estate planning law. Recent cases and proposed legislation are discussed as well as general issues dealing with probate, estate planning and trusts.

#### **Estate Administration in Michigan by George A. Cooney, Michael G. Cumming, Elaine M. Cohen**

**Location: KFM4344 .C663**



The ICLE produced guide replaces “Probate Administration in Michigan” pursuant to the changes made by EPIC. The manual offers a step-by-step guide while also including a number of forms at the end of each section.

**Estates and Protected Individuals Code by John H. Martin**

**Location: KFM4342.A335 M37**

The ICLE yearly published guide presents adjoining commentary to those sections within the MCL dealing with estate issues.

**Effective Estate Planning for the Small Estate in Michigan by Lauren M. Underwood, L. Damon Whitmore**

**Location: KFM4340.Z9U52 2003**

As its name implies, the monograph caters to special considerations needed to be taken into account when creating an estate plan for a small estate in Michigan.

**Estate Planning Forms prepared by Comerica Bank**

**Location: KFM4340.A65 E854**

The book is composed entirely of estate forms which are available on the library’s forms computer. There is only a negligible amount of discussion available on estate planning.

**Informal Estate Proceedings in Michigan by Joe Foster, Jr., & Everett R. Zach**

**Location: KFM4344 .F672**

The ICLE produced publication intends to act as a detailed step-by-step guide to conducting an informal proceeding in front of a probate register.

**Michigan Estate Planning Handbook ed. by Fredric A. Sytsma, Elaine M. Cohen et al.**

**Location: KFM4340.M53**

This essential guide to Michigan estate planning presents the practitioner with commentary on wills, codicils, trusts, power of attorney, tax considerations and gifts. Additionally, the handbook has a number of forms available in both print and on the library’s forms computer.

**Michigan Estate Planning, Will Drafting and Estate Administration Forms by Joyce Q Lower & Henry M. Grix**

**Location: KFM4340.A65L69**

Along with a multitude of forms, the looseleaf presents researchers with analysis of the various options available in dealing with Michigan estate planning issues.

**Michigan Legal Forms ed. by Justin G. Klimko**

**Location: KFM4268 .M53**

The multi-volume form compilation includes a section of forms on estate planning in Michigan.

**Michigan Probate by Leonard Edelman**

**Location: KFM4344.A65.E33**

The book intends to act as a comprehensive manual to the probate process in Michigan. Along with in-depth discussion of probate related issues, the manual includes forms and a lengthy appendix.



**Michigan Probate Benchbook****Location: KFM4344.M485**

A jointly produced ICLE and SCAO publication, the looseleaf seeks to answer for the judiciary common questions facing probate judges and registers.

**Michigan Probate Laws and Rules****Location: KFM4344.A29 M535**

The rulebook offers the practitioner in one handy compilation the applicable MCL sections, Michigan Court Rules of 1985, local rules and other rulings dealing with probate.

**Michigan Probate Litigation: A guide to Contested Matters by Hon. Gerald J. Supina & Kay Holsinger****Location: KFM4344.M53**

The ICLE produced book focuses on advising the practitioner on how to effectively cope with probate issues facing litigation.

**Michigan Probate Sourcebook****Location: KFM4344.M52**

This essential three volume ICLE produced resource attempts to thoroughly examine the impact EPIC has and is having on probate issues in Michigan.

**Michigan Revocable Grantor Trusts ed. by Richard C. Lowe****Location: KFM4339.L57M523**

The ICLE produced book offers legal researchers with a practical guide to Michigan revocable trusts. Sample forms are also available.

**Michigan Will Drafting by Michael W. Irish & John H. Martin****Location: KFM4344.I75 1988**

While the book is composed primarily of forms, there is some discussion relating directly to various issues found in drafting Michigan wills. The last update to the book occurred in 1993.

**The Probate Process from Start to Finish in Michigan by Emily S. Horvath, Neil P. Jansen, Steven J. Tjapkes****Location: KFM4344.Z9 D45 2005**

The book intends to act as a brief guide to the Michigan probate process.

**Trust Administration in Michigan ed. by Catherine A. Jacobs, Robin D. Ferriby, Elaine M. Cohen****Location: KFM4347.T78**

The ICLE guide provides the practitioner with a wide-ranging manual to effectively administering trusts in Michigan.

**Trust and Asset Protection Alternatives in Michigan by Tim Berglund, Daniel S. Hoops****Location: KFM4340.Z9 B47 2004**

The book explores the various considerations in establishing a trust and like alternatives in Michigan.



### III. NATIONAL TREATISE(S)

#### **Estate Planning by A. James Casner & Jeffrey N. Pemmell**

**Location: KF749.C3 1994**

The comprehensive three volume treatise seeks to cover all matters dealing with estates from a general introduction to complex issues.

#### **Page on the Law of Wills by William H. Page**

**Location: KF755.P32**

The multi-volume treatise is a comprehensive source for legal scholars conducting research on Wills.

#### **Restatement of the Law Third-Trusts by the American Law Institute**

**Location: KF730.R47 2003**

A coalescence of the law on Trusts is undertaken within the Restatement by incorporating state and federal court decisions and statutes relating to Trusts.

#### **The Law of Trusts by Austin W. Scott & William F. Fratcher**

**Location: KF730.S3 1987**

The multi volume treatise is widely considered the preeminent source available to scholars on the topic of Trusts.

#### **The Law of Trusts and Trustees : a treatise covering the law relating to trusts and allied subjects affecting trust creation and administration : with forms by Amy M. Hess and George G. Bogert and George T. Bogert**

**Location: KF730.B63 2000**

The multi-volume treatise is a terrific source on the varied issues surrounding trusts and trustees. It also includes a number of forms.

### IV. NATIONAL GUIDES

#### **American Jurisprudence Legal Forms**

**Location: KF170.A542**

The multi-volume form compilation includes sections of forms dealing with the area of estate planning.

#### **Annual Philip E. Heckerling Institute on Estate Planning by Philip E. Heckerling Institute on Estate Planning**

**Location: KF750.A1 I58**

The serial provides a collection of topics discussed at the yearly national conference held on estate planning.

#### **Current Legal Forms with Tax Analysis by Jacob Rabkin and Mark H. Johnson**

**Location: KF170 .R3**

The multi-volume form compilation includes sections of forms dealing with the area of estate planning.

#### **Estate and Personal Financial Planning by Edward F. Koren**



**Location: KF6297.E87 1988**

The multi-volume set presents an exhaustive analysis of tax considerations arising in estate and personal planning.

**Effective Estate Planning Practice: Procedures and Strategies for a Client-Focused Business by Colleen A. Cowles**

**Location: KF750.C69 2001**

The ABA published book presents the practitioner with clear-cut examples of effectively utilizing the law for the benefit of the client while also providing a checklist to assure the plan's successful implementation.

**Estate Planning & Taxation Coordinator by the Research Institute of America, inc**

**Location: KF6571.A8E8**

The multi-volume coordinator explains how new tax rules affect or may affect Estate Planning.

**Estate Planning & Wealth Preservation: Strategies and Solutions by Kathryn G. Henkel**

**Location: KF750.H43**

This work serves as a comprehensive practical guide for practitioners on Estate Planning and the preservation of wealth. Tax issues affecting the Estate are also discussed within the book.

**Federal Income Taxation of Estates and Trusts by Howard M. Zaritsky & Norman H. Lane**

**Location: KF6443.L353**

The looseleaf presents a practical guide to tax issues facing estates, trusts, grantors and beneficiaries.

**Federal Income Taxation of Estates, Trusts & Beneficiaries by M. Carr Ferguson, James J. Freeland & Mark L. Ascher**

**Location: KF6584.F472**

The looseleaf is a practitioner's guide to finalizing a decedent's final tax statement.

**Federal Taxation of Trusts, Grantors and Beneficiaries: Income, Estate, Gift, Generation-Skipping Transfer by John L. Peschel & Edward D. Spurgeon**

**Location: KF6443.P42.**

Trust tax matters play a very important role in the book. The book's chapters are designed to provide a thorough discussion of federal estate, gift and income tax issues arising under varying scenarios.

**Manning on Estate Planning by Jerome A Manning, Anita S. Rosenbloom & Seth D. Slotkin**

**Location: KF749 .M363**

The guide offers practitioners an outstanding resource of the issues encompassing Estate Planning.

**Modern Estate Planning by J. Martin Burke, Michael Friel, Elaine Hightower Gagliardi**

**Location: KF6584.M632**



The multi-volume set covers tax implications found within estate planning, wealth transfer and filing returns.

**Murphy's will clauses; annotations and forms with tax effects by Joseph Hawley  
Murphy, assisted by Beverly Massy & Stowell Rounds**

**Location: KF755.A65M8**

The looseleaf offers the practitioner a useful source to drafting wills. The analytical chapters are followed by a series of forms.

**Nichols Cyclopedia of Legal Forms Annotated**

**Location: KF170 .N5**

The multi-volume form compilation includes sections of forms dealing with the area of estate planning.

**Revocable Trusts by George M. Turner**

**Location: KF734.T8723**

A strong emphasis is placed on the practical aspects that a practitioner will face when creating a Revocable Trust.

**West's Legal Forms**

**Location: KF1384.A65 W47 1996**

The multi-volume form compilation includes sections of forms encompassing the area of estate planning.

**V. NUTSHELLS/HORNBOOKS**

**Federal Estate and Gift Taxation in a Nutshell by John K. McNulty & Grayson M.P.  
McCouch**

**Location: KF6572.Z9 M3 2003**

Federal Estate and gift taxation are discussed in this familiar Nutshell series.

**Introduction to Estate Planning in a Nutshell by Robert J. Lynn**

**Location: KF750.L9 2004**

Estate Planning is the topic examined in this familiar Nutshell series.

**Price on Contemporary Estate Planning by John R. Price**

**Location: KF749.P74 2000**

While the book's emphasis is on assisting practitioners, it also acts as an excellent resource for students seeking clarification on issues pertaining to Estate planning.

**Trusts by George T. Bogert**

**Location: KF730.B64 1987**

As a part of West's Hornbook series the book assist students and researchers develop a better understanding of the major areas in trust law.

**Understanding Trusts and Estates by Roger W. Andersen**

**Location: KF729.A52 2003**



The Lexis produced understanding series delves into trusts and estates to clarify issues for students and practitioners.

**Uniform Probate Code in a Nutshell by Lawrence H. Averill, Jr.**

**Location** KF765.Z95A94 2001

The uniform probate code is analyzed in this familiar Nutshell series.

**Wills, Trusts and Estates including Taxation and Future Interests by William M. McGovern Jr. & Sheldon F. Kurtz**

**Location:** KF755.M34 2004

As part of West's Hornbook series, the book assists students and researchers develop a better understanding of wills, trusts and estates.

**Wills and Trusts in a Nutshell by Robert L. Mennell**

**Location:** KF755.Z9M38 2007

Wills and Trusts are the topic examined in this familiar Nutshell series.

**Wills, Trusts and Estates: Examples and Explanations by Gerry W. Beyer**

**Location:** KF755.Z9B492 2007

Created as a supplement to students learning about estate matters, the book provides added explanation of major issues along with pertinent examples.

## VI. JOURNALS

To search for articles contained in the journals listed below as well as other journals which may have articles on your specific area, please use the following databases found on CoolCat:

**LegalTrac**

**Index to Legal Periodicals (ILP)**

**ACTEC journal**

**Location:** KF765.A15 P76

The quarterly journal provides articles on estates and trusts.

**Estate Planning**

**Location:** KF750.A1 E83

Appearing bi-monthly, the journal offers a variety of articles on Estate Planning.

**Michigan Probate and Estate Planning Journal by State Bar of Michigan**

**Location:** KFM4344.A15.M5

The journal is available in print in the library up until 2002 and then at the State Bar of Michigan website from 2003 to present. There is a link in CoolCat that will direct you to the correct page. The articles touch upon many Michigan probate and estate issues.



**Probate and Property: the Magazine of the Real Property, Probate and Trust Law  
Section of the American Bar Association**

**Location: KF566.A3 P76**

The bi-monthly ABA magazine offers a variety of articles on probate and property matters. It may also be found on the web at:

<http://www.abanet.org/rppt/publications/magazine/home.html>

**Real Property, Probate and Trust journal**

**Location: K18 .E15**

Appearing four times annually, the ABA journal presents readers with issues pertaining to property and trusts.

**VII. FORMS**

Forms found on the Library's CD-ROM Computer

For descriptions of the titles below, please see above. (Note: It is easier to obtain the forms listed below when the form's database is accessed in conjunction with the book.)

**Estate Planning Forms prepared by Comerica Bank**

Forms Computer: KFM4340.A65.E854

**Michigan Estate Planning Handbook ed. by Fredric A. Sytsma, Elaine M. Cohen et al.**

Forms Computer: KFM4340.M53

**Michigan Probate Litigation: A guide to Contested Matters by Hon. Gerald J. Supina & Kay Holsinger**

Forms Computer: KFM4344.M5288

**Michigan Revocable Grantor Trusts ed. by Richard C. Lowe**

Forms Computer: KFM4339.L57M52

**Michigan Will Drafting by Michael W. Irish & John H. Martin**

Forms Computer: KFM4344.I75 1988

**Trust Administration in Michigan ed. by Catherine A. Jacobs, Robin D. Ferriby, Elaine M. Cohen**

Forms Computer: KFM4347.Z9T78

Forms found on Westlaw & Lexis

**Lexis Forms:**

Estate Planning Forms and Clauses (**2NDARY;ESTPLF**)



Living Trusts: Forms & Practice (**MATBEN;LTRUST**)  
Midwest Transaction Guide - Estate & Probate Law & Forms (**MATBEN;MWESTA**)  
Murphy's Will Clauses: Annotations and Forms with Tax Effects (**MATBEN;MURPHY**)  
Rabkin & Johnson Current Legal Forms with Tax Analysis (**FEDTAX;CLFTA**)  
Tax, Estate & Financial Planning for the Elderly: Forms and Practice (**MATBEN;TAXELD**)

### **Westlaw Forms:**

American Jurisprudence Legal Forms 2d (**AMJUR-LF**)  
Bogert's Trusts and Trustees (**BOGERT**)  
Michigan Legal Forms (**MI-LF**)  
Michigan SCAO Approved Forms (**MISCAO-FRM**)  
RIA Estate Planning Collection Complete (**RIA-EST**)  
West's Legal Forms (**WEST-LF**)  
West's McKinney's Forms - Estates and Surrogate Practice (**MCF-ESP**)

## **VIII. DATABASES**

### **Westlaw**

Estate Planning materials from both Course Handbooks and Reference Books (**PLIEST-ALL**)  
Estate Planning Treatise Multibase (**ESTPLANPUBS**)  
Family Estate Planning Guide (**FAMEPGD**)  
Planning an Estate: A Guidebook of Principles and Techniques (**ESTPLNGD**)  
Restatement of all –Trusts (**REST-TRUST**)  
RIA Estate Planning Collection Complete (**RIA-EST**)  
WG&L Combined Estate Planning and Estate Taxation Treatises (**WGL-TAXTEST**)

### **Lexis**

Heckerling Institute on Estate Planning - University of Miami School of Law  
(**MATBEN;UMLCEP**)  
Living Trusts: Forms & Practice (**MATBEN;LTRUST**)  
Modern Estate Planning (**ESTATE;MESP**)  
Page on Wills (**2NDARY;PWILLS**)  
Pritchard on Wills and Administration of Estates (**2NDARY;PLAWW**)  
Restatement Trusts (**2NDARY;DTRST**)  
Scott on Trusts (**2NDARY;SCOTT**)  
Trust Administration and Taxation (**MATBEN;TRATAX**)

## **IX. INTERNET RESOURCES**

### **American Bar Association's Section of Real Property, Probate and Trust Law**

<http://www.abanet.org/rppt/public/home.html>

While geared more towards the general public, the section provides a good overview of the issues surrounding estate planning and may serve as a primer for students seeking additional background information to the estate planning process.

### **American College of Trust and Estate Counsel**

<http://www.actec.org/>



ACTEC's links page lists a variety of possible useful websites of interest to attorneys working in estate planning.

### **Calhoun County, Michigan Probate Notes**

<http://courts.co.calhoun.mi.us/notes000.htm>

This site administered by the Calhoun County Courts offers background information to Michigan's probate process.

### **Crash Course in Wills and Trusts**

<http://www.mtpalermo.com/>

You will find in depth portions of a book evaluated and approved by AARP dealing with wills and trusts. It is written for the general public, but students will be able to utilize it to gather a better general understanding of issues involved in wills and trusts.

### **Estate Planning With Help From The Web**

<http://www.legaline.com/estate.htm>

The annotated links created by attorney Robert J. Amborgi offers an annotated guide to web sites found on the web and is very similar to the book he authors "The Best and Worst Legal Sites on the Web."

### **Jason E. Havens' Legal Research for Estate Planners**

<http://www.jasonhavens.net/>

Along with some background information, the website offers an annotated guide to a multitude of other valuable estate planning websites.

### **Legal Information Institute**

[http://www.law.cornell.edu/topics/estate\\_planning.html](http://www.law.cornell.edu/topics/estate_planning.html) The Cornell site offers legal researchers a brief overview of estate planning with internal links to estates and trusts and estates and gift tax. Additional external links allow the researcher to find additional relevant material.

### **Michigan State Court Approved Forms**

<http://courts.michigan.gov/scao/courtforms/>

These forms are found within Michigan's court website and are listed alphabetically. Look under **Estates and Trusts** and **Probate** for applicable forms.

### **Rushforth Firm's Estate Planning Pages**

<http://rushforth.net/>

The website created by a Nevadan attorney offers useful background information to the estate planning process.

### **The Estate Planning Links Website**

<http://www.estateplanninglinks.com/>

A very comprehensive site offering various links to almost every aspect of estate planning imaginable.

### **The Tax Prophet**

<http://www.taxprophet.com/>



As the name suggests, a strong emphasis is placed on tax issues, but by following the wealth preservation link, you will find information dealing with estates, trusts and wills.

