

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, 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.

REVISOR'S NOTE: This section presently appears as Art. 93, §4-411. Catchlines are added to subsections. Subsection (d) is removed and placed in §12-102(d) of this article. The only other changes are in style and language.

#### 4-412. LEGACY TO TESTAMENTARY TRUST.

##### (A) LEGACY TO TRUST UNDER ANOTHER WILL.

A LEGACY MAY BE MADE IN FORM OR SUBSTANCE TO THE TRUSTEE UNDER THE TERMS OF A TESTAMENTARY TRUST ESTABLISHED UNDER ANOTHER WILL. THE LEGACY IS VALID EVEN IF THE TESTAMENTARY TRUST OR THE WILL ESTABLISHING THE TRUST WAS NOT IN EXISTENCE WHEN THE WILL CONTAINING THE LEGACY WAS EXECUTED, IF THE TESTATOR OF THE WILL ESTABLISHING THE TESTAMENTARY TRUST PREDECEASED THE TESTATOR OF THE WILL CONTAINING THE LEGACY, AND THE WILL ESTABLISHING THE TESTAMENTARY TRUST HAS BEEN OR IS SUBSEQUENTLY ADMITTED TO PROBATE.

##### (B) PASSAGE OF LEGACY.

UNLESS THE WILL OTHERWISE PROVIDES:

(1) PROPERTY PASSING UNDER THE LEGACY PASSES FROM THE PERSONAL REPRESENTATIVE DIRECTLY TO THE TRUSTEE OF THE ~~[[TESTAMENTARY]]~~ TESTAMENTARY TRUST, BECOMES A PART OF THE ASSETS OF THE TRUST, AND ~~[[MAY NOT BE]]~~ IS NOT CONSIDERED AS HELD UNDER A SEPARATE TESTAMENTARY TRUST; AND