

his death, or an indefinite failure of his issue, shall be construed to mean a want or a failure of issue in the lifetime, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intent is expressly indicated in the will.

*4-411. Legacy to inter vivos trust.*

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

(b) Such legacy shall not be invalid because 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 persons), nor because the trust instrument or any amendment thereto was not executed in the manner required by this article for wills.

(c) Unless the will otherwise provides:

(i) Such legacy shall not be invalid because the trust was amended or modified after the will was executed; and such 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 such amendment or modification;

(ii) Property passing under such legacy shall be deemed to pass directly from the personal representative to the trustee of the inter vivos trust, shall become a part of the assets of such trust, and shall not be deemed held under a separate testamentary trust;

(iii) An entire revocation of the trust prior to the death of the testator shall make the legacy inoperative within the meaning of 4-404, even though such revocation was not effected in the manner provided by this Article for the revocation of wills;

(iv) Subject to paragraph (iii) of this subsection (c), a termination of the trust in accordance with the terms of said trust or by its exhaustion or by operation of law or otherwise, shall not invalidate the legacy.

(d) The provisions of this Section shall apply to any legacy made by a testator living on June 1, 1959, or born subsequent thereto without regard to the date of the execution of the will, the trust instrument, or any amendment thereto. This Section shall not be construed as casting any doubt upon the validity as heretofore existing of (i) any legacy made by a testator who shall have died prior to June 1, 1959, or (ii) any legacy which does not come within the provisions of this Section.

*4-412. Legacy to testamentary trust.*

(a) A legacy may be made in form or substance to the trustee under, or in accordance with the terms of, a testamentary trust established under another will. Such legacy shall not be invalid because the testamentary trust or the will establishing such trust