

Introduced: 1/25/67
Referred: Judiciary

1 IN THE HOUSE

BY FINK AND STEVENS

2 HOUSE BILL NO. 43

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to testamentary additions to trusts."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 13.05 is amended by adding a new section to read:

9 Sec. 13.05.240. TESTAMENTARY ADDITIONS TO TRUSTS. (a) A devise
10 or bequest, the validity of which is determinable by the law of this
11 state, may be made by a will to the trustee or trustees of a trust
12 established or to be established by the testator or by the testator
13 and some other person or persons or by some other person or persons
14 (including a funded or unfunded life insurance trust, although the
15 trustor has reserved any or all rights of ownership of the insurance
16 contracts) if the trust is identified in the testator's will and its
17 terms are set forth in a written instrument (other than a will) executed
18 before or concurrently with the execution of the testator's will or in
19 the valid last will of a person who has predeceased the testator (re-
20 gardless of the existence, size, or character of the corpus of the
21 trust). The devise or bequest shall not be invalid because the trust
22 is amendable or revocable, or both, or because the trust was amended
23 after the execution of the will or after the death of the testator.
24 Unless the testator's will provides otherwise, the property so devised
25 or bequeathed

26 (1) shall not be deemed to be held under a testamentary trust
27 of the testator but shall become a part of the trust to which it is
28 given and

29 (2) shall be administered and disposed of in accordance

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1 with the provisions of the instrument or will setting forth the terms
2 of the trust, including any amendments thereto made before the death
3 of the testator (regardless of whether made before or after the execu-
4 tion of the testator's will) and, if the testator's will so provides,
5 including any amendments to the trust made after the death of the
6 testator.

7 (b) A revocation or termination of the trust before the death
8 of the testator shall cause the devise or bequest to lapse.

9 * Sec. 2. EFFECT ON PRIOR WILLS. This Act shall likewise apply to a
10 devise or bequest made by a will executed before the effective date of this
11 Act.