

2015

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Recommended Citation

Lawrence W. Waggoner, *RESPONSE: How the ALI's Restatement Third of Property Is Influencing the Law of Trusts and Estates*, 80 *Brook. L. Rev.* (2015).

Available at: <https://brooklynworks.brooklaw.edu/blr/vol80/iss3/8>

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How the ALI's *Restatement Third of Property* is Influencing the Law of Trusts and Estates

Lawrence W. Waggoner[†]

Restatements, once limited to restating existing law, are now substantially devoted to law reform. The ALI's website states its law-reform policy thus: "The American Law Institute is the leading independent organization in the United States producing scholarly work to *clarify, modernize, and otherwise improve the law.*"¹

In 2014, the *Brooklyn Law Review* published a symposium issue on Restatements of the Law.² A paper in that symposium argued against the ALI's law-reform policy.³ The

[†] Lewis M. Simes Professor Emeritus of Law, University of Michigan; Reporter, Restatement (Third) of Property: Wills and Other Donative Transfers. I thank John Langbein for commenting on an earlier draft.

¹ *ALI Overview*, ALI: THE AMERICAN LAW INSTITUTE, <http://www.ali.org/index.cfm?fuseaction=about.overview> (last visited Oct. 29, 2014) (emphasis added).

² Symposium, *Restatement of . . .*, 79 BROOK. L. REV. 381 (2014).

³ Thomas W. Merrill & Henry E. Smith, *Why Restate the Bundle?: The Disintegration of the Restatement of Property*, 79 BROOK. L. REV. 681 (2014). The authors discussed four discrete Restatements of Property: RESTATEMENT (SECOND) OF PROP.: LANDLORD & TENANT (1977), RESTATEMENT (THIRD) OF PROP.: MORTGAGES (1997), RESTATEMENT (THIRD) OF PROP.: SERVITUDES (2000), and RESTATEMENT (THIRD) OF PROP.: WILLS & OTHER DONATIVE TRANSFERS (volumes released in 1999, 2003, 2011). *Id.* at 690-91, 693-95. The latter is the largest and most recently published of the four. It has three volumes, eight divisions, 27 chapters, 135 sections, more than 1100 lettered comments, and 1468 pages (not counting tables and indices).

The Merrill-Smith complaints come from the perspective of property-law teachers and some of them have nothing to do with the Donative-Transfers project. But some of their complaints do relate to the Donative-Transfers project, and, as the Reporter for that project, I wish to respond to their claim that that project has lost influence in the development of the law. I would add that the Landlord-and-Tenant, Mortgages, and Servitudes projects cover real-estate topics, are properly located under the Restatement of Property umbrella, and are within the expertise of property-law teachers. The ALI has in fact recently announced that it will begin work in 2015 on a Restatement (Fourth) of Property, but that project will be limited to real-estate topics. See Press Release, American Law Institute, The American Law Institute Announces Four New Projects, *available at* <http://www.ali.org/email/pr-14-11-17.html>.

Donative Transfers is a trusts-and-estates topic and is within the expertise of trusts-and-estates scholars. Donative Transfers could therefore logically be a separate Restatement and be titled the Restatement of Wills and Other Donative

authors specifically speculated that the reformist rather than restatist character of the recently completed *Restatement (Third) of Property: Wills and Other Donative Transfers*⁴ (Property Restatement) has “very likely” caused that Restatement to lose influence—be ignored—in the development of the law.⁵

Before expressing such a harsh judgment,⁶ one would expect the authors to have examined the statutory and case law, as well as the trusts-and-estates scholarly literature, to see if there is any evidence that supports their case. They did not. Instead, they based their claim of irrelevancy on the ALI’s royalties from Westlaw downloads as compared to royalties from the Restatements of Torts and Contracts.⁷ Although the authors cite no comparisons based on dollars and cents, the fact is that royalties for downloads is a superficial measure of the impact of a Restatement. More important is what the downloaders do with the downloads.

The law of trusts-and-estates has long been in need of substantial reform. This short essay serves as an interim report on how the Property Restatement is contributing to that effort⁸ and, in the process, refutes the claim that the

Transfers. Because the future Property Restatement Fourth will be limited to real-estate topics, the Property Restatement Third on Wills and Other Donative Transfers will not be affected by the Fourth and hence the Third will continue to represent the position of the ALI for the wills-and-other-donative-transfers topic.

⁴ RESTATEMENT (THIRD) OF PROP.: WILLS & OTHER DONATIVE TRANSFERS (2011); RESTATEMENT (THIRD) OF PROP.: WILLS & OTHER DONATIVE TRANSFERS (2003); RESTATEMENT (THIRD) OF PROP.: WILLS & OTHER DONATIVE TRANSFERS (1999) [hereinafter PROPERTY RESTATEMENT].

⁵ Merrill & Smith, *supra* note 3, at 682. (“Perhaps most critically, the *Second* and *Third Restatements of Property* have been given over to campaigns for legal reform, often entailing the repudiation of earlier volumes of the Restatement, which has very likely undermined the utility and the credibility of the ALI’s effort.”). For a similar point of view regarding Restatements in general, and § 39 of the RESTATEMENT (THIRD) OF RESTITUTION AND UNJUST ENRICHMENT (2011) in particular, see the opinion of Justice Scalia, in *Kansas v. Nebraska*, 135 S. Ct. 1042, 1064 (2015) (Scalia, J., concurring in part and dissenting in part) (“Over time, the Restatements’ authors have abandoned the mission of describing the law, and have chosen instead to set forth their aspirations for what the law ought to be Restatement sections such as [§ 39] should be given no weight whatever as to the current state of the law, and no more weight regarding what the law ought to be than the recommendations of any respected lawyer or scholar.”). Justice Scalia’s statement about the weight to be given to a Restatement section ignores the deliberative processes of the ALI that every Restatement section goes through before it becomes final. See *Overview: How ALI Works*, ALI, <http://www.ali.org/index.cfm?fuseaction=about.instituteworks> (last visited Feb. 25, 2015).

⁶ Not to be overlooked is the willfully hostile subtitle the authors chose for their article: “The *Disintegration* of the Restatement of Property.” Merrill & Smith, *supra* note 3, at 681 (emphasis added).

⁷ *Id.* at 681-82.

⁸ See generally John H. Langbein, *Major Reforms of the Property Restatement and the Uniform Probate Code: Reformation, Harmless Error, and Nonprobate Transfers*, 38 ACTEC L.J. 1 (2012); Lawrence W. Waggoner, *What’s in the*

Restatement's reformist character has undermined its importance. The Property Restatement's influence extends to all three pillars of law reform: uniform laws, decisional law, and legal scholarship.

I. INFLUENCING UNIFORM LAWS

There has been significant cross-fertilization between the Property Restatement and uniform laws dealing with trusts-and-estates.⁹

Unifying the Law of Probate and Nonprobate Transfers. Although probate and nonprobate transfers occur at death and thus are functionally equivalent, the law has historically applied different rules to these categories. One of the broad themes of reforming the law of trusts-and-estates is to unify the law of probate and nonprobate transfers, so that the same rules apply to both.¹⁰ The Property Restatement and the Uniform Probate Code (UPC) embrace that theme in various manifestations. For example, the law has historically held that divorce presumptively revokes provisions in a will in favor of the former spouse but has not applied the same divorce-revocation rule to nonprobate transfers such as revocable trusts or life insurance. In an important reformist move, the Property Restatement and the UPC extend the divorce-revocation rule to nonprobate transfers.¹¹

Class Gifts. Division V of the Property Restatement, consisting of four chapters and 19 sections, contains a comprehensive treatment of class gifts, especially addressing the newly emerged question of the rights of children of assisted reproduction to participate as class members. Class gifts are widely

Third and Final Volume of the New Restatement of Property that Estate Planners Should Know About, 38 ACTEC L.J. 23 (2012). The Langbein and Waggoner articles are also available at <http://ssrn.com/abstract=2291160>.

⁹ See Lawrence W. Waggoner, *Why I Do Law Reform*, 45 U. MICH. J.L. REFORM 727, 731-36 (2012), available at <http://ssrn.com/abstract=2231637>.

¹⁰ See generally John H. Langbein, *The Nonprobate Revolution and the Future of the Law of Succession*, 97 HARV. L. REV. 1108 (1984).

¹¹ See PROPERTY RESTATEMENT, *supra* note 4, § 4.1; UNIF. PROBATE CODE § 2-804 (amended 2010). In *Hillman v. Maretta*, 133 S. Ct. 1943 (2013), and *Egelhoff v. Egelhoff*, 532 U.S. 141 (2001), the Supreme Court thwarted the achievement of that goal for federally regulated or created nonprobate transfers. See John H. Langbein, *Destructive Federal Preemption of State Wealth Transfer Law in Beneficiary Designation Cases: Hillman Doubles Down on Egelhoff*, 67 VAND. L. REV. 1665, 1666-88, 1694-96 (2014); Lawrence W. Waggoner, *The Creeping Federalization of Wealth-Transfer Law*, 67 VAND. L. REV. 1635, 1638-42 (2014).

used in estate planning documents. The Uniform Law Commission (ULC) codified Division V in the Uniform Probate Code.¹²

Powers of Appointment. Division VI of the Property Restatement, consisting of seven chapters and 42 sections, contains a comprehensive treatment of powers of appointment. Powers of appointment are central to estate planning practice. The ULC codified Division VI in the Uniform Powers of Appointment Act.¹³

Reformation to Correct Mistakes. The law historically has authorized courts to reform *inter vivos* donative documents, but not wills, to correct mistaken terms.¹⁴ Section 12.1 of the Property Restatement adopts a reformation doctrine for wills as well as for other donative transfers. The ULC codified that Restatement provision in the UPC and the Uniform Trust Code (UTC).¹⁵ In North Dakota, a state that has enacted the UTC reformation provision, the state supreme court in *In re Matthew Larson Trust Agreement*,¹⁶ noted that the Comment to the UTC reformation provision states that the provision was copied from the Property Restatement's reformation provision. The court then proceeded to quote extensively and with

¹² UNIF. PROBATE CODE §§ 2-115 to -122, 2-705; see also Sheldon F. Kurtz & Lawrence W. Waggoner, *The Uniform Probate Code Addresses the Class-Gift and Intestacy Rights of Children of Assisted Reproduction Technologies*, 35 ACTEC L.J. 30 (2009), available at <http://ssrn.com/abstract=1477961>; Lawrence W. Waggoner, *Class Gifts under the Restatement (Third) of Property* (Univ. of Mich. Pub. Law & Legal Theory Research Paper, No. 266, 2012), available at <http://ssrn.com/abstract=2006627>.

In *Astrue v. Capato*, 132 S. Ct. 2021 (2012), the Supreme Court upheld the Social Security Administration's interpretation of § 416 of the Social Security Act as requiring that state intestacy laws, despite being nonuniform, control the right of posthumously conceived children of assisted reproduction (ART children) to Social Security survivor benefits. See Waggoner, *supra* note 11, at 1658-62. In *Mattison v. Soc. Sec. Comm'r*, 825 N.W.2d 566 (Mich. 2012), the Michigan Supreme Court held that ART children born to the decedent's widow are not entitled to take by intestacy under Michigan law (and hence not entitled to Social Security survivor benefits). *Id.* at 570. The *Mattison* decision prompted the Council of the Probate and Estate Planning Section of the State Bar of Michigan to appoint a committee to study enactment of the UPC provisions dealing with ART children. Full disclosure: I am a member of that committee.

¹³ The Prefatory Note to the Uniform Powers of Appointment Act states: "A comprehensive restatement of the law of powers of appointment was approved in 2010 and published in 2011 by the American Law Institute. See chapters 17-23 of the Restatement Third of Property: Wills and Other Donative Transfers. This act draws heavily on that Restatement." NAT'L CONFERENCE OF COMM'RS ON UNIF. STATE LAWS, UNIFORM POWERS OF APPOINTMENT ACT 1 (2013), available at http://www.uniformlaws.org/shared/docs/Powers_of_Appointment/2013_UPAA_Final.pdf.

¹⁴ See John H. Langbein & Lawrence W. Waggoner, *Reformation of Wills on the Ground of Mistake: Change of Direction in American Law?*, 130 U. PA. L. REV. 521 (1982).

¹⁵ UNIF. PROBATE CODE § 2-805 (2014); UNIF. TRUST CODE § 415 (amended 2010); see also John H. Langbein & Lawrence W. Waggoner, *Curing Execution Errors and Mistaken Terms in Wills* (Univ. of Mich. Pub. Law & Legal Theory Research Paper, No. 207, 2010), available at <http://ssrn.com/abstract=1653438>.

¹⁶ 831 N.W.2d 388, 394 (N.D. 2013).

approval from the Property Restatement's Comments and Illustrations.¹⁷ In 2014, the Internal Revenue Service issued private letter rulings accepting the validity for tax purposes of UTC mistake-correcting reformations.¹⁸

Modification to Achieve the Donor's Tax Objectives. Section 12.2 of the Property Restatement adopts a tax-motivated modification doctrine for wills as well as for other donative documents. The ULC codified that Restatement provision in the UPC and the UTC.¹⁹ In 2014, the Internal Revenue Service issued private letter rulings accepting the validity for tax purposes of UTC tax-motivated modifications.²⁰

Premarital and Marital Agreements. Section 9.4 of the Property Restatement on premarital and marital agreements regarding the surviving spouse's elective-share and other rights provides—for the first time to my knowledge—that financial disclosure is not sufficient for the agreement to be enforceable. Informed consent also requires disclosure of the legal rights that the spouse or spouse-to-be is forgoing by signing the agreement. The ULC adopted that position in the Uniform Premarital and Marital Agreements Act.²¹

II. INFLUENCING DECISIONAL LAW

The Property Restatement has also had considerable influence with litigants seeking to change existing law or make new law and ultimately with the courts in embracing the Restatement's proposals.²² It is important to point out that the

¹⁷ *Id.* at 394-95, 397, 399 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 12.1).

¹⁸ See I.R.S. Priv. Ltr. Rul 151442-13 (June 18, 2014); I.R.S. Priv. Ltr. Rul 151441-13 (June 18, 2014), I.R.S. Priv. Ltr. Rul 151440-13 (June 18, 2014), I.R.S. Priv. Ltr. Rul 151439-13 (June 18, 2014), I.R.S. Priv. Ltr. Rul 151438-13 (June 18, 2014).

¹⁹ UNIF. PROBATE CODE § 2-806 (2014); UNIF. TRUST CODE § 416 (amended 2010).

²⁰ See I.R.S. Priv. Ltr. Rul 151442-13 (June 18, 2014); I.R.S. Priv. Ltr. Rul 151441-13 (June 18, 2014), I.R.S. Priv. Ltr. Rul 151440-13 (June 18, 2014), I.R.S. Priv. Ltr. Rul 151439-13 (June 18, 2014), I.R.S. Priv. Ltr. Rul 151438-13 (June 18, 2014).

²¹ See UNIF. PREMARITAL & MARITAL AGREEMENTS ACT § 9 (2012).

²² Only two cases, to my knowledge, have rejected a Property Restatement's reformist initiative: one a four-two decision on the reformation of wills, *Flannery v. McNamara*, 738 N.E.2d 739, 745 (Mass. 2000), and the other on the inclusion of property subject to a general power of appointment for purposes of the elective share of the surviving spouse, *Bongaards v. Millen*, 793 N.E.2d 335, 347 (Mass. 2003). For criticism of *Flannery*, see Martin L. Fried, *The Disappointed Heir: Going Beyond the Probate Process to Remedy Wrongdoing or Rectify Mistake*, 39 REAL PROP. PROB. & TR. J. 357, 400 (2004). Dissenting in *Bongaards*, Chief Justice Marshall said: "I dissent from so much of the court's opinion as indulges in the criticism of, or forecloses in any respect our subsequent consideration of, the recently approved § 9.1(c) of the Restatement (Third) [of Property: Wills and Other Donative Transfers]." *Bongaards*, 793 N.E.2d at 354 (Marshall, C.J., concurring in part and dissenting in part). Also, in *In re Estate of Phillips*, No. 01-0879, 2002 WL 1447482, at *1-

following list does not include case law with routine citations to the Restatement in support of existing law.²³ Here, then, is a list of decisions, compiled in alphabetical order by jurisdiction, in which the court changed existing law or made new law on the basis of the Property Restatement:

Ruotolo v. Tietjen.²⁴ The court adopted the Property Restatement's position that mere survival language does not trump an antilapse statute, saying: "In sum, we agree with [the Property Restatement]."²⁵

Carlson v. Sweeney, Dabagia, Donoghue, Thorne, Janes & Pagos.²⁶ The court, in a tax reformation case, adopted the Property Restatement's position that a mistake of law, as well as of fact, can be the basis for reforming a provision in a testamentary trust, saying: "We adopt the [Property] Restatement[']s view on this subject."²⁷

University of Southern Indiana Foundation v. Baker.²⁸ The court abandoned the distinction between types of ambiguity in construing instruments, saying: "We agree with [the Property Restatement] and [other] authorities that the latent/patent distinction . . . no longer serves any useful purpose."²⁹

Sieh v. Sieh.³⁰ The court adopted the Property Restatement's position that the value of property owned or owned in substance by the decedent is subject to the forced share of the surviving spouse, even when the forced-share

2 (Iowa Ct. App. July 3, 2002), an unpublished opinion, the court declined to adopt the harmless-error rule of PROPERTY RESTATEMENT § 3.3 on the ground that adopting such a view was a matter for the legislature.

²³ For citations of that sort, see, e.g., *Morse v. Kraft*, 992 N.E.2d 1021, 1024, 1026-27 (Mass. 2013), which cites PROPERTY RESTATEMENT § 10.2 cmt. g and § 17.1 cmt. g with approval, *BankBoston v. Marlow*, 701 N.E.2d 304, 306 (Mass. 1998), which cites PROPERTY RESTATEMENT § 12.2 with approval, and *Miller v. Commonwealth of Pennsylvania*, 84 A.3d 620, 624-25 (Pa. 2012), which adopts PROPERTY RESTATEMENT § 7.1's definition of "will substitute."

Two additional decisions cite and adopt PROPERTY RESTATEMENT § 12.1 on reformation on the ground of mistake: *Estate of Irvine v. Oaas*, 309 P.3d 986, 990 (Mont. 2013), and *In re Irrevocable Trust Agreement of 1979*, 331 P.3d 881, 888 (Nev. 2014). Although these are cases of first impression in their jurisdictions, the donative documents in question were *inter vivos*, not wills, so I have not listed these cases in Part II as adopting the Property Restatement's reformation doctrine for wills.

²⁴ 890 A.2d 166 (Conn. App. Ct. 2006), *aff'd per curiam*, 916 A.2d 1 (Conn. 2007).

²⁵ 890 A.2d at 177 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 5.5).

²⁶ 895 N.E.2d 1191 (Ind. 2008).

²⁷ *Id.* at 1200 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 12.1).

²⁸ 843 N.E.2d 528 (Ind. 2006).

²⁹ *Id.* at 535 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, §§ 10.2, 11.1).

³⁰ 713 N.W.2d 194 (Iowa 2006).

statute refers only to the probate estate, saying: “We adopt the view of the American Law Institute on this issue.”³¹

*In re Estate of Beauregard.*³² The court adopted the Property Restatement’s position that preponderance of the evidence, not clear and convincing evidence, is the proper standard of proof for rebutting the presumption that a lost will that is traced to the testator’s possession was revoked by act, saying: “We follow the [Property] Restatement . . . on this point, for the reasons [there] explained.”³³

*In re Griffin Revocable Grantor Trust.*³⁴ The court, on “the basis of [the Property Restatement and other] authorities,” concluded that “while [the Michigan statute on no-contest clauses] does not apply to trusts, it reflects this state’s public policy that no-contest clauses in trust agreements are unenforceable if there is probable cause for challenging the trust.”³⁵ Later in the opinion, the court adopted the Property Restatement’s definition of probable cause.³⁶

*Magnuson v. Diekmann.*³⁷ The court said: “Because Minnesota caselaw on reformation pertains to contractual rather than donative instruments, we turn to [the Property Restatement for guidance].”³⁸ The court then quoted and applied several provisions of that Restatement dealing with reforming a donative document to effect the donor’s intention.³⁹

*In re Martin B.*⁴⁰ The court, in a case of first impression, held that the terms “issue” and “descendants” in trusts include children conceived posthumously by means of assisted reproduction, saying: “The rationale of the [Property] Restatement . . . should be applied here.”⁴¹

³¹ *Id.* at 197-98 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 9.1(c) & cmt. j). The Iowa legislature subsequently rendered the forced share ineffective by expressly limiting the nonprobate transfers subject to the spouse’s share to one type—revocable *inter vivos* trusts. See IOWA CODE § 633.238 (2009); *In re Estate of Myers*, 825 N.W.2d 1 (Iowa 2012).

³² 921 N.E.2d 954 (Mass. 2010).

³³ *Id.* at 958 n.5 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 4.1); see also *id.* at 957 n.4.

³⁴ 760 N.W.2d 318 (Mich. Ct. App. 2008).

³⁵ *Id.* at 322 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 8.5 cmt. i).

³⁶ *Id.* at 323.

³⁷ 689 N.W.2d 272 (Minn. Ct. App. 2004).

³⁸ *Id.* at 274.

³⁹ *Id.* at 275 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, §§ 10.1, 10.2, and 12.1).

⁴⁰ 841 N.Y.S.2d 207 (Surr. Ct. 2007).

⁴¹ *Id.* at 211 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 14.8). On November 21, 2014, New York Governor Andrew Cuomo signed a bill designed to diminish the possibility that a posthumously conceived child of assisted reproduction can qualify as a

In re Estate of Herceg.⁴² The court adopted the Property Restatement's position that a will can be reformed on the ground of mistake, saying: "[I]t seems logical to this court to choose the path . . . recommended by the [Property] Restatement . . ."⁴³

See also *In re Matthew Larson Trust Agreement*, *supra*.⁴⁴

III. INFLUENCING LEGAL SCHOLARSHIP

The Property Restatement is also influencing the third pillar of law reform—legal scholarship. Just about every trusts-and-estates law review article published lately cites the Restatement for one or more propositions.⁴⁵ The trusts-and-estates casebooks are replete with full-section extracts from, and other references to, the Restatement.⁴⁶ A statutory supplement that is widely adopted for classroom use reproduces provisions of the Restatement alongside provisions of the UPC and, where relevant, other uniform laws dealing with trusts and estates.⁴⁷

beneficiary of a trust. The new legislation will also necessitate significant attorney involvement in order for such a child to benefit. The statute's stringent requirements relate to high-formality documentary evidence of the deceased genetic parent's consent to allow posthumous conception, post-death recordation of the decedent's written consent, and post-death delivery by the prospective birth mother of written notice of possible use of the decedent's genetic material for conception. The statute also imposes constrictive time limits for post-death conception or birth. Finally, for wills or trusts that became effective before September 1, 2014, as well as for decedents who died intestate before that date, the statute only allows a child to take from the deceased genetic parent, not from an ancestor or any other relative of the deceased genetic parent. See N.Y. EST. POWERS & TRUSTS LAW § 4-1.3 (McKinney 2014). In a report issued after the bill passed the Assembly, the Association of the Bar of the City of New York urged the governor to sign it into law. The City Bar's report praised the bill's effect of "limiting" the number of posthumously conceived children who will qualify as trust beneficiaries. See New York City Bar, *Report on Legislation by the Trusts, Estates and Surrogate's Courts Committee* 1, 5 (July 2014), <http://www2.nycbar.org/pdf/report/uploads/20072610-PosthumouslyConceivedChildren.pdf>.

⁴² 747 N.Y.S.2d 901 (Surr. Ct. 2002).

⁴³ *Id.* at 905 (quoting and applying PROPERTY RESTATEMENT, *supra* note 4, § 12.1).

⁴⁴ See *supra* notes 16-17 and accompanying text.

⁴⁵ See, e.g., John C.P. Goldberg & Robert H. Sitkoff, *Torts and Estates: Remedying Wrongful Interference with Inheritance*, 65 STAN. L. REV. 335 (2013); Steven J. Horowitz & Robert H. Sitkoff, *Unconstitutional Perpetual Trusts*, 67 VAND. L. REV. 1769 (2014).

⁴⁶ See, e.g., JESSE DUKEMINIER & ROBERT H. SITKOFF, *WILLS, TRUSTS AND ESTATES* (9th ed. 2013); THOMAS P. GALLANIS, *FAMILY PROPERTY LAW: CASES AND MATERIALS ON WILLS, TRUSTS AND FUTURE INTERESTS* (5th ed. 2011).

⁴⁷ See THOMAS P. GALLANIS, *UNIFORM TRUST AND ESTATE STATUTES* (2014-15 ed. 2014).

CONCLUSION

The Property Restatement has influenced and is influencing the law of trusts and estates. Its influence extends to all three pillars of law reform: uniform laws, decisional law, and legal scholarship. Any claim to the contrary is demonstrably false.