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HOUSE BILL 2256

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Appelwick and Paris

Prefiled 12/30/91. Read first time 01/13/92. Referred to Committee on Judiciary.

1 AN ACT Relating to the uniform testamentary additions to trusts  
2 act; amending RCW 11.12.250; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 11.12.250 and 1985 c 23 s 2 are each amended to read  
5 as follows:

6 ~~((A gift may be made by))~~ ((1) A will may validly devise or bequeath  
7 property to ((a)) the trustee of a trust ((executed by any trustor or  
8 testator-)) established or to be established (a) during the testator's  
9 lifetime by the testator, by the testator and some other person, or by  
10 some other person including a funded or unfunded life insurance trust,  
11 although the trustor has reserved any or all rights of ownership of the  
12 insurance contracts((+)), or (b) at the testator's death by the  
13 testator's devise to the trustee, if ((+1)) the trust is identified in  
14 the testator's will and ((+2)) its terms are ((evidenced either-(a)))

1 set forth in a written instrument, other than a will, executed ~~((by the~~  
2 ~~trustor prior to or))~~ before, concurrently with, or after the execution  
3 of the testator's will or ~~((b))~~ in ~~((the))~~ another individual's will  
4 ~~((of a person who))~~ if that other individual has predeceased the  
5 testator, regardless of ~~((when executed.))~~ the existence, size, or  
6 character of the corpus of the trust ~~((is immaterial to the validity of~~  
7 ~~the gift.—Such gift shall))~~. The devise or bequest is not ~~((be))~~  
8 invalid because the trust is amendable or revocable, ~~((or both,))~~ or  
9 because the trust was amended after the execution of the ~~((testator's))~~  
10 will or ~~((after))~~ the testator's death.

11 (2) Unless the testator's will provides otherwise, ~~((the))~~ property  
12 ~~((so given shall not be deemed to be))~~ devised or bequeathed to a trust  
13 described in subsection (1) of this section is not held under a  
14 testamentary trust of the testator but ~~((shall))~~ it becomes a part of  
15 the trust to which it is ~~((given to))~~ devised or bequeathed and must be  
16 administered and disposed of in accordance with the ~~((terms))~~  
17 provisions of the governing instrument ~~((establishing))~~ setting forth  
18 the terms of the trust, including any amendments~~((,))~~ made ~~((prior to~~  
19 ~~the))~~ before or after the testator's death ~~((of the testator, and~~  
20 ~~regardless of whether made before or after the execution of the will))~~.

21 (3) Unless the testator's will provides otherwise, ~~((an express))~~  
22 a revocation or termination of the trust ~~((prior to))~~ before the  
23 testator's death ~~((invalidates the gift.—Any termination of the trust~~  
24 ~~other than by express revocation does not invalidate the gift.—For~~  
25 ~~purposes of this section, the term "gift" includes the exercise of any~~  
26 ~~testamentary power of appointment))~~ causes the devise or bequest to  
27 lapse.

1        NEW SECTION.    **Sec. 2.**        EFFECT ON EXISTING WILLS.    This    act  
2 applies to a will of a testator who dies after the effective date of  
3 this act.

4        NEW SECTION.        **Sec. 3.**                UNIFORMITY OF APPLICATION AND  
5 CONSTRUCTION.    This act shall be applied and construed to effectuate  
6 its general purpose to make uniform the law with respect to the subject  
7 of this act among states enacting it.

8        NEW SECTION.    **Sec. 4.**        SHORT TITLE.        This act may be cited as  
9 the uniform testamentary additions to trusts act.

10       NEW SECTION.    **Sec. 5.**    SEVERABILITY.    If any provision of this act  
11 or its application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

14       NEW SECTION.    **Sec. 6.**    CAPTIONS NOT LAW.    Captions as used in this  
15 act constitute no part of the law.