

FINAL BILL REPORT

SSB 5804

C 91 L 95

Synopsis as Enacted

Brief Description: Clarifying procedures for release of a power of appointment.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Johnson and Long; by request of Secretary of State).

Senate Committee on Law & Justice

House Committee on Law & Justice

Background: Effective release of power of appointment in probate requires a release instrument to be delivered to a trustee of the property to which the power relates, and the person holding the property. Additionally, a copy of the instrument may be delivered to the Secretary of State, which effectively constitutes notice of release to all other persons.

Publication in a legal newspaper of a release of power in lieu of delivering it to the Secretary of State may more effectively implement the notice requirements for these instruments.

Summary: Release of power of appointment in probate is effective when the release instrument is delivered to a trustee of the property and the person holding the property. Additionally, a copy of the instrument may be published in a legal newspaper at least once within 30 days of delivery in the county in which all or the greatest portion of the property is located. This publication serves as a notice of release to all other persons.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 23, 1995