WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED

HOUSE BILL No. 4760

(By Delegates Lane and Douglas)

Passed March 6, 1992
In Effect Ninety Days From Passage
AN ACT to amend and reenact sections eight, nine, ten and eleven, article three, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to testamentary additions to trusts; and the uniform testamentary additions to trusts act.

Be it enacted by the Legislature of West Virginia:

That sections eight, nine, ten and eleven, article three, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3. PROVISIONS AS TO CONSTRUCTION.

§41-3-8. Testamentary additions to trusts.

1 (a) A will may validly devise or bequeath property to the trustee of a trust established or to be established:
2 (i) During the testator's lifetime by the testator, by the testator and some other person, or by some other person including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts; or (ii) at the testator's death by the testator's devise to the trustee, if the trust is identified in the testator's will and its terms are set forth in a written instrument, other than a will, executed before or concurrently with the execution of the testator's will or in another individual's will if that other individual has predeceased the testator, regardless
of the existence, size, or character of the corpus of the
trust. The devise or bequest is not invalid because the
trust is amendable or revocable, or because the trust
was amended after the execution of the will or the
testator's death.

(b) Unless the testator's will provides otherwise,
property devised or bequeathed to a trust described in
subsection (a) is not held under a testamentary trust of
the testator but it becomes a part of the trust to which
it is devised or bequeathed, and must be administered
and disposed of in accordance with the provisions of the
governing instrument setting forth the terms of the
trust, including any amendments thereto made before or
after the testator's death.

(c) Unless the testator's will provides otherwise, a
revocation or termination of the trust before the
testator's death causes the devise or bequest to lapse.

§41-3-9. Effect on existing wills.

Sections eight, nine, ten and eleven of this article
apply to a will of a testator who dies after the effective
date of this legislation.

§41-3-10. Uniformity of application and construction.

Sections eight through eleven of this article shall be
applied and construed to effectuate its general purpose
to make uniform the law with respect to the subject of
this legislation among states enacting it.

§41-3-11. Short title.

Sections eight through eleven of this article may be
cited as the Uniform Testamentary Additions to Trusts-
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Hick
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

James E. Nicholson
Clerk of the Senate

Donald A. Kopp
Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th day of December, 1992.

Winston Caperton
Governor
PRESENTED TO THE
GOVERNOR
Date 3/25/92
Time 1:46pm

90c