

Article - Estates and Trusts

11-102.

Subject to §§ 4-409 and 11-103, the common-law rule against perpetuities as now recognized in the State is preserved, but the rule does not apply to the following:

(a) A legacy or inter vivos conveyance having a value of \$5,000 or less, or of any burial lot of any value, in trust or otherwise, for the purpose of providing for the perpetual care or keeping in good order and condition, or making repairs to, any lot, vault, mausoleum, or other place of sepulture belonging to any individual or several individuals in any cemetery or graveyard, the lots in which are intended for the burial of members of the family, family connections, relatives, or friends of the owners, or their successors in ownership.

(b) A legacy or inter vivos conveyance intended to transfer assets from any corporation incorporated for charitable objects, to any other charitable corporation on a contingency or future event.

(c) A trust created by an employer as part of a pension, stock bonus, disability, death benefit, profit-sharing, retirement, welfare, or other plan for the exclusive benefit of some or all of the employees of the employer or their beneficiaries, to which contributions are made by the employer or employees, or both the employer and employees, for the purpose of making distributions to or for the benefit of employees or their beneficiaries out of the income or principal or both the income and principal of the trust, or for any other purposes set out in the plan.

(d) A trust for charitable purposes, which shall include all purposes as are within the spirit or letter of the statute of 43 Elizabeth Ch. 4 (1601), commonly known as the statute of charitable uses.

(E) A TRUST IN WHICH THE GOVERNING INSTRUMENT STATES THAT THE RULE AGAINST PERPETUITIES DOES NOT APPLY TO THE TRUST AND UNDER WHICH THE TRUSTEE, OR OTHER PERSON TO WHOM THE POWER IS PROPERLY GRANTED OR DELEGATED, HAS THE POWER UNDER THE GOVERNING INSTRUMENT, APPLICABLE STATUTE, OR COMMON LAW TO SELL, LEASE, OR MORTGAGE PROPERTY FOR ANY PERIOD OF TIME BEYOND THE PERIOD ~~OF~~ THAT IS REQUIRED FOR AN INTEREST CREATED UNDER THE GOVERNING INSTRUMENT TO VEST, SO AS TO BE GOOD UNDER THE RULE AGAINST PERPETUITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all trusts created by will or inter vivos agreement executed or amended on or after October 1, 1998, and to all trusts created by exercise of a power of appointment granted under instruments executed or amended on or after October 1, 1998.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

May 21, 1998

The Honorable Thomas V. Mike Miller, Jr.