

Article - Estates and Trusts

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§4-411.

(a) A legacy may be made in form or in substance to the trustee in accordance with the terms of a written inter vivos trust, including an unfunded life insurance trust although the settlor has reserved all rights of ownership in the insurance contracts, if the trust instrument has been executed and is in existence prior to or contemporaneously with the execution of the will and is identified in the will, without regard to the size or character of the corpus of the trust or whether the settlor is the testator or a third person.

(b) The legacy is valid even if the trust is subject to amendment or modification or may be terminated or revoked after the will is executed whether by the settlor or any other person, or if the trust instrument or an amendment to it was not executed in the manner required by the estates of decedents law for wills.

(c) Unless the will provides otherwise:

(1) The legacy is valid even if the trust was amended or modified after the will was executed, and the legacy shall be given effect in accordance with the terms of the trust as they appear in writing on the date of death of the testator, including any amendment or modification;

(2) Property passing under the legacy passes directly from the personal representative to the trustee of the inter vivos trust, becomes a part of the assets of the trust, and is not considered held under a separate testamentary trust;

(3) An entire revocation of the trust prior to the death of the testator makes the legacy inoperative within the meaning of § 4-404 of this subtitle, even though the revocation was not effected in the manner provided by this article for the revocation of wills; and

(4) Subject to paragraph (3) of this subsection, a termination of the trust in accordance with its terms, or by its exhaustion, or by operation of law, or for another reason does not invalidate the legacy.

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