

March 14, 2007

H 765. TEST. ADDITIONS TO TRUSTS/WILL REFERENCES. Filed 3/14/07. *TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AND TO ALLOW, IF AUTHORIZED BY WILL, THE DISPOSITION OF TANGIBLE PERSONAL PROPERTY OTHER THAN MONEY BY A SEPARATE WRITING, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends GS 31-47 providing for disposition of property by a will to trusts, including trusts that are amendable or revocable, those that were established before the testator's death or at the testator's death, and those established by other persons. Unless provided otherwise in the will, property so devised becomes a part of the trust to which it is devised and is to be administered and disposed of in accordance with the terms of that trust. A revocation or termination of the trust before the testator's death causes the devise to lapse. Enacts GS 31-51 to allow a writing in existence to be incorporated by reference into a will. Enacts GS 31-52 to allow a will to dispose of property by reference to events and acts that have significance apart from their effect on the disposition, including the execution or revocation of another person's will and the safekeeping of items in a secured depository. Enacts GS 31-53 to allow a will to refer to a written statement or list to dispose of tangible personal property other than money. Provides that the list must be signed by the testator and must describe the items with reasonable certainty. It may be prepared before or after the execution of the will and may be subsequently altered. Directs the Revisor of Statutes to print the official comments and other applicable explanatory commentary from the Uniform Probate Code. Effective when it becomes law and applies to the estates of decedents dying on or after that date regardless of when the will was executed.

Intro. by Ross.

GS 31

April 4, 2007

H 765. TEST. ADDITIONS TO TRUSTS/WILL REFERENCES. Filed 3/14/07. House committee substitute makes the following changes to 1st edition. Removes proposed GS 31-53, which would have allowed a will to refer to a written statement or list to dispose of tangible personal property other than money. Makes conforming changes, including title change.

July 9, 2007

SL 2007-184 (H 765). TESTAMENTARY ADDITIONS TO TRUSTS/WILL REFERENCES. *AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* Summarized in *Daily Bulletin* 3/14/07 and 4/4/07. Enacted July 5, 2007. Effective July 5, 2007.