

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 637
Senate Judiciary II Committee Substitute Adopted 6/3/03

Short Title: Amend Powers/Settlor of Revocable Trust.

(Public)

Sponsors:

Referred to:

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE SETTLOR OF A REVOCABLE TRUST TO RELIEVE
THE TRUSTEE OF DUTIES, RESTRICTIONS, AND LIABILITIES IMPOSED
BY THE UNIFORM TRUSTS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 36A-78 reads as rewritten:

"§ 36A-78. **Power of settlor.**

~~The settlor of any trust affected by this Article may, by provision in the instrument creating the trust if the trust was created by a writing, or by oral statement to the trustee at the time of the creation of the trust if the trust was created orally, or by an amendment of the trust if the settlor reserved the power to amend the trust, relieve liabilities which would otherwise be imposed upon him by this Article; or alter or deny to his trustee any or all of the privileges and powers conferred upon the trustee by this Article; or add duties, restrictions, liabilities, privileges, or powers, to those imposed or granted by this Article; but no act of the settlor shall relieve a trustee from the duties, restrictions, and liabilities imposed upon him by G.S. 36A-62, 36A-63 and G.S. 36A-66.~~

(a) The settlor of any trust affected by this Article may (i) relieve the trustee from any or all duties, restrictions, and liabilities that would otherwise be imposed upon the trustee by this Article, (ii) alter or deny to the trustee any or all of the privileges and powers conferred upon the trustee by this Article, or (iii) add duties, restrictions, liabilities, privileges, or powers to those imposed or granted by this Article. The settlor may accomplish any of these actions by one of the following methods:

- (1) By provision in the instrument creating the trust if the trust was created by a writing.
- (2) By oral statement to the trustee at the time of the creation of the trust if the trust was created orally.
- (3) By an amendment of the trust if the settlor reserved the power to amend the trust.
- (4) By written instrument delivered to the trustee of a revocable trust.

1 (b) Notwithstanding subsection (a) of this section, any settlor who has not
2 reserved the power to revoke the trust shall not relieve the trustee from the duties,
3 restrictions, and liabilities imposed upon the trustee by G.S. 36A-62, 36A-63, and
4 36A-66."

5 **SECTION 2.** This act is effective when it becomes law.