

# TBA Estate Planning & Probate Forum

Feb. 23, 2024 – Embassy Suites Cool Springs



**Total Credits:** 6 General, 1 Dual

**Producer:** Aaron Flinn, Holland & Knight

The 2024 Estate Planning & Probate Forum will take place in-person, featuring the insight you need to stay on top of key developments in the practice area. The event provides seven hours of CLE, including one hour of dual credit, focused on timely, relevant topics such as: avoiding probate, legislative updates, ethics, the annual clerk & master's panel, marital deductions, public receivership and much more. Breakfast and lunch are provided.

8 – 8:30 a.m. CST

## **Registration**

8:30 – 9:30 a.m.

## **No Will – No Probate – No Problem?**

When someone dies there are things to do but sometimes no need to go to court. This panel explores practical ways to help: With real property in estates; How to navigate situations when there's no need to open an estate; When you can open a small estate; When to look at the Muniment of Title statute; and how to deal with common situations so you can help your clients.

Elizabeth Hickman, Pendleton Square Trust

Grayson Cannon, Gullett Sanford Robinson & Martin

Nathan Powers, Chapman & Rosenthal Title

9:30 – 10:30 a.m.

## **Splitting Heirs' (Property): An Overview of the New Partition Act**

In 2022, Tennessee adopted the Uniform Partition of Heirs Property Act. This act addresses the inequity that resulted under prior law where a third party could buy out one heir, force a partition sale and then buy valuable property for a song. The new law establishes a process to provide heirs (1) a realistic opportunity to keep the property in the family and/or (2) a better chance to be bought out at market value.

Bevin Lyle, Dale Hutto & Lyle

Rob Malin, Pinnacle Financial Partners

10:30 – 10:45 a.m.

## **Break**

- 10:45 – 11:45 a.m.      **Business Interests in Estates: The Creation of a Statute Allowing a Receiver**  
 This session will explore the steps taken in Hamilton County to create a statute allowing a receiver to be appointed over a Decedent’s business interests in probate. In addition to their local and legislative efforts, presenters will discuss how the office of the Public Receiver has been successfully implemented in Hamilton County to protect what is often the largest asset in a Decedent’s estate.  
**Chancellor Jeffrey Atherton, Hamilton Co. Chancery Court**  
**Jennifer Exum, Baker Donelson Bearman Caldwell & Berkowitz**
- 11:45 a.m. – 12:45 p.m.      **Lunch** (provided)
- 12:45 – 1:45 p.m.      **Probate Panel**  
 This annual favorite will feature a panel of Clerk & Masters and a probate judge discussing best practices, and answering questions posed by attendees.  
**Charles Frazier, Frazier Law (Moderator)**  
**Jakob Schwendimann, Clerk & Master, Williamson Co.**  
**Judge Kathy Gomes, Shelby Co. Probate Court**  
**Robin Miller, Clerk & Master, Hamilton Co.**
- 1:45 – 2:45 p.m.      **Marital Deductions**  
 This session will cover selected marital deduction issues ranging from sunset of the federal estate tax exemption, utilizing inter vivos QTIP trusts, portability, testamentary QTIP trusts, marital deduction trusts owning pass-thru business interests, and retirement benefits paid to marital deduction trusts.  
**Ashley Stearns, Trail Coleman & Stearns**  
**David Parsons, David Parsons Law**
- 2:45 – 3 p.m.      **Break**
- 3 – 4 p.m.  
 DUAL      **Common Errors That Lead to the Filing of Board Complaints**  
 This presentation will cover some of the most common mistakes made by Tennessee attorneys that lead to the filing of board complaints and the imposition of disciplinary sanctions, including errors relating to conflicts of interest regarding prospective clients, handling cases on a pro bono basis, misunderstandings relating to practicing in an office sharing arrangement and ghost-writing.  
**Steven Christopher, Tennessee Board of Professional Responsibility**

4 - 5 p.m.

**Legislative Actions & Interest Items**

This presentation will report on 2023 legislative actions of the Tennessee Legislature and the US Congress and proposed 2024 Tennessee Legislative action and cases and other interest items affecting estate planning, estate administration, trusts and conservatorships.

Albert Secor, The Law Firm of Thomas & Thomas