

FOR the purpose of permitting a legacy to a trust established under another will, provided the will establishing the trust meets certain conditions.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts  
Section 4-412(a)  
Annotated Code of Maryland  
(1974 Volume and 1979 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Estates and Trusts

4-412.

(a) (1) A legacy may be made in form or substance to the trustee under the terms of a testamentary trust established under another will.

(2) 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.]:

(I) THE WILL ESTABLISHING THE TESTAMENTARY TRUST WAS EXECUTED, OR WAS LAST MODIFIED WITH RESPECT TO THE TERMS OF THE TRUST, PRIOR TO THE DEATH OF THE TESTATOR OF THE WILL CONTAINING THE LEGACY; AND

(II) THE WILL ESTABLISHING THE TESTAMENTARY TRUST IS OFFERED FOR PROBATE PRIOR TO, OR WITHIN 9 MONTHS AFTER THE DEATH OF THE TESTATOR OF THE WILL CONTAINING THE LEGACY; AND

(III) THE WILL ESTABLISHING THE TESTAMENTARY TRUST IS ADMITTED TO PROBATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1980.

Approved May 20, 1980.

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