

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



ENROLLED

HOUSE BILL No. 281.....

(By Mr. *Speaker, Mr. Singleton & Mr. Seibert*)



PASSED *March 1st,* 1961

In Effect *sixty days from* Passage



Filed in Office of the Secretary of State
of West Virginia *March 8, 1961*
JOE F. BURDETT
SECRETARY OF STATE

281

ENROLLED

House Bill No. 281

(By MR. SPEAKER, MR. SINGLETON, and MR. SEIBERT)

[Passed March 1, 1961; in effect ninety days from passage.]

AN ACT to amend article three, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto four new sections, designated sections eight, nine, ten and eleven, relating to devices and bequests made by will to the trustee or trustees of an existing trust or a trust subsequently established by the testator or others by adopting the uniform testamentary additions to trusts act.

Be it enacted by the Legislature of West Virginia:

That article three, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto four new sections, designated sections eight, nine, ten and eleven, to read as follows:

Section 8. *Testamentary Additions to Trusts.*—A devise
2 or bequest, the validity of which is determinable by the

3 law of this state, may be made by a will to the trustee or
4 trustees of a trust established or to be established by the
5 testator or by the testator and some other person or per-
6 sons or by some other person or persons (including a
7 funded or unfunded life insurance trust, although the
8 trustor has reserved any or all rights of ownership of the
9 insurance contracts) if the trust is identified in the tes-
10 tator's will and its terms are set forth in a written instru-
11 ment (other than a will) executed before or concurrently
12 with the execution of the testator's will or in the valid
13 last will of a person who has predeceased the testator (re-
14 gardless of the existence, size, or character of the corpus
15 of the trust). The devise or bequest shall not be invalid
16 because the trust is amendable or revocable, or both, or
17 because the trust was amended after the execution of the
18 will or after the death of the testator. Unless the testator's
19 will provides otherwise, the property so devised or be-
20 queathed (a) shall not be deemed to be held under a testa-
21 mentary trust of the testator but shall become a part of
22 the trust to which it is given and (b) shall be adminis-
23 tered and disposed of in accordance with the provisions

24 of the instrument or will setting forth the terms of the
25 trust, including any amendments thereto made before the
26 death of the testator (regardless of whether made before
27 or after the execution of the testator's will), and, if the
28 testator's will so provides, including any amendments to
29 the trust made after the death of the testator. A revoca-
30 tion or termination of the trust before the death of the
31 testator shall cause the devise or bequest to lapse.

Sec. 9. *Effect on Prior Wills.*—This act shall be effective
2 with respect to any devise or bequest described in section
3 eight made by the will of a testator dying after the effec-
4 tive date of this act whose will shall have been executed
5 prior to such date.

Sec. 10. *Uniformity of Interpretation.*—This act shall
2 be so construed as to effectuate its general purpose to
3 make uniform the law of those states which enact it.

Sec. 11. *Short Title.*—This act may be cited as the uni-
2 form testamentary additions to trusts act.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Thomas Davis, Jr.
Chairman Senate Committee

Mrs. M. M. Withrow
Chairman House Committee

Originated in the House.

Takes effect *ninety days from* passage.

Thomas Dyer
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within approved this the *eight* day of *March*, 1961.

M. M. Bann
Governor

