

Significant Differences in States’ Enacted Uniform Trust Codes

This chart was created as an unofficial in-house NCCUSL document and is not for general publication.
Statutes are subject to change; the date of the most recent update to each state comparison may be found on the last page of this chart.
To report a typo or omission, please contact mclayton@nccusl.org.
Total length: 66 pages

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
§101			X Adds the following language: <u>In this article, unless the context clearly indicates otherwise, ‘Code’ shall mean the South Carolina Trust Code.</u>		X Changes this section to read: This chapter applies to <u>any express trust, private or charitable, with additions to the trust, wherever and however created. The term “express trust” includes both testamentary and inter vivos trusts, regardless of whether the trustee is required to account to the clerk of superior court. This Chapter also applies to any trust created for or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. This chapter does not apply to constructive trusts, resulting trusts, conservatorships, estates, trust accounts as defined in G.S. 53-146.2, 54-109.57, 54B-130, and 54C-166, trust funds subject to G.S. 90-310.61, custodial arrangements under Chapter 33A of the General Statutes and Chapter 33B of the General Statutes, business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits,</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>pensions, or employee benefits of any kind, or any arrangement under which a person is nominee or escrowee for another.</u>
§102	<p style="text-align: center;">X</p> <p>Adds subsection (b): <u>Notwithstanding subsection (a) of this section, this chapter does not apply to public trusts that are governed by §§ 28-72-201 – 28-72-207.</u></p>	<p style="text-align: center;">X</p> <p>This section is replaced with the following:</p> <p><u>A. This chapter applies to express inter vivos trusts, charitable or noncharitable, and trusts created pursuant to a statute, judgment, or decree that requires the trust to be administered in the manner of an express trust. This chapter also applies to testamentary trusts, except to the extent that specific provision is made for them in Title 26 or elsewhere in the Code of Virginia, or to the extent it is clearly inapplicable to them. Section 55-548.13, which provides the duties of a trustee to inform and report to the trust's beneficiaries, shall apply to testamentary trusts. For purposes of this subsection A, the word "trust" and the words "trustee" or "fiduciary," as used in Title 26, shall be deemed to refer to testamentary trusts and testamentary trustees, except to the extent that the use of such words is clearly inapplicable to testamentary trusts and testamentary trustees. This chapter shall not apply to:</u></p> <p><u>1. A trust that is primarily used for business, investment or commercial transactions,</u></p>	<p style="text-align: center;">X</p> <p>Adds the following language: <u>The term ‘express trust’ includes both testamentary and inter vivos trusts regardless of whether the trustee is required to account to the probate court, and includes, but is not limited to, all trusts defined in Section 62-1-201(44). This article does not apply to constructive trusts, resulting trusts, conservatorships administered by conservators as defined in Section 62-1-201(6), administration of decedent’s estates, all multiple party accounts referred to in Section 62-6-101 et seq., custodial arrangements, business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind, or any arrangement under which a person is nominee or escrow for another.</u></p>	<p style="text-align: center;">X</p> <p>Replaces this section with the following: <u>(1) Except as provided in subsection (2) of this section, sections 1 to 95 of this 2005 Act apply to express trusts, whether charitable or noncharitable, and to trusts created pursuant to a statute or a judgment that requires that the trust be administered in the manner of an express trust.</u> <u>(2) Sections 1 to 95 of this 2005 Act do not apply to:</u> <u>(a) A trust that is part of an employee benefit arrangement or an individual retirement account.</u> <u>(b) A trust account established under a qualified tuition savings program pursuant to ORS 348.841 to 348.873.</u> <u>(c) Trust accounts maintained on behalf of clients or customers by licensed service professionals, including trust accounts maintained by attorneys pursuant to rules of professional conduct adopted under ORS 9.490 and by real estate brokers pursuant to ORS 696.241.</u> <u>(d) An endowment care fund established by a cemetery authority pursuant to ORS 97.810.</u> <u>(e) Funds maintained by public</u></p>	<p style="text-align: center;">X</p> <p>In paragraph (3)(a) defining “beneficiary,” adds: “...vested or contingent, including the owner of an interest by assignment or transfer; or”</p> <p>In paragraph (4) defining “Charitable trust” replaces “portion of a trust” with “including a split-interest trust as described in section 4947 of the Internal Revenue Code, created...”</p> <p>Omits UTC subsection (5) defining “Conservator.”</p> <p>Replaces UTC subsection (7) defining “Guardian” with subsection (8) defining “General guardian,” subsection (7) defining “Guardian of the estate,” and subsection (8) defining “Guardian of the person.”</p> <p>Adds new subsection (1) defining “Internal Revenue Code.”</p> <p>In subsection (21) defining “Trust instrument” adds: “...including any amendments to the instrument, and any modifications permitted by court order.”</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		<p><u>including business trusts, land trusts (§ 55-17.1), deeds of trusts (Article 2 (§ 55-58 et seq.) of Chapter 4 of Title 55) voting trusts, common trust funds, security arrangements, liquidation trusts, trusts created by deposit arrangement in a financial institution, and trusts created for paying debts, dividends, interest, or profits.</u></p> <p><u>2. A trust that is used primarily for employment including trusts created for paying salaries, wages, pensions or employee benefits of any kind.</u></p> <p><u>3. A trust under which a person is a nominee or escrowee for another.</u></p> <p><u>4. Other special purpose trusts governed by particular statutes, including trusts under Title 57.</u></p> <p><u>B. Notwithstanding subsection A, a court, in exercising jurisdiction over the supervision or administration of trusts, may determine that application of the policies, procedures or rules of the Code is appropriate to resolution of particular issues.</u></p>		<p><u>bodies as defined by ORS 174.109</u></p> <p><u>or other governmental entities.</u></p> <p><u>(f) Trust funds held for a single business transaction or an escrow arrangement.</u></p> <p><u>(g) Trusts created by a depository agreement with a financial institution.</u></p> <p><u>(h) Trusts created by an account agreement with a regulated financial services entity.</u></p> <p><u>(i) An account maintained under the Oregon Uniform Transfers to Minors Act as set forth in ORS 126.805 to 126.886.</u></p> <p><u>(j) A fund maintained pursuant to court order in conjunction with a bankruptcy proceeding or business liquidation.</u></p> <p><u>(k) A business trust as described in ORS 128.560.</u></p> <p><u>(L) A voting trust as described in ORS 60.254.</u></p> <p><u>(m) Funds maintained to manage proceeds from class actions.</u></p> <p><u>(n) A trust deed as defined in ORS 86.705 (5) or any other trust created solely to secure the performance of an obligation.</u></p> <p><u>(o) A trust established on behalf of a resident of a residential facility under ORS 443.880.</u></p> <p><u>(p) A trust managed by a nonprofit association for disabled persons under 42 U.S.C. 1396p(d)(4)(C), as in effect on the effective date of</u></p>	<p>In subsection (22) defining “Trustee” adds: “..and a cotrustee, whether or not appointed or confirmed by a court. The term does not include trustees in mortgages and deeds of trusts.</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<u>this 2005 Act, and under the rules of the Department of Human Services.</u> <u>(q) A resulting or constructive trust.</u> <u>(r) A trust fund established for a purchaser who enters into a prearrangement sales contract, as defined in ORS 97.923, or a preconstruction sales contract, as defined in ORS 97.923.</u>	
§103	<p style="text-align: center;">X</p> <p>Adds subsection (5): <u>“Community property” means all personal property, wherever situated, which was acquired as or became, and remained, community property under the laws of another jurisdiction, and all real property situated in another jurisdiction which is community property under the laws of that jurisdiction.</u></p> <p>Adds the following language to (6) [UTC (5): “Conservator” means a person appointed by the court pursuant to §§ 28-67-101 – 28-67-111 to administer the estate of an individual who by reason of advanced age or physical disability is unable to manage his or her property.</p> <p>Changes (8) [UTC 7] defining Guardian as: a person appointed by the a court pursuant to §§ 28-65-101 – 28-65-603 to have the care and custody of the estate of</p>	<p style="text-align: center;">X</p> <p>The individual definitions in this section are not numbered.</p> <p>“Ascertainable standard” is changed to omit the following language: “...<i>as in effect on [the effective date of this [Code][amendment]]</i>, or as later amended].”</p> <p>“Conservator” is changed to describe only a person appointed to administer the estate of an adult individual, not a minor.</p> <p>Adds: <u>“Guardian of the estate” means a person appointed by the court to administer the estate of a minor.</u></p>	<p style="text-align: center;">X</p> <p>Moves UTC subsection (2) defining “Ascertainable standard” to subsection (20). Adds the following language: “means an ascertainable standard relating to a trustee’s individual’s health...”</p> <p>In subsection (2) [UTC (3)] defining “Beneficiary,” adds paragraph (c): <u>In the case of a charitable trust, has the authority to enforce the terms of the Trust.</u></p> <p>In subsection (4) [UTC (5)] defining “Conservator,” replaces the language “the estate of a minor or adult individual” with “the estate of a protected person.”</p> <p>In subsection (6) [UTC (7)] defining “Guardian,” adds language to exclude a “<u>statutory guardian</u>” as well as a guardian ad litem.</p>	<p style="text-align: center;">X</p> <p>Adds new subsection (6): <u>‘Financial institution’ has the meaning given that term in ORS 706.008.</u></p> <p>Adds new subsection (7): <u>‘Financially incapable’ has the meaning given that term in ORS 125.005. ‘Financially capable’ means not financially incapable.</u></p> <p>Omits UTC subsection (9) defining “Jurisdiction.”</p> <p>Adds new subsection (10): <u>‘Permissible distributee’ means a beneficiary who is currently eligible to receive distributions of trust income or principal, whether the distribution is mandatory or discretionary.</u></p> <p>In paragraph 14(a) [UTC 13(a)], applies only to <i>permissible</i> distributees. Also adds the following language: “Is a permissible distributee <u>on the</u></p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
	<u>an incapacitated person.</u>		<p>In subsection (12) [UTC (13)], defining “Qualified beneficiary,” specifies that it refers to a “<u>living</u>” beneficiary.</p> <p>In subsection (19) [UTC (20)] defining “Trustee,” adds the following language: “...and a cotrustee, <u>whether or not appointed or confirmed by a court.</u>”</p> <p>Adds subsection (21): ‘<u>Distributee</u>’ means <u>any person who receives property of a Trust from a Trustee, other than as creditor or purchaser.</u></p> <p>Adds subsection (22): ‘<u>Interested person</u>’ or ‘<u>interested party</u>’ means <u>any person or party deemed to be a necessary or proper party under Rule 19 of the South Carolina Rules of Civil Procedure.</u></p> <p>Adds subsection (23): ‘<u>Internal Revenue Code</u>’ means <u>the Internal Revenue Code, as amended from time to time. Each reference to a provision of the Internal Revenue Code shall include a successor or amendment thereto.</u></p> <p>Adds subsection (24): ‘<u>Serious breach of trust</u>’ means <u>either: a single act that causes significant harm or involves flagrant misconduct, or a series of smaller breaches, none of which individually justify removal</u></p>	<p><u>date the beneficiary’s qualification is determined.</u>”</p> <p>In paragraph 14(b) [UTC 13(b)], replaces references to “distributees” with “permissible distributees.” Also omits the language “...<i>without causing the trust to terminate</i>” and adds “...<u>the beneficiary’s qualification is determined.</u>”</p> <p>In paragraph (14)(c) [UTC 13(c)], replaces references to “distributees” with “permissible distributees.” Also adds “...<u>the beneficiary’s qualification is determined.</u>”</p> <p>In subsection (16) [UTC (15)] defining “Settlor,” replaces the phrase “...except to the extent another person has the power to revoke or withdraw that portion” with “<u>and of the portion as to which that person has the power to revoke or withdraw.</u>”</p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>when considered alone, but which do so when considered together.</u></p> <p>Also adds the following language to the end of the section: <u>The terms and definitions contained in the South Carolina Probate Code that do not conflict with the terms defined in this section shall remain in effect for the South Carolina Trust Code.</u></p>		
§104					
§105	<p>X</p> <p>Omits the italicized language from subpart (b)(2): “the duty of a trustee to act in good faith and in accordance with <i>the terms and purposes of the trust and the interests of the beneficiaries.</i>”</p> <p>Omits optional subparts (b)(8) and (b)(9).</p> <p>Omits subpart (b)(10).</p>	<p>X</p> <p>Omits the italicized language from subpart (b)(2): “the duty of a trustee to act in good faith and in accordance with <i>the terms and purposes of the trust and the interests of the beneficiaries.</i>”</p> <p>Omits optional subparts (b)(8), (b)(9), and (b)(14).</p>	<p>X</p> <p>Omits the italicized language from subpart (b)(2): “the duty of a trustee to act in good faith and in accordance with <i>the terms and purposes of the trust and the interests of the beneficiaries.</i>”</p> <p>In paragraph (b)(3), omits the requirement that the purpose of the trust not be contrary to public policy.</p> <p>Omits UTC paragraph (b)(6).</p> <p>Omits optional UTC paragraphs (b)(8) and (b)(9).</p>	<p>X</p> <p>Omits the italicized language from subpart (2)(b) [UTC (b)(2)]: “the duty of a trustee to act in good faith and in accordance with <i>the terms and purposes of the trust and the interests of the beneficiaries.</i>”</p> <p>In paragraph (2)(h) [UTC (b)(8)] adds “<u>Subject to subsection (3) of this section</u>, the duty...” and omits the requirement that qualified beneficiaries have attained the age of 25.</p> <p>In paragraph (2)(i) [UTC (b)(9)] adds “<u>Subject to subsection (3) of this section</u>, the duty...”</p> <p>Adds new subsection (3): <u>(3) The settler, in the trust instrument or in another writing delivered to the trustee, may waive or modify the duties of a trustee under section 71 of this</u></p>	<p>X</p> <p>Omits UTC subsections (6) through (9).</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<u>2005 Act to give notice, information and reports to qualified beneficiaries by:</u> <u>(a) Waiving or modifying those duties during the period that either the settler is alive and financially capable, or the settlor's spouse, if a qualified beneficiary, is alive and financially capable; or</u> <u>(b) Designating a person or persons to act in good faith to protect the interests of qualified beneficiaries and to receive any notice, information or reports required under section 71(1), (2)(b) and (2)(c) of this 2005 Act in lieu of providing the notice, information, or reports to the qualified beneficiaries.</u>	
§106					
§107			X In subsection (1), adds the following language: “..designated in the terms <u>unless the designation of that jurisdiction's law is contrary to a strong public policy of the jurisdiction having the most significant relationship to the matter at issue</u> ”	X Throughout this section the word “jurisdiction” is replaced with “ <u>state, country or other jurisdiction.</u> ” [this change continues throughout Oregon's enactment.]	
§108	X Adds subsection (g): <u>Subsections (d) and (e) of this section apply only to irrevocable trusts created on or after September 1, 2005 and to revocable trusts which</u>	X In subsection (A), substitutes “ <u>inter vivos trust</u> ” for “trust.” Omits UTC subsection (b).	X Adds new subsection (a): <u>Unless otherwise designated by the terms of a trust, the principal place of administration of a trust is the trustee's usual place of</u>	X In subsection (1) [UTC (a)] omits the language: “ <i>Without precluding other means for establishing a sufficient connection to the designated</i>	X Omits UTC subsection (b) Changes subsection (b) [UTC (c)] to read: “...administration to another <u>jurisdiction in</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
	<p><u>became irrevocable on or after September 1, 2005.</u></p>	<p>Changes subsection (B) [UTC (c)] to read “...disapprove a transfer, the trustee <u>of an inter vivos trust...</u>” Omits the phrase “in furtherance of the duty prescribed by subsection (b),” and adds to the end of the section: “...jurisdiction outside the United States <u>that is appropriate to the trust’s purposes, its administration, and the interests of the beneficiaries.</u>”</p> <p>In subsection (C) [UTC (d)], adds the following language to the beginning: “<u>When the proposed transfer of a trust’s principal place of administration is to another state or to a jurisdiction outside of the United States, the trustee shall...</u>” Also adds the following: “<u>A corporate trustee that maintains a place of business in the Commonwealth where one or more trust officers are available on a regular basis for personal contact with trust customers and beneficiaries shall not be deemed to have transferred its principal place of administration if all or significant portions of the administration of the trust are performed outside the Commonwealth.</u>”</p> <p>In subsection (D) [UTC (e)], adds the following: “...place of administration <u>to another state or to a jurisdiction outside of the United States</u> terminates if...”</p>	<p><u>business where the records pertaining to the trust are kept, or at the trustee’s residence if he has no such place of business. In the case of cotrustees, the principal place of administration, if not otherwise designated in the trust instrument, is (1) the usual place of business of the corporate trustee if there is but one corporate cotrustee, or (2) the usual place of business or residence of the individual trustee who is a professional fiduciary if there is but one such person and no corporate cotrustee, and otherwise (3) the usual place of business or residence of any of the cotrustees as agreed upon by them.</u></p> <p>In subsection (e) [UTC (d)] adds the following language: “<u>Unless otherwise designated in the trust, the trustee shall...</u>”</p>	<p><i>jurisdiction</i>, terms of a trust...”</p> <p>Adds paragraph (1)(c): <u>Other means exist for establishing a sufficient connection with the designated state, country or other jurisdiction.</u></p> <p>In subsection (2) [UTC (b)] adds the following: <u>Absent a substantial change of circumstances, the trustee may assume that the original place of administration is also the appropriate place of administration. The duty to administer the trust at an appropriate place may prevent a trustee from moving the place of administration.</u></p> <p>In paragraph (3)(a) [UTC (c)], omits the following: “<i>Without precluding the right of the court to order, approve, or disapprove a transfer, a trustee...</i>”</p> <p>Moves UTC subsection (d) to paragraph (3)(b).</p>	<p><u>accordance with this subsection.”</u></p> <p>Adds new paragraph (b)(1): <u>If the trustee is transferring the trust’s principal place of administration to another state, the trustee must provide written notice of the proposed transfer to the qualified beneficiaries of the trust not less than 60 days before initiating the transfer. If no qualified beneficiary notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice, the trustee may make the transfer. If a qualified beneficiary notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice, the authority of the trustee to transfer the trust’s principal place of administration in accordance with this section terminates.</u></p> <p>Adds new paragraph (b)(2): <u>If the trustee is transferring the trust’s principal place of administration to a jurisdiction outside of the United States, the trustee must provide written notice of the proposed transfer to the qualified beneficiaries of the trust, and the transfer cannot be made until the written consent of all the qualified beneficiaries is obtained.</u></p> <p>Changes subsection (c) [UTC</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		Adds subsection (F): <u>The court, for good cause shown, may transfer the principal place of administration of a testamentary trust to another state or to a jurisdiction outside of the United States upon such conditions, if any, as it may deem appropriate.</u>			(d)] to read: [UTC (d)] to read: <u>Anytime a trustee is required to provide a qualified beneficiary with written notice of a proposed transfer of a trust’s principal place of administration, the notice of proposed transfer must include:”</u> Adds to paragraph (c)(5): <u>If the proposed transfer is to another state, the date...</u> Omits UTC subsection (e).
§109		X In subsection (A), the word “must” is replaced with “ <u>shall</u> .”	X Omits UTC subsection (d), adds new sections: (d) <u>If notice of a hearing on any petition is required and, except for specific notice requirements as otherwise provided, the petitioner shall cause notice of the time and place of hearing of any petition to be given to any interested person or his attorney if he has appeared by attorney or requested that notice be sent to his attorney. Notice shall be given:</u> <u>(1) by mailing a copy thereof at least twenty days before the time set for the hearing by certified, registered, or ordinary first class mail addressed to the person being notified at the post office address given in his request for notice, if any, or at his office or place of</u>	X Subsection (1) [UTC (a)] is reworded, but retains the same meaning. In subsection (2) [UTC (b)] there is some rewording, and the following is added: <u>If the trustee or other person cannot give notice or send a document, the trustee or other person shall prepare an affidavit setting forth the efforts made to find the person. The trustee must file the affidavit in any pending court proceeding or hold the affidavit as part of the trust records if a court proceeding is not pending.</u> In subsection (4) [UTC (d)] adds that notice of judicial proceeding is given for the approval of the final amount in the decedent’s estate. Also specifies that notice must be given to the following: (a) <u>To the trustee and all persons</u>	X Rephrases subsection (c): <u>The person to be notified or to be sent a document may waive notice under this Chapter.</u> Changes subsection (d) to read: “...must be given as provided in <u>Article 2 of this Chapter.</u> ”

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p>residence, if known: (2) by delivering a copy thereof to the person being notified personally at least twenty days before the time set for the hearing; or (3) if the address or identity of any person is not known and cannot be ascertained with reasonable diligence by publishing a copy thereof in the same manner as required by law in the case of the publication of a summons for an absent defendant in the court of common pleas. (e) The court for good cause shown may provide for a different method or time of giving notice for any hearing. (f) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding.</p>	<p>whose interests are affected by the requested action or relief. (b) If a person who is entitled to notice is a minor, to the minor's conservator or to another appropriate representative under sections 16 to 20 of this 2005 Act if the minor does not have a conservator. If the minor is 14 years of age or older, notice must also be given to the minor. (c) If a person who is entitled to notice is financially incapable, to the person and to the person's conservator or another appropriate representative under sections 16 to 20 of this 2005 Act if the person does not have a conservator. (d) to any other person the court requires.</p> <p>Adds new subsection (5): <u>A judicial proceeding to contest the validity of a revocable trust must be commenced by the service of a summons in the manner required by ORCP 7. Notice of any other judicial proceeding must be given in the manner prescribed by subsection (4) of this section.</u></p>	
§110		<p>X</p> <p>In subsection (D), the following language is added: <u>...but need not be given notices or information required under §§ 55-547.05 and 55-548.13 unless otherwise requested.</u></p>	<p>X</p> <p>Omits optional subsection (d).</p>	<p>X</p> <p>Omits UTC subsection (a).</p> <p>In subsection (1) [UTC (b)], the language beginning "...on the date..." is omitted, including all paragraphs thereunder. The following is added: "if the</p>	<p>X</p> <p>Omits UTC subsection (a).</p> <p>Adds to paragraph (a)(2) <u>...but the termination of those interests would not cause the trust to terminate.</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				charitable organization <u>is otherwise a qualified beneficiary as defined in section 3 of this 2005 act.</u> In subsection (3) [UTC (d)] adds: <u>...unless contingencies make the charitable interest negligible.</u>	Omits optional subsection (d).
§111			X Omits UTC subsections (b) and (c). Changes the language of UTC (d) to read: <u>“Interested parties may enter into a binding nonjudicial settlement agreement with respect to only the following trust matters:”</u> Omits UTC paragraph (d)(1). Changes paragraph (b)(2) [UTC (d)(3)] to: <u>“direction of a trustee to perform or refrain from performing a particular administrative act or the grant to a trustee of any necessary or desirable administrative power.”</u> UTC subsection remains subsection (e) in the South Carolina enactment, though there is no subsection (c) or (d) in South Carolina.	X Subsection (1) [UTC (a)] is changed to read <u>“...’interested persons’ means any settler of a trust who is living, all beneficiaries of the trust who have an interest in the subject of the agreement, any acting trustee of the trust, and the Attorney General if the trust is a charitable trust subject to the enforcement or supervisory powers of the state or the Attorney General under the provisions of ORS 128.610 to 128.750.</u> In subsection (4) [UTC (d)] adds paragraph (g): <u>Determining classes of creditors, beneficiaries, heirs, next of kin or other persons. And paragraph (h): Resolving disputes arising out of the administration or distribution of the trust.</u> In subsection (5) [UTC (e)] adds the following: <u>“...to determine whether the representation as provided in sections 16 to 20 of this 2005 Act was adequate and</u>	X Incorporates the paragraphs from UTC subsection (d) under subsection (b). Omits UTC (d)(1). Changes (b)(2) [UTC (d)(3)] to read: <u>“Direction to a trustee to perform or to refrain from performing a particular administrative act or the grant to a trustee of any necessary or desirable administrative power, including a power granted under G.S. 36C-8-816.</u> Changes (b)(5) [UTC (d)(6)]: <u>“liability of a trustee for an action taken under subdivisions (1) through (4) of this subsection.”</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				to determine whether the agreement...” Adds subsection (6): <u>Modification or termination of an irrevocable trust by nonjudicial settlement agreement is governed by section 31 of this 2005 Act.</u>	
§112 (optional section)		X Omits this section.		X Omits this section.	
§201		X Prefaces subsection (B) with: “ <u>Except as provided in Title 26,</u> a trust...”	X Replaces this section with language from the former South Carolina Probate Code.		X In subsection (b) adds: “...judicial supervision, <u>except as provided in G.S. 36C-2-208 and G.S. 36C-2-209,</u> unless ordered...”
§202					
§203	X Combines [UTC] subsections (a) and (b).	X Omits this optional section.	X Omits this optional section.	X Replaces this section with the following: <u>The circuit court has jurisdiction of proceedings in this state concerning the administration of a trust.</u>	X Replaces this section with a subject matter jurisdiction section unique to North Carolina.
§204	X Omits this optional section.	X Omits this optional section.	X In subsection (b), omits the language that says venue for judicial appointment of a trustee can be in a county in which a beneficiary resides. Also in this subsection, <i>adds</i> language that states that such a judicial proceeding may take place in a county where the last Trustee	X UTC subsection (a) is divided into subsections (1) and (2).	X Replaces this section with a venue section unique to North Carolina.

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p>had its principal place of administration.</p> <p>Adds subsection (c): <u>If proceedings concerning the same trust could be maintained in more than one place in South Carolina, the court in which the proceeding is first commenced has the exclusive right to proceed.</u></p> <p>Adds subsection (d): <u>If proceedings concerning the same trust are commenced in more than one court of South Carolina, the court in which the proceeding was first commenced shall continued to hear the matter, and the ot her courts shall hold the matter in abeyance until the question of venue is decided, and, if the ruling court determines that venue is properly in another court, it shall transfer the proceeding to the other court.</u></p> <p>Adds subsection (e): <u>If a court finds that, in the interest of justice, a proceeding or file concerning a trust should be in another court in South Carolina, the court making the finding may transfer the proceeding or file to the other court.</u></p>		
§301		X In subsection (B), adds the following: “...objects to the	X Adds subsection (a): <u>For purposes of this part,</u>	X In subsection (1) [UTC (a)] adds: <u>Notice to a representative</u>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		representation <u>by notifying the trustee or the representative</u> before the consent...”	<p><u>‘beneficiary representative’ refers to a person who may represent and bind another person concerning the affairs of trusts.</u> Throughout the remainder of the section, the phrase “a person who may represent and bind another person” is replaced with ‘beneficiary representative.’</p> <p>In subsection (b) [UTC (a)] adds the following: <u>Notice of a hearing on any petition in a judicial proceeding must be given pursuant to Section 62-7-109(d).</u></p> <p>Omits optional UTC subsection (d), adds new subsection (e): <u>In judicial proceedings, orders binding a beneficiary representative under this part bind the person(s) represented by that beneficiary representative.</u></p>	<p><u>must comply with section 9 (4) of this 2005 Act.</u></p> <p>In subsection (3) [UTC (c)] replaces “settlor who lacks capacity” with “<u>financially incapable settlor.</u>”</p>	
§302			<p>X</p> <p>Changes the first sentence to read: “To the extent there is no conflict of interest between the holder of a <u>presently exercisable general power of appointment...</u>”</p> <p>Adds the following language to the end of the section: <u>The term ‘presently exercisable general power of appointment’ includes a testamentary general power of</u></p>		<p>X</p> <p>Adds to the beginning of the section: <u>The sole holder or all coholders of a power of revocation or a presently exercisable general power of appointment, including one in the form of a power of amendment, shall represent other persons to the extent that their interests, as permissible appointees, takers in default, or otherwise, are subject to the</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<u>appointment having no conditions precedent to its exercise other than the death of the holder, the validity of the holder's last Will and Testament and the inclusion of a provision in the Will sufficient to exercise this power.</u>		<u>power.</u>
§303		X In subsection (1), replaces "[conservator]" with " <u>conservator or guardian of the estate.</u> " In subsection (2), replaces "[conservator]" with " <u>conservator or guardian.</u> " Adds subsection (7): <u>If a minor or unborn person is not otherwise represented under this section, a grandparent or more remote ancestor may represent and bind that minor or unborn person.</u>	X In subsection (a), changes the phrase "between the representative and the person represented..." to read "between the <u>following beneficiary representatives</u> and the person represented..." In paragraph (a)(1) [UTC subsection (1)], adds the following: "...the conservator controls <u>to the extent of the powers and authority conferred upon conservators generally or by court order.</u> " In paragraph (a)(2) [UTC subsection (2)] adds the following language: "...has not been appointed <u>to the extent of the powers and authority conferred upon guardians generally or by court order.</u> " Changes paragraph (a)(3) [UTC subsection (3)] to read: In paragraph (a)(4) [UTC subsection (4)], adds the following: ...bind the beneficiaries of the trust <u>with</u>	X Omits UTC subsection (2).	X In subsection (1) replaces "[conservator]" with " <u>general guardian or a guardian of the estate.</u> " In subsection (2) replaces "[guardian]" with " <u>guardian of the person</u> " and "[conservator]" with " <u>general guardian or guardian of the estate.</u> " In subsection (3) adds: " <u>an agent under a power of attorney having authority...</u> " In subsection (6) substitutes the appropriate guardian titles, and adds: <u>If a disagreement arises between parents seeking to represent the same minor child, the parent who is a beneficiary of the trust that is the subject of the representation is entitled to represent the minor child or, if no parent is beneficiary of the trust that is the subject of the representation, a parent who is a lineal descendant of the settler is entitled to represent the minor child, or if no parent is a lineal descendant of the settler, a</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>respect to questions or disputes involving the trust.”</u></p> <p>Adds to paragraph (a)(5) [UTC subsection (5)]: <u>...with respect to questions or disputes involving the decedent’s estate;</u></p> <p>Adds subsection (b): <u>The order in which the beneficiary representatives are listed above sets for th the priority each such beneficiary representative has relative to the others. In any judicial proceeding or upon petition to the court, the court for good cause may appoint a beneficiary representative having lower priority or a person having no priority.</u></p>		<p><u>guardian ad litem shall be appointed to represent the minor child.</u></p> <p>Adds new subsection (7): <u>A person may represent and bind that person’s unborn issue.</u></p>
§304		<p>X</p> <p>Adds the following language: “...there is no conflict of interest <u>with respect to the particular question or dispute</u> between the...”</p>	<p>X</p> <p>Adds the word beneficiary to the phrase “...between the <u>beneficiary</u> representative and the person represented...”</p> <p>Adds the following language: “...<u>and provided the interest of the person represented is adequately represented by the beneficiary representative.</u>”</p>	<p>X</p> <p>In subsection (1) [UTC (a)] add the following language: “...whose identity or location is unknown <u>and not reasonably ascertainable.</u> A special representative may be appointed to represent several persons or interests, <u>if the interests of the persons represented do not conflict.</u>”</p> <p>In subsection (2) [UTC (b)] the phrase “with respect to any matter arising under this code” is replaced with “with respect to any matter <u>that the court has authorized.</u>”</p> <p>Adds the following subsections:</p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p><u>(4) A person appointed as special representative must have appropriate skills and experience necessary to adequately represent the individual in the matter for which the special representative is appointed. A special representative may not have an interest in the trust that is the subject of the appointment of the special representative. A special representative may not be related to a personal representative of an estate with an interest in the trust, or to a trustee, an estate with an interest in the trust, or to a trustee, beneficiary or other person with an interest in the trust.</u></p> <p><u>(5) A person requesting the appointment of a special representative must file a petition with the court describing the proposed special representative, the need for a special representative, the qualifications of the special representative, the person or persons who will be represented, the actions that the special representative will take and the approximate date or even when the authority of the special representative will terminate. The person seeking to serve as special representative must file a consent to serve.</u></p> <p><u>(6) A special representative appointed under this section is entitled to reasonable compensation for services. The trustee shall pay compensation</u></p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p><u>to the special representative from the principal of the trust that is attributable to those beneficiaries who are represented. If the beneficiaries who are represented do not have principal that is attributable to them, compensation is an administrative expense of the trust.</u></p> <p><u>(7) Upon completion of the responsibilities of the special representative, the special representative shall move the court for an order discharging the special representative. Upon order of the court, a special representative appointed under this section shall be discharged from further responsibility with respect to the trust.</u></p>	
§305			<p style="text-align: center;">X</p> <p>Replaces this section with the following: <u>At any point in a judicial proceeding, a court may appoint a guardian ad litem to represent the interest of a minor, an incapacitated, unborn, or ascertained person, or a person whose identity or address is unknown, if the court determines that representation of the interest otherwise would be inadequate. If not precluded by conflict of interests, a guardian ad litem may be appointed to represent several persons interests. The court shall set out its reasons for appointing a guardian ad litem as part of the record of the</u></p>		<p style="text-align: center;">X</p> <p>Changes subsection (c) to read: “...a representative, <u>including a guardian ad litem, may base a decision to consent to an action upon a finding that living members of the individual’s family would generally benefit from that action.</u>”</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<u>proceeding.</u>		
§401			<p style="text-align: center;">X</p> <p>In paragraph (a)(2) [UTC subsection (2)], requires that the declaration be written and signed by the owner of the property.</p> <p>Adds subsection (b): <u>When any conveyance shall be made of any lands or tenements by which a trust or confidence shall or may arise or result by the implication or construction of law or be transferred or extinguished by act or operation of law, such trust or confidence shall be of like force and effect as it would have been without Section 62-7-401(a).</u></p> <p>Adds subsection (c): <u>A revocable inter vivos trust may be created either by declaration of trust or by a transfer of property and is not rendered invalid because the settler retains substantial control over the trust including, but not limited to, (1) a right of revocation, (2) substantial beneficial interests in the trust, or (3) the power to control investments or reinvestments. Nothing herein, however, shall prevent a finding that a revocable inter vivos trust, enforceable for other purposes, is illusory for purposes of determining a spouse's elective share rights under Section 62-2-201 et seq. A finding that a</u></p>	<p style="text-align: center;">X</p> <p>Moves UTC section 401 to subsection (1) and adds paragraph (1)(d): <u>By an agent or attorney-in-fact under a power of attorney that expressly grants authority to create the trust; or</u></p> <p>Adds paragraph (1)(e): <u>Pursuant to a statute or judgment that requires property to be administered in the manner of an express trust.</u></p> <p>Adds new subsection (2) addressing the creation of trusts for death benefits.</p>	<p style="text-align: center;">X</p> <p>In subsection (1) adds: “Transfer of property <u>by a settler</u> to a person...”</p> <p>In subsection (2) adds: “...hold identifiable property as trustee <u>unless the transfer of title of that property is otherwise required by law; or</u>”</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<u>revocable inter vivos trust is illusory and thus invalid for purposes of determining a spouse's elective share rights under Section 62-2-201 et seq. shall not render that revocable inter vivos trust invalid, but would allow inclusion of the trust assets as part of the probate estate of the settlor only for the purpose of calculating the elective share and would make available the trust assets for satisfaction of the elective share only to the extent necessary under Section 62-2-207.</u>		
§402			<p style="text-align: center;">X</p> <p>In paragraph (1)(5), changes “sole beneficiary” to “sole <u>current and future beneficiary</u>”</p> <p>Adds subsection (d): <u>For purposes of Section 62-7-402(a)(5), if a person holds legal title to property in a fiduciary capacity and also has an equitable or beneficial title in the same property, either by transfer, by declaration, or by operation of law, no merger of the legal and equitable titles shall occur unless:</u></p> <p style="margin-left: 40px;"><u>(1) the fiduciary is the sole fiduciary and is also the sole current and future beneficiary;</u> <u>and</u></p> <p style="margin-left: 40px;"><u>(2) the legal title and the equitable title are of the same quality and duration.</u></p>		

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<u>If either one of these conditions is not met, no merger may occur and the fiduciary relationship does not terminate.</u>		
§403					
§404		X Replaces the word “shall” with “ <u>must</u> ” in the sentence “A trust and its terms <u>shall</u> be for the benefit of its beneficiaries.”	X Drops the requirement that trusts must not be “contrary to public policy”		
§405			X In subsection (a), “a charitable trust may be created for the relief of <u>distress or poverty</u> , the advancement of education or religion, the promotion of health, <u>scientific, literary, benevolent, governmental....</u> ” In subsection (c), the parties that can maintain a proceeding to enforce a trust also include the trustee and the Attorney General. Adds the following subsections: <u>(d) Unless excepted by statute or rule or regulation of the Attorney General, the trustees of charitable trusts in existence on the effective date of this article, or thereafter created, under the laws of this State, shall file a certified copy of the trust instrument with the Attorney General within ninety days after such date or within sixty days after the creation of the trust,</u>	X In subsection (3) [UTC (c)] replaces the words “among others” with “ <u>in addition to other persons authorized by law or the trust instrument.</u> ” Adds subsection (4): <u>A court may modify or terminate any trust of property for charitable purposes only if the Attorney General is a party to the proceedings.</u>	X In subsection (a) adds: “...the promotion of health, <u>scientific, benevolent, literary, governmental or municipal...</u> ” Omits UTC (b) and (c). Adds new subsection (b): <u>It is the policy of the State that a gift for charitable purposes, whether in trust or otherwise, is valid., notwithstanding the fact that the gift is made in general terms, and this section shall be construed liberally to effect this policy.</u> Adds new subsection (c): <u>No gift for charitable purposes, whether in trust or otherwise, is void or invalid because:</u> <u>(1) The gift is in general terms or is uncertain as to the specific charitable purposes;</u> <u>(2) When the gift is made in trust, the trustee is granted discretionary powers in the</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>whichever is later.</u></p> <p><u>(e) The Attorney General may make such rules and regulations relating to the information to be contained with the filing of a trust as required by this part.</u></p> <p><u>(f) All trustees of any trust governed by the laws of this State whose governing instrument does not expressly provide that this section shall not apply to such trust are required to act or to refrain from acting so as not to subject the trust to the taxes imposed by Sections 4941, 4942, 4943, 4944, or 4945 of the Internal Revenue Code, or corresponding provisions of any subsequent United States internal revenue law.</u></p> <p><u>(g) Nothing contained in Sections 33-31-150 and 33-31-151 may be construed to cause a forfeiture or reversion of any of the property of a trust which is subject to such sections, or to make the purposes of the trust impossible of accomplishment.</u></p>		<p><u>selection and designation of the beneficiaries of that charitable trust or in carrying out the purpose of the trust;</u></p> <p><u>(3) The trustee or other recipient of the gift is given no specific instructions, powers, or duties as to the manner or means of carrying out those charitable purposes; or</u></p> <p><u>(4) The gift contravenes any statute or rule against perpetuities.</u></p> <p>Adds new subsection (d): <u>When any gift is made in general terms, the trustee or other recipient of the gift may:</u></p> <p><u>(1) Select from time to time one or more specific charitable beneficiaries or purposes for which any trust or property or income is held and administered; and</u></p> <p><u>(2) Determine the means to accomplish those charitable purposes, unless otherwise provided, including the creation of corporations or other legal entities for those purposes.</u></p> <p>Adds new subsection (e): <u>For purposes of this section, the reference to a “gift” includes both inter vivos and testamentary gifts, grants, and other transfers.</u></p>
§406					<p>X</p> <p>Changes “A trust is void...” to read “A trust is <u>voidable</u>...”</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
§407					
§408			<p style="text-align: center;">X</p> <p>Rewords subsection (a) and changes it to explicitly apply to animals “<u>in gestation</u>” during settlor’s lifetime.</p>	<p style="text-align: center;">X</p> <p>In subsection (1) [UTC (a)] adds: <u>An oral or written declaration shall be liberally construed in favor of finding the creation of a trust under this section. There is a presumption against merely precatory or honorary disposition on behalf of an animal.</u></p> <p>In subsection (2) [UTC (b)] adds: <u>Reasonable compensation for a person appointed by the court may be paid from the assets of the trust.</u></p> <p>Subsection (3) [UTC (c)] omits the language beginning “<i>except to the extent the court determines...</i>” and adds <u>Upon termination of the trust, property of the trust must be distributed to those persons designated in the trust. In the absence of a designation, the property shall be distributed to the settler if the settler is living when the distribution is made, or to the settlor’s successors in interest if the settler is not living when the distribution is made.</u></p> <p>Adds subsection (4): <u>Except as ordered by a circuit court or required by the trust instrument, a trustee for a trust authorized under this section need not pay any fee or make any filing.</u></p>	<p style="text-align: center;">X</p> <p>Replaces this section with a new “Trust for care of animal” section unique to North Carolina.</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<u>report, registration, periodic accounting, separate maintenance of funds or appointment by reason of the existence of the fiduciary relationship of the trustee. A person appointed to enforce the trust may request a report under section 71 (3) of this 2004 Act.</u>	
§409			X In subsection (1), the phrase “The trust may not be enforced for more than 21 years” is replaced by: <u>The trust may not be enforced for more than the period allowed under the South Carolina Uniform Statutory Rule Against Perpetuities (S.C. Code Section 27-60-10 et. Seq.), except for the care and maintenance of a cemetery or cemetery plots, graves, mausoleums, columbaria, grave markers, or monuments.</u>	X In subsection (1), the time limit for the trust is changed from 21 years to 90 years. In subsection (3), the language beginning “ <i>Except as otherwise provided</i> ” is replaced with: <u>Trust property not required for the intended use must be distributed to those persons designated in the trust. In the absence of a designation, the property shall be distributed to the settlor if the settlor is living when the distribution is made or to the settlor’s successors in interest if the settlor is not living when the distribution is made.</u>	X Adds new subsection (4): <u>Notwithstanding subdivisions (1) through (3) of this section, a trust, contract, or other arrangement to provide for the care of a cemetery lot, grave, crypt, niche, mausoleum, columbarium, grave marker, or monument is valid without regard to remoteness of vesting, duration of the arrangement, or lack of definite beneficiaries to enforce the trust, provided that the trust, contract, or other arrangement meets the requirements of G.S. 28A-19-10, Article 4 of Chapter 65 of the General Statutes, Article 9 of Chapter 65 of the General Statutes, or other applicable law. This section does not repeal or supersede G.S. 36C-4-413.</u>
§410		X Subsection (b) omits the optional language “ <i>and a proceeding to approve or disapprove a proposed modification or termination under Section 411</i> ”	X Omits the following language from subsection (a): <i>...no purpose of the trust remains to be achieved, or the purposes of the trust have become unlawful,</i>		X Rewords subsection (b) but retains essentially the same meaning. Adds: <u>A trustee is a necessary party to any proceeding under this section.</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		<i>may be commenced by the settler.</i>	<i>contrary to public policy, or impossible to achieve.</i> In subsection (b), the language is changed to read “The settler of the charitable trust <u>as well as the Attorney General, among others,</u> may maintain a proceeding...”		Adds new subsection (c): <u>Jurisdiction of a proceeding brought under this section is as provided in G.S. 36C-2-203.</u>
§411	X In subsection (a), omits the optional language: “ <i>If, upon petition, the court finds that the settler and all beneficiaries consent to modification or termination of a noncharitable irrevocable trust, the court shall approve the modification or termination even if the modification or termination is inconsistent with a material purpose of the trust.</i> ” Also omits the optional language at the end of (a): “ <i>This subsection does not apply to irrevocable trusts created before or to revocable trusts that become irrevocable before the effective date of this [Code] [amendment].</i> ”	X In subsection (a), omits the optional sentence “A noncharitable irrevocable trust may be modified or terminated upon consent of the settlor and all beneficiaries, even if the modification or termination is inconsistent with a material purpose of the trust.” Also in subsection (a), changes the phrase “the court shall approve the modification” to read “the court shall <u>enter an order approving</u> the modification...” Also in subsection (a), omits the optional sentence: “ <i>This subsection does not apply to irrevocable trusts created before or to revocable trusts that become irrevocable before the effective date of this [Code] [amendment].</i> ” Omits optional subsection (c).	X In subsection (a), changes the first sentence to read “...may be modified or terminated <u>with court approval</u> upon consent...” Omits the second optional sentence beginning “ <i>If, upon petition...</i> ” Also omits the final optional sentence of the subsection beginning “ <i>This subsection does not apply...</i> ” Omits optional subsection (c). In subsection (c) [UTC (d)], the trustee distributes trust property “ <u>as ordered by the court</u> ” rather than “as agreed by the beneficiaries.”	X In subsection (1) [UTC (a)], the optional language beginning “ <i>If, upon petition...</i> ” and “ <i>This subsection does not...</i> ” is omitted. Adds: <u>The attorney general must consent to any modification or termination of a charitable trust, unless contingencies make the charitable interest negligible.</u> Also, the language beginning “A settlor’s power to consent...” is divided into paragraphs (a)-(c). In subsection (2) [UTC (b)] the following is added: <u>The Attorney General must consent to any modification or termination of a charitable trust, unless contingencies make the charitable interest negligible.</u> In subsection (3) [UTC (c)] the language “is not presumed to constitute” is replaced with “is <u>rebuttably presumed</u> to constitute...” In subsection (4) [UTC (d)], the following is added: <u>and, in the case of a charitable trust</u>	X In subsection (a), the optional language beginning “ <i>If, upon petition...</i> ” and “ <i>This subsection does not...</i> ” is omitted. Omits optional UTC subsection (c) and (d). Adds new subsection (c): <u>Where the beneficiaries of an irrevocable trust seek to compel a termination of the trust and the continuance of the trust is necessary to carry out a material purpose of the trust, or where the beneficiaries seek to compel a modification of the trust in a manner that is inconsistent with its material purpose, the trust may be modified or terminated in the discretion of the court, only if the court determines that the reason for modifying or terminating the trust under the circumstances substantially outweighs the interest in accomplishing a material purpose of the trust.</u> In subsection (d) [UTC (e)] adds: “...under subsection (a), (b) or (c) of this section, the

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p><u>requiring the Attorney General's consent, as agreed to by the Attorney General.</u></p> <p>Subsection (5) [UTC (e)] is reworded but retains the same meaning.</p> <p>Adds subsections (6), (7) and (8) detailing the filing of an agreement or memorandum to the modification or termination.</p>	<p>modification..."</p> <p>Adds new subsection (e): <u>Jurisdiction of a proceeding brought under this section shall be as provided in G.S. 36C-2-203.</u></p>
§412	<p>X</p> <p>Adds to the beginning of (a): <u>In addition to the procedure available under §§ 28-69-401 – 28-69-403, a court may...</u></p>	<p>X</p> <p>In subsection (a), replaces the word "must" with "<u>shall</u>."</p>	<p>X</p> <p>In subsection (c), trustee distributes property upon termination of the trust "<u>as ordered by the court</u>" rather than in a manner consistent with the purposes of the trust.</p>		<p>X</p> <p>Replaces the language of subsection (c): <u>Jurisdiction of a proceeding brought under this section shall be as provided in G.S. 36C-2-203.</u></p>
§413	<p>X</p> <p>Changes subpart (b)(2) from "fewer than 21 years" to "less than thirty (30) years."</p>		<p>X</p> <p>The section title is changed from "Cy pres" to "<u>Equitable deviation</u>," and the term "cy pres" is omitted throughout the section.</p> <p>In paragraph (b)(2), the 21 year requirement is replaced by "<u>the number of years allowed under the South Carolina Uniform Statutory Rule Against Perpetuities (S.C. Code Section 27-6-10 et seq.)</u>."</p>	<p>X</p> <p>In paragraph (2)(b) [UTC (b)(2)] the limit on years elapsed since the date of the trust's creation is increased from 21 to 50.</p>	<p>X</p> <p>Omits UTC subsection (b).</p> <p>Adds new subsection (b): <u>The settler or a trustee of a charitable trust, the Attorney General, a beneficiary, or any other interested party may maintain a cy pres proceeding under Article 2 of this Chapter.</u></p> <p>Adds new subsection (c): <u>In every cy pres proceeding, the Attorney General shall be notified and given an opportunity to be heard.</u></p> <p>Adds new subsection (d): <u>This section is not applicable if the</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>settler has provided, either directly or indirectly, for an alternative plan in the event that the charitable trust is or becomes unlawful, impracticable, impossible to achieve, or wasteful. However, if the alternative plan is also a charitable trust and that trust fails, the intention shown in the original plan shall prevail in the application of this section.</u>
§414	X In subsection (a), raises the maximum value of the trust that can be terminated to \$100,000 from \$50,000.	X In subsection (a), raises the maximum value of the trust that can be terminated to \$100,000 from \$50,000.	X In subsection (a), raises the maximum value of the trust that can be terminated to \$100,000 from \$50,000. In subsection (c), upon termination of the trust the trustee must distribute the property first as ordered by the court, and if the court hasn't specified the manner of distribution, in a manner consistent with the purposes.	X In subsection (a), omits the language stating the value threshold for an "uneconomic trust." Also adds the following language: <u>A trustee may not terminate a trust under this section if the trustee is a beneficiary of the trust or has a duty of support for a beneficiary of the trust.</u>	X Adds the following to the end of subsection (a): <u>The trustee may enter into an agreement or make other provisions that the trustee deems necessary or appropriate to protect the interests of the beneficiaries and to carry out the intent and purpose of the trust. This subsection shall not apply where the instrument creating the trust, by specific reference to this section, or to former G.S. 36A-125.6, provides that it shall not apply. The trustee shall not be liable for the termination and distribution notwithstanding the existence or potential existence of other beneficiaries who are not sui juris. Any beneficiary receiving a distribution from a trust terminated under this section shall incur no liability and shall not be required to account to anyone for such distribution.</u> Omits UTC subsection (c).

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					Adds new subsection (d): <u>Jurisdiction of a proceeding brought under this section is as provided in G.S. 36C-2-203.</u>
§415					X Adds: <u>Jurisdiction of a proceeding brought under this section shall be as provided in G.S. 36C-2-203.</u>
§416					X Adds: <u>Jurisdiction of a proceeding brought under this section shall be as provided in G.S. 36C-2-203.</u>
§417	X Incorporates [UTC] section 417 into 417(a), adds (a)(2): <u>A trustee may exercise the authority granted in this section without court approval.</u> Adds subsection (b): <u>This section does not repeal §§ 28-69-701 – 28-69-706.</u>				X Replaces this section entirely: <u>(a) Unless otherwise provided in the trust instrument, after notice to the qualified beneficiaries, a trustee may:</u> <u>(1) Consolidate the assets of more than one trust and administer the assets as one trust under the terms of one of the trusts if the terms of the trusts are substantially similar and the beneficiaries of the trusts are identical; or</u> <u>(2) Divide one trust into two or more separate trusts if the new trusts provide in the aggregate for the same succession of interests and beneficiaries as are provided in the original trust.</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p><u>(b) In dividing a trust into two or more separate trusts, a trustee shall accomplish the division by severing the trusts on a fractional basis and funding the separate trusts either (i) with a pro rate portion of each asset held by the undivided trust; or (ii) on a non-pro rata basis based on either the fair market value of the assets on the date of funding or in a manner that fairly reflects the net appreciation or depreciation in the value of the assets measured from the valuation date to the date of funding.</u></p> <p><u>(c) In any case where two separate identical trusts are created under this section, one of which is fully exempt from the federal generation-skipping transfer tax and one of which is fully subject to that tax, the trustee may thereafter, to the extent possible consistent with the terms of the trust, determine the value of any mandatory or discretionary distributions to trust beneficiaries on the basis of the combined value of both trusts, but may satisfy those distributions by a method other than pro rata from the separate trusts in a manner designed to minimize the current and potential generation-skipping transfer tax.</u></p>
§501	X Replaces “subject to” in the first sentence with “ <u>protected by.</u> ”	X Replaces “subject to” in the first sentence with “ <u>protected by.</u> ”	X Replaces the phrase “To the extent a beneficiary’s interest is		X Changes this section to read as follows:

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p>not subject to a spendthrift provision” with “<u>Except as provided in subsection (b)</u>”</p> <p>Adds subsection (b): <u>This section shall not apply and a trustee shall have no liability to any creditor of a beneficiary for any distributions made to or for the benefit of the beneficiary to the extent a beneficiary’s interest</u></p> <p><u>(1) is protected by a spendthrift provision, or</u></p> <p><u>(2) is a discretionary trust interest as referred to in S.C. Code Section 62-7-504.</u></p>		<p><u>(a) Except as provided in subsection (b) of this section, the court may authorize a creditor or assignee of the beneficiary to reach the beneficiary’s interest by attachment of present or future distributions to or for the benefit of the beneficiary or other means. The court may limit the award to that relief as is appropriate under the circumstances.</u></p> <p><u>(b) This section shall not apply and a trustee shall have no liability to any creditor of a beneficiary for any distributions made to or for the benefit of the beneficiary, to the extent that a beneficiary’s interest:</u></p> <p><u>(1) Is subject to a spendthrift provision;</u></p> <p><u>(2) Is a discretionary trust interest as defined in G.S. 36C-5-504(a)(2); or</u></p> <p><u>(3) Is a protective trust interest as described in G.S. 36C-5-508.</u></p>
§502				<p>X</p> <p>In subsection (2) [UTC (b)], paragraphs (1) and (2) are incorporated into the subsection and the following language is then added: <u>...may obtain an order from a court of this state authorizing garnishment or other execution against present or future distributions to or for the benefit of the beneficiary. The court may issue an order authorizing execution against</u></p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p><u>such amount as the court determines to be equitable under the circumstances but not more than the amount the trustee would have been required to distribute to or for the benefit of the beneficiary. Distributions subject to execution under this subsection include distributions required by the express terms of the trust, such as mandatory payments of income, and distributions the trustee has otherwise decided to make, such as through the exercise of discretion.</u></p> <p>UTC paragraph (b)(3) is moved to subsection (3) and UTC subsection (c) is omitted.</p>	
§503	<p>X</p> <p>Omits this entire section.</p>	<p>X</p> <p>Omits UTC subsections (b) and (c). Replaces them with the following:</p> <p><u>(B) Even if a trust contains a spendthrift provision, a beneficiary's child who has a judgment or court order against the beneficiary for support or maintenance, or a judgment creditor who has provided services for the protection of a beneficiary's interest in the trust may obtain from a court an order attaching present or future distributions to or for the benefit of the beneficiary.</u></p> <p><u>(C) Subject to the limitations of § 55-545.03:1, no spendthrift provision shall operate to the</u></p>	<p>X</p> <p>Omits UTC subsections (b) and (c), replacing them with the following:</p> <p><u>(b) Even if a trust contains a spendthrift provision, a beneficiary's child who has a judgment or court order against the beneficiary for support or maintenance may obtain from a court an order attaching present or future distributions to or for the benefit of the beneficiary.</u></p> <p><u>(c) The exception in subsection (b) is unenforceable against a special needs trust, supplemental needs trust, or similar trust established for a disabled person if the applicability of such a provision</u></p>	<p>X</p> <p>Omits this entire section.</p>	<p>X</p> <p>Omits UTC subsections (b) and (c), replacing them with the following:</p> <p><u>(b) Even if a trust contains a spendthrift provision, or if the beneficiary's interest is a discretionary trust interest as defined in G.S. 36C-5-504(a)(2) or a protective trust interest as defined in G.S. 36C-5-508, a beneficiary's child who has a judgment or court order against the beneficiary for support or maintenance may obtain from a court an order attaching present or future distributions to or for the benefit of the beneficiary. The court may limit the award to relief that is appropriate under</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		<u>prejudice of the United States, the Commonwealth, or any county, city, or town.</u>	<u>could invalidate such a trust's exemption from consideration as a countable resource for Medicaid or Supplemental Security Income (SSI) purposes or if the applicability of such a provision has the effect or potential effect of rendering such disabled person ineligible for any program of public benefit, including, but not limited to, Medicaid and SSI.</u>		<u>the circumstances.</u>
§504	<p align="center">X</p> <p>Omits [UTC] subsection (a).</p> <p>Omits from subsection (a) [UTC (b)]: <i>Except as otherwise provided in subsection (c), whether or not...</i></p> <p>Omits [UTC] subsection ©.</p> <p>Adds to subsection (b) [UTC (d)]: <u>Under § 26-78-814(a), a trustee must always exercise a discretionary power in good faith and with regard to the purposes of the trust and the interests of the beneficiaries.</u></p> <p>Changes subsection © [UTC (e)] to read as follows: <u>A creditor may not reach the interest of a beneficiary who is also a trustee or co-trustee, or otherwise compel a distribution, if the trustee's discretion to make distributions for the trustee's own benefit is limited by an ascertainable standard.</u></p>	<p align="center">X</p> <p>In subsection (B), the language is changed to apply to subsection C <u>"and §55-545.03:1."</u></p> <p>In paragraphs ©(1) and ©(2), the language is changed to apply only to "beneficiary's child" and not to beneficiary's "spouse, or former spouse."</p> <p>Subsection (E) is reworded to read: <u>A creditor may not reach the interest of a beneficiary who is also a trustee or cotrustee, or otherwise compel a distribution, if the trustee's discretion to make distributions for the trustee's own benefit is limited by an ascertainable standard.</u></p>	<p align="center">X</p> <p>In subsection (b), the phrase "whether or not a trust contains a spendthrift provision" is omitted, and the language is changed slightly to read: "...may not compel a distribution from a <u>trust in which the beneficiary has a discretionary trust interest,</u> even if:"</p> <p>In paragraphs ©(1) and ©(2), omits reference to beneficiary's spouse or former spouse.</p> <p>In subsection (d), adds the following: <u>provided, however, this right may not be exercised by a creditor for the beneficiary.</u></p> <p>Omits UTC subsection (e), adds the following new sections:</p> <p><u>(e) Whether or not a trust contains a spendthrift provision, a creditor of a beneficiary may not compel a distribution from insurance proceeds payable to</u></p>	<p align="center">X</p> <p>Omits this entire section.</p>	<p align="center">X</p> <p>Moves UTC subsection (a) to paragraph (a)(1), adds new paragraph (a)(2): <u>"Discretionary trust interest" means an interest in a trust that is subject to the trustee's discretion, whether or not the discretion is expressed in the form of a standard of distribution. A discretionary trust interest shall include an interest in any one or any combination of the following:</u></p> <p><u>(a) A trust in which the amount to be received by the beneficiary, including whether or not the beneficiary, or a class of beneficiaries is to receive anything at all, is within the discretion of the trustee.</u></p> <p><u>(b) A trust in which the trustee has no duty to pay or distribute any particular amount to the beneficiary, but has only a duty to pay or distribute to the beneficiary, or apply on behalf of the beneficiary, those sums that the trustee, in the trustee's</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>the trustee as beneficiary to the extent state law exempts such insurance proceeds from creditors' claims.</u></p> <p><u>(f) A creditor of a beneficiary who is also a trustee or cotrustee may not reach the trustee's beneficial interest or otherwise compel a distribution if the trustee's discretion to make distributions for the trustee's own benefit is limited by an ascertainable standard.</u></p>		<p><u>discretion, determines are appropriate for the support, education, or maintenance of the beneficiary.</u></p> <p>Adds new subsection (b): <u>The beneficiary may not transfer a discretionary trust interest. Except as otherwise provided in this Article, a creditor or assignee of a beneficiary may not reach a discretionary trust interest or a distribution by the trustee before its receipt by the beneficiary.</u></p> <p>Changes subsection (c) [UTC (b)] to read: <u>Except as provided in subsection (d) of this section, a creditor of a beneficiary may not compel a distribution from a trust in which the beneficiary has a discretionary trust interest even if the trustee has abused the trustee's discretion.</u></p> <p>In subsection (d) [UTC (c)] omits reference to beneficiary's spouse or former spouse; applies only to beneficiary's child.</p> <p>Omits UTC subsection (e)</p> <p>Adds new subsection (f): <u>A creditor may not reach the interest of a beneficiary who is also a trustee or cotrustee, or otherwise compel a distribution, if the trustee's discretion to make distributions for the trustee's own benefit is limited by an ascertainable standard.</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
§505	X Omits subpart (a)(3).	X In paragraph (A)(3), the following language is added: “...a surviving spouse and children <u>including the family allowance, the right to exempt property, and the homestead allowance</u> to the extent...” And at the end of the paragraph, the following is added: <u>This section shall not apply to life insurance proceeds under §38.2-3122. No proceeding to subject a trustee, trust assets or distributes of such assets to such claims, costs and expenses shall be commenced unless the personal representative of the settler has received a written demand by a surviving spouse, a creditor or one acting for a minor or dependent child of the settler and no proceeding shall be commenced later than two years following the death of the settler. This section shall not affect the right of a trustee to make distributions required or permitted by the terms of the trust prior to being served with process in a proceeding brought by the personal representative.</u>	X Replaces UTC subsection (b) and all paragraphs thereunder with the following: <u>(b) For purposes of this section, a beneficiary who is a trustee of a trust, but who is not the settler of the trust, cannot be treated in the same manner as the settler of a revocable trust if the beneficiary-trustee’s power to make distributions to the beneficiary-trustee is limited by an ascertainable standard related to the beneficiary-trustee’s health, education, maintenance, and support.</u>	X In paragraph (3)© [UTC ©(3)], the language making the property of the trust subject to the costs of administration of the settler’s estate, the expenses of the settler’s funeral and disposal of remains, and statutory allowances to surviving spouse and children is all omitted. UTC subsection (b) and paragraph (b)(1) are incorporated into Oregon subsection (2). UTC paragraph (b)(2) becomes subsection (3). Adds subsection (4): <u>Subsections (2) and (3) of this section do not apply to a person other than a settler who is a beneficiary of a revocable or irrevocable trust and who is also a trustee of the trust, if the power to withdraw for the person’s own benefit is limited by an ascertainable standard.</u>	X In subsection (a) adds: “...a spendthrift provision <u>or the interest in the trust is a discretionary trust interest as defined in G.S. 36C-504(a)(2) or a protective trust interest as defined in G.S. 36C-5-508,</u> the following rules apply...” Replaces subsection (b) with the following: <u>The lapse, release, or waiver of a power of withdrawal shall not cause the holder to be treated as a settler of the trust.</u>
§506	X Omits subsection (a).	X Omits subsection (a).	X Omits subsection (a). In subsection (b), adds the following: <u>For purposes of this</u>	X Omits subsection (a).	X Changes subsection (a) to read: “...of the trustee’s discretion, <u>regardless of whether the terms of the trust (i) include a support</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<u>section, a mandatory distribution is a distribution where the trustee has no discretion in determining whether the distribution shall be made or the amount or timing of such distribution.</u>		<u>or other standard to guide the trustee in making distribution decisions; or (ii) provide that the trustee “may” or “shall” make discretionary distributions, including distributions under a support or other standard.”</u>
§507					
§601					
§602	X Adds paragraph (b)(3): <u>upon the revocation or amendment of the trust by fewer than all of the settlors, the trustee shall promptly notify the other settlors of the revocation or amendment.</u>	X Adds paragraph (B)(3): <u>upon the revocation or amendment of the trust by fewer than all of the settlors, the trustee shall promptly notify the other settlors of the revocation or amendment.</u> Changes the language of (c)(2) to read: <u>If the terms of the trust do not provide a method, by any method manifesting clear and convincing evidence of the settlor’s intent.</u> ” Omits UTC subparagraphs (c)(2)(A) and (B). In subsection (E), moves the language “expressly authorized by the terms of the trust” to paragraph (E)(i) and adds paragraph (E)(ii): <u>“authorized by the court for good cause shown.”</u> In subsection (F), the language <u>“...with the approval of the court supervising the [conservatorship] or [guardianship]”</u> is replaced with the following: <u>(i) to the extent expressly authorized by the terms of the trust or (ii)</u>	X Adds paragraph (b)(3): <u>upon the revocation or amendment of the trust by fewer than all of the settlors, the trustee shall promptly notify the other settlors of the revocation or amendment.</u> In subparagraph (c)(2)(A), the language is changed to read: <u>“executing a later will or codicil that expressly refers to the trust, manifesting clear and convincing evidence of the settlor’s intent”</u> Replaces the language of subparagraph (c)(2)(B) with the following: <u>by oral statement of the trustee if the trust was created orally, or”</u> Adds new subparagraph (c)(2)(C): <u>any other written method, other than a later will or codicil, delivered to the trustee and manifesting clear and convincing evidence of the settlor’s intent.</u> In subsection (e), adds the following: <u>“...by the terms of</u>	X In subsection (1) [UTC (a)] omits the following: <i>This subsection does not apply to a trust created under an instrument executed before [the effective date of this [Code]].</i> Adds paragraph (2)(c): <u>upon the revocation or amendment of the trust by fewer than all of the settlors, the trustee shall promptly notify the other settlors of the revocation or amendment.</u> Omits UTC subparagraph (c)(2)(A) and (c)(2)(B). Changes paragraph (3)(b) [UTC (c)(2)] to read: <u>“if the terms of the trust do not provide a method, by any other method, except for execution of a will or codicil, manifesting clear and convincing evidence of the settlor’s intent.”</u>	X In subsection (a) adds: <u>“...or amend the trust without regard to the actual capacity of the settler.”</u> Adds new subparagraph (c)(2)(b): <u>“By oral statement to the trustee if the trust was created orally; or”</u> Changes subparagraph (c)(2)(c) [UTC (c)(2)(B)] to read: Any other <u>written method delivered to the trustee manifesting clear and convincing evidence of the settlor’s intent.</u> Adds to subsection (e): <u>“...trust or the power of attorney provided the exercise of the power of revocation or amendment does not alter the designation of beneficiaries to receive property on the settlor’s death under the settlor’s existing estate plan.</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		<u>authorized by the court supervising the conservatorship or guardianship for good cause shown.</u>	the trust or the power <u>of attorney provided the exercise of the power does not alter the designation of beneficiaries to receive the property on the settlor's death under the settlor's existing estate plan.</u> In subsection (f), adds the following: "...supervising the conservatorship or guardianship <u>and with regard to the requirements of Section 62-5-408(3)(c).</u> "		
§603		X In subsection (A), omits the optional language " <i>and the settler has capacity to revoke the trust.</i> "	X Omits the optional language in subsection (a). Omits subsection (b).	X In subsection (1) [UTC (a)] adds: <u>Beneficiaries other than the settler have no right to receive notice, information or reports under section 71 of this 2005 Act.</u> Replaces subsection (2) [UTC (b)] with the following: <u>The rights of the beneficiaries with respect to property that is subject to the control of the holder of the power during the period that the power may be exercised, and the duties of the trustee are owed exclusively to the holder of a power of withdrawal with respect to the property that is subject to the power.</u>	X Omits the optional language in subsection (a) Changes subsection (b) to read: <u>If a revocable trust has more than one settler, the duties of the trustee are owed to all of the settlers.</u>
§604	X Changes subpart (a)(2) as	X In paragraph (A)(1) the time to	X In subsection (a), the phrase "a		

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
	follows: shortens the length of time to commence an action from 120 to 90 days; drops the requirement that trustee send a copy of the instrument; adds additional requirements to the notice including settlor's name and a description of the beneficiary's interest, if any.	commence an action is reduced from three years to two years, and in paragraph (A)(2) it is increased from 120 days to six months.	person may commence" is changed to "a person <u>must</u> commence." In paragraph (a)(1), three years is changed to one year. In (a)(2) 120 days is changed to 60 days.		
§701				X UTC subsection (c) and paragraph (c)(1) are combined into Oregon subsection (3), and the following language is added: <u>If the settler is dead or is financially incapable, the person must send the rejection to a qualified beneficiary within a reasonable time after taking the action.</u> UTC paragraph (c)(2) is moved to Oregon subsection (4).	X Changes subsection (b) to read: "...within a reasonable time, <u>not to exceed 120 days, after receiving written notice of the trusteeship is considered</u> to have rejected..."
§702		X In subsection (A), adds " <u>Except as otherwise provided in Title 26, a trustee shall give bond, or bond with surety or other security, ...</u> "	X Replaces this section with the following: <u>(a) A trustee shall provide bond to secure the performance of the trustee's duties if:</u> <u>(1) the terms of the governing instrument require the trustee to provide bond;</u> <u>(2) a beneficiary requests the trustee to provide bond and the</u>	X In subsection (2) [UTC (b)], omits language that allows the court to specify the liabilities of a bond and whether sureties are necessary.	X Replaces this section with the following: <u>(a) A trustee shall provide bond to secure the performance of the trustee's duties if:</u> <u>(1) The trust instrument was executed before January 1, 2006, unless the terms of the trust instrument provide otherwise;</u> <u>(2) The trust instrument was</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>court finds the request to be reasonable; or</u> <u>(3) the court finds that it is necessary for the trustee to provide bond in order to protect the interests of the beneficiaries who are not able to protect themselves and whose interests otherwise are not adequately represented.</u> <u>However, in no event shall bond be required of a trustee, including a trustee appointed by the court, if the governing instrument directs otherwise. On petition of the trustee or other interested person, the court may excuse a requirement of bond, reduce the amount of the bond, release the surety, or permit the substitution of another bond with the same or different sureties.</u> <u>(b) If bond is required, it shall be filed in the court in the place in which the trust has its principal place of administration in amounts and with sureties and liabilities consistent with the requirements of South Carolina Code Sections 62-3-604 relating to bonds of personal representatives.</u></p>		<p><u>executed on or after January 1, 2006, but only if the terms of the trust instrument require the trustee to provide bond;</u> <u>(3) A beneficiary requests the trustee to provide bond, and the court finds the request to be reasonable; or</u> <u>(4) The court finds that it is necessary for the trustee to provide bond in order to protect the interests of beneficiaries who are not able to protect themselves and whose interests otherwise are not adequately represented.</u> <u>However, in o event shall bond be required of a trustee if the governing instrument directs otherwise.</u> <u>(b) If a bond is required, it shall be in the sum of double the value of the personal property to come into the trustee's hands if bond is executed by a personal surety, and in an amount not less than one and one-fourth times the value of all personal property of the trust estate if the bond is secured by a suretyship bond executed by a corporate surety company authorized by the Commissioner of Insurance to do business in this State, provided that the court, when the value of the personal property exceeds one hundred thousand dollars (\$100,000), may accept bond in an amount equal to the value of the personal property plus ten percent (10%) of that value, conditioned upon the</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>faithful performance of the trustee's duties and for the payment to the persons entitled to receive property that may come into the trustee's hands.</u> <u>All bonds executed under this Article shall be filed with the clerk of superior court.</u> <u>(c) On petition of the trustee or a qualified beneficiary, the court may excuse a requirement of bond, reduce the amount of the bond, release the surety, or permit the substitution of another bond with the same or different sureties.</u> <u>(d) As provided in G.S. 53-159 and G.S. 53-366(a)(10), banks and trust companies licensed to do trust business in this state need not give bond, even if required by the terms of the trust.</u>
§703		<p style="text-align: center;">X</p> <p>In subsection (C), “must” is replaced by “<u>shall</u>.”</p> <p>Subsection (E) is changed to read: <u>A trustee may delegate to a cotrustee the performance of any function other than a function that the terms of the trust expressly require to be performed by the trustees jointly.</u> Unless a delegation...”</p>		<p style="text-align: center;">X</p> <p>In subsections (3) and (4), the phrase “other incapacity” is replaced with “<u>temporarily financially incapable</u>.” In addition, subsection (3) [UTC (c)] is subdivided into three paragraphs.</p> <p>In subsection (5) [UTC (e)], the phrase “<u>Except as otherwise prohibited in the terms of the trust</u>” is added, and the italic language “...performance of a function <i>the settler reasonably expected the trustees to perform jointly</i>” is omitted.</p>	<p style="text-align: center;">X</p> <p>In subsection (a) adds: “...majority decision <u>if more than two are serving. Unanimity is required when only two cotrustees are serving.</u>”</p> <p>In subsection (b) adds: “...act for the trust <u>and exercise all trustee powers, except those powers that the remaining trustees are prohibited from exercising under the trust instrument or by law.</u>”</p> <p>Changes subsection (e) to read: <u>A trustee may delegate to a</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>cotrustee with the consent of the cotrustee the performance of any function other than those the settler reasonably expected the trustees to perform jointly. The following functions are not considered to be those that the settler reasonably expected the trustees to perform jointly:</u> <u>(1) Establish and maintain bank accounts for the trust and issue checks for the trust.</u> <u>(2) Maintain inventories, accountings, and income and expense records of the trust.</u> <u>(3) Enter any safety deposit box rented by the trust.</u> <u>(4) employ persons as advisors or assistants in the performance of administrative duties, including agents, attorneys, accountants, brokers, appraisers, and custodians.</u> <u>(5) List trust property for taxes and prepare and file tax returns for the trust.</u> <u>(6) Collect and give receipts for claims and debts of the trust.</u> <u>(7) Pay debts, claims , costs of administration, and taxes of the trust.</u> <u>(8) Compromise, adjust, and otherwise settle any claim by or against the trust and release, in whole or in part, a claim belonging to the trust.</u> <u>(9) Have custody of the trust property.</u> <u>(10) Perform any function relating to investment of trust assets.</u> <u>The list of functions contained in</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p><u>this subsection is not intended to be exclusive of others that may be delegated to a cotrustee in accordance with this subsection.</u></p> <p>Slightly rewords paragraph (g)(1) to read “<u>Avoid enabling a trustee to commit a...</u>”</p> <p>Omits UTC (h).</p> <p>Adds new subsection (h): <u>Notwithstanding subsection (f) or (g) of this section, a trustee who has not joined in an action approved by a majority of the other trustees is not liable for the action. Notwithstanding subsection (f) or (g) of this section, a dissenting trustee who joins in an action at the direction of the majority of the trustees but who notified in writing any trustee of the dissent at or before the time of the action is not liable for the action unless that trustee had knowledge that the action taken involved intentional misconduct or was taken with an intention to directly or indirectly provide an improper personal benefit to one or more trustees approving the action.</u></p> <p>Adds new subsection (i): <u>Notwithstanding any other provision of this section to the contrary, if two or more trustees own shares of corporate stock or other securities, their acts with respect to voting shall have the following effect:</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>(1) If only one votes, in person or by proxy, the act binds all;</u> <u>(2) If more than one vote, in person or by proxy, the act binds all; and</u> <u>(3) If more than one vote, in person or by proxy, but the vote is evenly split on any particular matter, each faction is entitled to vote the stock or other securities in question proportionately.</u>
§704		<p style="text-align: center;">X</p> <p>Replaces paragraph (A)(6) with the following: <u>An individual serving as trustee is adjudicated an incapacitated person.</u></p> <p>Replaces “must” in subsections (B), (C), and (D) with “shall.”</p> <p>In paragraph (C)(3), adds the following: “...appointed by the court <u>pursuant to §26-48 and 26-50, or pursuant to §55-542.05.</u>”</p> <p>Changes paragraph (D)(2) to read “...the terms of the trust, subject, however, to the <u>concurrence of the Attorney General in any case in which he has previously requested of an organization so designated that he be consulted regarding the selection of successor.</u>”</p>	<p style="text-align: center;">X</p> <p>In subsection (e), adds the following language: <u>The procedure for such appointment and the notice requirement shall be the same as set forth for special administrators under South Carolina Code Section 62-3-614.</u></p>	<p style="text-align: center;">X</p> <p>In paragraph (4)(b) [UTC (d)(2)], the agreement of charitable organizations must be unanimous.</p>	<p style="text-align: center;">X</p> <p>In paragraphs (c)(1) and (d)(1) the following is added: “...designated in the terms of the trust <u>or appointed under the terms of the trust</u> to act...”</p> <p>In paragraph (d)(2) adds: “By a person selected by <u>majority agreement</u> of the charitable...” and omits reference to the approval of the attorney general.</p> <p>Adds new subsection (f): <u>A successor trustee shall succeed to all the rights, powers, and privileges and is subject to all the duties, liabilities, and responsibilities that were imposed upon the original trustee unless a contrary intent appears from the governing instrument or unless the order appointing the successor trustee provides otherwise.</u></p>
§705	<p style="text-align: center;">X</p> <p>Adds to subpart (a)(1): “...notice</p>	<p style="text-align: center;">X</p> <p>Changes subparagraph (A) to</p>	<p style="text-align: center;">X</p> <p>In paragraph (a)(1), requires that</p>	<p style="text-align: center;">X</p> <p>Adds to subpart (1)(a) [UTC</p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
	to the qualified beneficiaries, <u>the settler, if living</u> , and all cotrustees” Adds subsection (d): <u>Subsection (a) of this section applies only to irrevocable trusts created on or after September 1, 2004, and to revocable trusts which become irrevocable on or after September 1, 2005.</u>	read: “...30 days’ notice to <u>the settler, if living, to all cotrustees, and to the qualified beneficiaries, except those qualified beneficiaries under a revocable trust which the settler has the capacity to revoke.</u> ”	notice of resignation be made <u>in writing</u> to the qualified beneficiaries, <u>the settler, if living</u> , and all cotrustees.	(a)(1)]: “...notice to the qualified beneficiaries, <u>the settler, if living</u> , and all cotrustees”	
§706		X In subsection (A), adds “...or a beneficiary, <u>or in the case of a charitable trust, the Attorney General, ...</u> ”			X Adds the following to subsection (a): <u>For the reasons set forth in subsection (b) of this section, the settler of an irrevocable trust, a cotrustee of an irrevocable trust, or a beneficiary of an irrevocable trust may request the court...</u> In paragraph (b)(4) omits: “there has been a substantial change of circumstances <i>or removal is requested by all of the qualified beneficiaries</i> , the court finds...”
§707		X Adds subsection (C): <u>Title to all trust property shall be owned and vested in any successor trustee, upon acceptance of the trusteeship, without any conveyance, transfer or assignment by the prior trustee.</u>			X Adds the following to subsection (b): <u>A former trustee shall execute those documents transferring title to trust property as may be appropriate to facilitate administration of the trust, and in the event that the former trustee fails to do so, the clerk of superior court may order the former trustee to execute those documents, or the clerk of superior court may transfer title.</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
§708					<p>X</p> <p>Changes subsection (a) to read: “...a trustee is entitled to compensation <u>determined in accordance with Article 6 of Chapter 32 of the General Statutes.</u>”</p> <p>In subsection (b), omits the language beginning “...but the court may allow...” as well as paragraphs (b)(1) and (b)(2).</p>
§709			<p>X</p> <p>In subsection (a), adds that interest paid to the trustee must be “<u>at the legal rate</u> as appropriate.”</p>		<p>X</p> <p>Replaces this entire section with the following: <u>A trustee is entitled to be reimbursed out of the trust property for expenses properly incurred in the administration of the trust as provided in G.S. 32-58.</u></p>
§801		<p>X</p> <p>Adds the following language: “...shall administer the trust <u>and invest trust assets</u> in good faith...”</p> <p>And at the end of the section: <u>In administering, managing, and investing trust assets, the trustee shall comply with the provisions of the Uniform Prudent Investor Act (§26-45.3 et seq.) and the Uniform Principal and Income Act (§55-277.1 et seq.).</u></p>			
§802	X	X	X		X

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
	<p>Adds subsection (j): <u>Subsections (b) – (e) of this section apply only to irrevocable trusts created on or after September 1, 2005, and to revocable trusts which become irrevocable on or after September 1, 2005.</u></p>	<p>In subsection (d), the language is changed to read “...obtains an advantage <u>beyond the normal commercial advantage from such transaction</u> is voidable...”</p> <p>In subsection (F), the language is changed to expand coverage to investments in mutual funds and other investments or financial products. In addition, the UTC language beginning with “In addition to its compensation...” has been changed to read: <u>The trustee may be compensated by the investment company, investment trust, mutual fund, or other investment or financial product or by the affiliated entity sponsoring, selling, or providing such service, and such compensation may be in addition to the compensation the trustee is receiving as a trustee if the trustee notifies the persons entitled to receive a copy of the trustee’s annual report under §55-548.13 of the rate and method by which that compensation was determined and of any subsequent changes to such rate or method of compensation.</u></p>	<p>In paragraph (c)(4), omits the phrase “or a person that owns a significant interest in the trustee.”</p> <p>Adds new paragraph (c)(5): <u>a corporation or other person or enterprise which has such a substantial interest in the trustee that it might affect the trustee’s best judgment.</u></p> <p>Rewords subsection (f) slightly but retains the same meaning.</p>		<p>In subsection (b), adds: “...affected by the transaction, <u>without regard to whether the transaction is fair to the beneficiary, unless:</u>”</p> <p>Changes subsection (c) to read: <u>In determining whether</u> a sale, encumbrance, or other transaction involving the investment or management of trust property is affected by a conflict <u>of interest between the trustee’s fiduciary and personal interests, the transaction is rebuttably presumed to be affected by a conflict of interest if the trustee enters into the transaction with:</u>”</p> <p>Changes paragraph (c)(1) to read: “the trustee’s spouse <u>or a parent of the trustee’s spouse;</u>”</p> <p>Changes paragraph (c)(3) to read: “an agent, attorney <u>employee, officer, director, member, manager, or partner of the trustee, or an entity that controls, is controlled by, or is under common control with the trustee; or</u>”</p> <p>Changes paragraph (c)(4) to read: “<u>Any other person or entity in which the trustee,</u> or a person that owns...”</p> <p>Moves UTC subsection (f) to paragraph (f)(a). Changes it to read: “An investment by a</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p>trustee in securities of an investment company, investment trust, <u>or pooled investment vehicle</u> in which the trustee <u>has an investment, or to which the trustee, has an investment, or to which the trustee, or its affiliate, provides services ... rule of Article 9 of this Chapter. The investment company, investment trust, or pooled investment vehicle may compensate the trustee for providing those services out of fees charged to the trust if the trustee at least annually notifies the persons entitled...</u>"</p> <p>Adds new paragraph (f)(2): <u>Payment made by a trustee to an attorney, broker, accountant, or agent for services performed on behalf of the trust in the ordinary course of business is not considered to be affected by a conflict between the trustee's personal and fiduciary interests if the payment is consistent with payments generally made in the community for the same or similar services.</u></p> <p>In paragraph (h)(3) adds: "<u>or guardianship, or similar relationship, of which...</u>"</p> <p>In paragraph (h)(4) adds: "<u>operated by the trustee or an affiliate of the trustee;</u>"</p>
§803					
§804					

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
§805					
§806					
§807				X In subsection (3) [UTC (c)], omits the language “...to whom the function was delegated.”	
§808				X In subsection (4) [UTC (d)] the word “presumptively” is replaced with “rebuttably presumed.”	X In subsection (a) adds: “...to the terms of the trust, <u>even if doing so (i) the trustee exceeds the authority granted to the trustee under the terms of the trust, or (ii) the trustee would otherwise violate a duty the trustee owes under the trust.</u> ”
§809					
§810					
§811					
§812		X Adds “...to redress a breach of trust <u>or duty</u> known to..” and later “...committed by a former trustee <u>or other fiduciary.</u> ”	X Omits the UTC version of this section, replaces it with “Exercise of powers by joint trustees; successor trustees; liability.”		
§813	X Replaces subsection (e) with the following: <u>Subsections (a) – (c) of this section apply only to an irrevocable trust created on or after September 1, 2005, and to a revocable trust which becomes irrevocable on or after September 1, 2005.</u>	X Replaces the language of optional subsection (e) with the following: <u>Subdivisions 2 and 3 of subsection B and subsection C apply only to an irrevocable trust created on or after the effective date of this chapter, and to a revocable trust which becomes irrevocable on or after the effective date of this chapter.</u>		X In subsection (1) [UTC (a)], specifies that a trustee must respond to a reasonable request for information from “ <u>a beneficiary who is not a qualified beneficiary.</u> ” In paragraphs (2)(b) and (2)(c) [UTC (b)(2) and (b)(3)], “60 days” is replaced by “ <u>a</u> ”	X Subsection (a) is changed to read: <u>The trustee is under a duty to a qualified beneficiary to give that beneficiary upon request and at reasonable times complete and accurate information as to the nature and amount of the trust property and to permit the beneficiary, or the beneficiary’s representative, to inspect the</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p><u>reasonable time.”</u></p> <p>In subsection (3) [UTC (c)], omits the requirement that a trustee send a report to a nonqualified beneficiary upon request.</p> <p>In subsection (4) [UTC (d)] “beneficiary” is replaced by “<u>qualified beneficiary.</u>”</p> <p>UTC subsection (e) is moved to Section 72.</p> <p>Adds the following sections:</p> <p><u>(5) A trustee may charge a reasonable fee to a beneficiary for providing information under this section.</u></p> <p><u>(6) A beneficiary’s request for any information under this section must be with respect to a single trust that is sufficiently identified to enable the trustee to locate the trust’s records.</u></p> <p><u>(7) If the trustee is bound by any confidentiality restrictions regarding a trust asset, any beneficiary eligible under this section to receive information about that asset must agree to be bound by the same confidentiality restrictions before receiving the information.</u></p> <p><u>(8) Despite any other provision of this section, information, notice and reports required by this section shall be given only to the settlor’s spouse if:</u></p> <p><u>(a) The spouse survives the settler.</u></p>	<p><u>subject matter of the trust and the accounts and other documents relating to the trust.</u></p> <p>Changes subsection (b) to read: <u>Notwithstanding subsection (a) of this section:</u></p> <p><u>(1) The duty of the trustee under subsection (a) of this section shall not include informing any beneficiary in advance of transactions relating to the trust property.</u></p> <p><u>(2) A trustee is considered to have discharged the trustee’s duty under subsection (a) of this section as to a qualified beneficiary for matters disclosed by a report sent at least annually and at termination of the trust to the beneficiary that describes the trust property, liabilities, receipts, and disbursements, including the source and amount of the trustee’s compensation, and lists the trust assets and their respective market values, including estimated values of assets with uncertain values. No presumption shall arise that a trustee who does not comply with this subdivision failed to discharge the trustee’s duty under subsection (a) of this section.</u></p> <p>Omits UTC subsection (c).</p> <p>Changes subsection (d) [UTC (e)] to read: <u>Subsection (b) of this section applies only to a trust created under a trust</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<u>(b) the spouse is financially capable;</u> <u>(c) The spouse is the only permissible distribute of the trust; and</u> <u>(d) All of the other qualified beneficiaries of the trust are descendants of the spouse.</u> <u>(9) Despite any other provision of this section, while the settler of a revocable trust is alive, beneficiaries other than the settler have no right to receive notice, information or reports under this section.</u>	<u>instrument executed on or after the effective date of this Chapter.</u>
§814			<p style="text-align: center;">X</p> <p>Omits UTC subsections (b) through (d) and all paragraphs there under. Adds the following:</p> <p><u>(b) A power whose exercise is limited or prohibited by subsection (d) may be exercised by a majority of the remaining trustees whose exercise of the power is not so limited or prohibited. If the power of all trustees is so limited or prohibited, the court may appoint a special fiduciary with authority to exercise the power.</u></p> <p><u>© Subject to subsection (d), and unless the application of this section is clearly and convincingly negated in the will, the trust document, terms of the trust, or a written instrument appointing a fiduciary, expressly</u></p>		<p style="text-align: center;">X</p> <p>Changes subsection (a) to read: “...”sole”, or “uncontrolled”, <u>a trustee abuses the trustee’s discretion in exercising or failing to exercise a discretionary power if the trustee acts with bad faith, acts dishonestly, acts with an improper motive, even though not a dishonest motive, or if the trustee fails to use the trustee’s judgment in accordance with the terms and purposes of the trust and the interests of the beneficiaries.</u></p> <p>Divides paragraph (b)(1) into paragraphs (b)(1) and (b)(2) and changes them to read:</p> <p>(1) A person other than a settler who is a beneficiary and trustee of a trust that confers on the trustee a power <u>that would,</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>indicating that a rule in this subsection does not apply, any power conferred upon the fiduciary, in his capacity as a fiduciary (and not including any power conferred upon him in his capacity as a beneficiary), which would, except for this section, constitute, in whole or in part, a general power of appointment cannot be exercised by him in favor of himself, his estate, his creditors, or the creditors of his estate.</u></p> <p><u>_____ (1) The fiduciary can, however, exercise the power in favor of someone other than himself, his estate, his creditors and the creditors of his estate.</u></p> <p><u>_____ (2) If a power comes within subsection © and the power is conferred upon two or more fiduciaries, it can be exercised by the fiduciary or the fiduciaries who are not disqualified from exercising the power as if they were the only fiduciary or fiduciaries.</u></p> <p><u>_____ (3) If all of the serving fiduciaries are disqualified from exercising a power, the court that would have jurisdiction to appoint a fiduciary under the instrument, if there were no fiduciary currently serving, shall exercise, or shall appoint a special fiduciary whose only power is to exercise the power that cannot be exercised by the other fiduciaries by reason of subsection ©.</u></p> <p><u>_____ (4) A trustee may not</u></p>		<p><u>except for this subsection, constitute in whole or in part a general power of appointment may not exercise that power in favor of the trustee/beneficiary, the trustee/beneficiary's estate, the trustee/beneficiary's creditors, or the creditors of the trustee/beneficiary's estate.</u></p> <p><u>_____ (2) Notwithstanding subdivision (1) of this subsection, if the trust confers on the trustee the power to make discretionary distributions to or for the trustee's personal benefit, the trustee may exercise the power in accordance with an ascertainable standard.</u></p> <p><u>For purposes of this subsection, a "general power of appointment" means any power that would cause the income to be taxed to the trustee in his individual capacity under section 678 of the Internal Revenue Code and any power that would be a general power of appointment, in whole or in part, under section 2041(b)(1) or section 2514(c) of the Internal Revenue Code.</u></p> <p>Adds new subsection (e): <u>If a trust created under a will or trust instrument for the benefit of the spouse of the settler of the trust, other than a trust that provides that upon the termination of the income interest that the entire remaining trust estate be paid to the estate of the spouse, requires that all the income of the trust be</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>exercise a power to make discretionary distributions to satisfy a legal obligation of support that the trustee personally owes another person.</u></p> <p><u>(d) Subsection © does not apply to:</u></p> <p><u>(1) a power held by the settler's spouse who is the trustee of a trust for which a marital deduction, as defined in Section 2056(b)(5) or 2523(e) of the Internal Revenue Code, as amended, was previously allowed;</u></p> <p><u>(2) any trust during any period that the trust may be revoked or amended by its settler; or</u></p> <p><u>(3) a trust if contributions to the trust qualify for the annual exclusion under Section 2503© of the Internal Revenue Code as amended.</u></p>		<p><u>paid not less frequently than annually to the spouse and a federal estate or gift tax marital deduction is claimed with respect to the trust, then, unless the trust instrument specifically provides otherwise by reference to this section, any investment in or retention of unproductive property as an asset of the trust is subject to the power of the spouse to require either that the asset be made productive of income, or that it be converted to assets productive of income, within a reasonable period of time.</u></p>
§815	<p>X</p> <p>Paragraph (1) of subsection (e) is changed to read: “powers conferred by the terms of the trust; or <u>and</u>”</p>	<p>X</p> <p>Paragraph (1) of subsection (e) is changed to read: “powers conferred by the terms of the trust; or <u>and</u>”</p> <p>Adds subsection (C): <u>Any reference in a trust instrument incorporating the powers authorized under §64.1-57 shall not be construed to limit powers a trustee may exercise pursuant to this section, unless the settler expressly states in the trust instrument that such reference should be so construed.</u></p>	<p>X</p> <p>In subsection (4), adds the following: “deposit all trust money in accounts – <u>all types including margin accounts</u> – in a regulated financial-service institution.”</p> <p>In subsection (6), adds that a trustee may “<u>create and/or</u> continue a business...”</p> <p>In subsection (8), adds: “...grant public or private easements, <u>including by way of example qualified conservation and</u></p>	<p>X</p> <p>In paragraph (1)(a) [UTC (a)(2)(A)], the word “competent” is replaced with “<u>financially capable.</u>”</p>	

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<p><u>façade easements</u>, and make...</p> <p>Changes paragraph (21)(A) to read: “paying it to the <u>beneficiary’s agent under a Power of Attorney</u>, to the beneficiary’s conservator...</p> <p>Adds “<u>agent under a Power of Attorney</u>” to the list of parties trustee can pay benefits to under paragraph (21)(B).</p> <p>Adds subsection (27): <u>allocate items of income or expense to either trust income or principal, as permitted or provided by the trust instrument and applicable law, but this power shall not be construed as prescribing the method of accounting for principal and income.</u></p> <p>Adds subsection (28): <u>to divide any trust into separate shares or separate trusts or to create separate trusts if the Trustee reasonably deems it appropriate and the division or creation is consistent with the Settlor’s intent and facilitates the trust’s administration without defeating or impairing the interests of the beneficiaries.</u></p>		
§816		<p>X</p> <p>Moves all of UTC §816 into subsection (A), adds subsection (B): <u>Any reference in a trust instrument incorporating the powers authorized under §65.1-</u></p>		<p>X</p> <p>In subsection (4), adds: <u>...including a financial institution operated by the trustee, if the deposit is adequately insured or secured.</u></p>	<p>X</p> <p>Changes subsection (2) to read: <u>Invest and reinvest trust property as the trustee considers advisable in accordance with the trust, and to acquire or sell property, for</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		<u>57 shall not be construed to limit powers a trustee may exercise pursuant to this section, unless the settler expressly states in the trust instrument that such reference should be so construed.</u>		<p>Changes subsection (5) to read: ...with or without security, <u>to be repaid from trust assets or otherwise ,and advance money for the protection of the trust and for all expenses, losses and liabilities sustained in the administration of the trust or because of the holding or ownership of any trust assets. A trustee is entitled to be reimbursed out of the trust property or from property that has been distributed from the trust, with reasonable interest, for an advance of money under this subsection.</u></p> <p>In subsection (18), omits language stating that trustee has a lien on future distributions, but states that trustee may collect loans from future distributions by making deductions.</p> <p>Adds subsection (27): <u>Allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence or amortization, or for depletion in mineral or timber properties.</u></p> <p>Adds subsection (28): <u>Employ persons, including attorneys, auditors, investment advisors or agents, to advise or assist the trustee in the performance of administrative duties. A trustee</u></p>	<p><u>cash or on credit at public or private sale;</u></p> <p>Adds to subsection (4): ...services institution, <u>including an institution operated by the trustee or an affiliate of the trustee upon compliance with any applicable requirements for the deposit;</u></p> <p>Adds to subsection (5): ...with or without security, <u>including from a corporate trustee’s lending department, renew or modify loans, and mortgage...</u>”</p> <p>Adds to subsection (6): “...business trust, corporation, <u>venture, agricultural operation, or other form of business or enterprise, form and transfer, assign, and convey to that form of business or enterprise all or any part of the trust property in exchange for the stock, securities, or obligations of that form of business or enterprise,</u> continue any...”</p> <p>In paragraph (7)(a) adds: “Vote, or give <u>general or limited</u> proxies to vote ... trust agreement, <u>or execute waivers, consents, or objections with respect to those securities;</u>”</p> <p>Adds new paragraph (7)(e): <u>Consent, directly or through a committee or other agent, to the merger, consolidation, reorganization, readjustment of</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p><u>may act based on the recommendations of professionals without independently investigating the recommendations.</u></p> <p>Adds subsection (29): <u>Apply for and qualify all or part of the property in the trust estate for special governmental tax programs or other programs that may benefit the trust estate or any of the beneficiaries.</u></p> <p>Adds subsection (30): <u>Deposit securities in a clearing corporation as provided in ORS 128.100.</u></p>	<p><u>capital or financial structure, lease, sale, dissolution, or liquidation of a business enterprise, and elect whether to participate as a member of a class in any litigation involving the securities;</u>”</p> <p>Adds to subsection (8): <u>...vacate plats and adjust boundaries, make contracts, licenses, leases, conveyances, or grants of every nature and kind with respect to crops, gravel, sand, oil, gas, timber and forest products, other usufructs or natural resources, and other benefits or incidents of the real property;</u>”</p> <p>Adds to subsection (11): “...from the administration of the trust <u>at the expense of the trust.</u>”</p> <p>Changes subsection (12) to read: “<u>Abandon, relinquish any or all rights to, or decline to administer property of no value or of insufficient benefit or value to the trust</u> to justify its collection or continued administration.</p> <p>Adds to subsection (14): “Pay or contest any claim, <u>compromise, adjust or otherwise</u> settle a claim...”</p> <p>Adds to subsection (15): “Pay <u>from the trust property</u> taxes, assessments, compensation ... incurred in the administration of the trust <u>and the protection of the</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p><u>trust property.”</u></p> <p>Changes subsection (17) to read: “...exercise rights <u>under that plan, annuity, or life insurance,</u> including exercise...”</p> <p>In subsection (18) replaces “and the trustee has a lien” with “<u>and acquire a lien</u>”.</p> <p>Adds new subsection (19a): <u>Guarantee loans made by others to a beneficiary;</u></p> <p>Adds new subsection (19b): <u>Pledge trust property to guarantee loans made by others to a proprietorship, partnership, limited liability company, business trust, corporation, venture, agricultural operation, or other form of business or enterprise in which the trust has an ownership interest.</u></p> <p>Adds new subsection (19c): <u>Guarantee loans made by others to a proprietorship, partnership, limited liability company, business trust, corporation, venture, agricultural operation, or other form of business or enterprise in which the trust has an ownership interest.</u></p> <p>Adds to subsection (2): “...appointing trustee, <u>limit those powers the appointed trustee may exercise and the duties for which the appointed trustee is responsible, require</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p>that...”</p> <p>Changes paragraph (21)(b) to read: “Paying it to a custodian ... creating a custodianship or custodial trust <u>for the benefit of the beneficiary;</u>”</p> <p>In paragraph (21)(c) omits “<i>if the trustee does not know of a [conservator], [guardian], custodian, or custodial trustee,</i>”</p> <p>In paragraph (21)(d) omits “<i>...subject to the beneficiary’s continuing right to withdraw the distribution.</i>”</p> <p>Adds to subsection (21): <u>A trustee making payments under this subdivision does not have any duty to see to the application of the payments so made, if the trustee exercised due care in the selection of the person, including the minor or incompetent, to whom the payments were made, and the receipt of that person shall be full acquittance to the trustee;</u>”</p> <p>Adds to subsection (22): “...or disproportionate shares <u>without regard to the income tax basis or other special tax attributes of the assets, as the trustee finds to be most practicable and for the best interests of the distributees,</u> value the trust property for those purposes, and adjust for resulting differences in valuation; <u>and to distribute trust property in kind</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p><u>or in cash, or partially in kind and partially in cash, in divided or undivided interests;</u></p> <p>In subsection (25) adds: “<u>Make, execute and deliver contracts and other instruments, including instruments under seal, that are useful...</u></p> <p>Adds new subsection (27): <u>Employ as advisors or assistants in the performance of administrative duties, or delegate administrative duties in the manner provided in G.S. 36C-8-807, to persons, firms, and corporations, including agents, auditors, accountants, brokers, attorneys-at-law, attorneys-in-fact, investment advisors, appraisers, custodians, rental agents, realtors, and tax specialists;</u></p> <p>Adds new subsection (28): <u>Bid on property at a foreclosure sale, or acquire property from a mortgagor or obligor without foreclosure, and retain the property so bid on or taken over without foreclosure;</u></p> <p>Adds new subsection (29): <u>Divide one trust into several trusts and make distributions from those trusts in the manner provided in G.S. 36C-4-417;</u></p> <p>Adds new subsection (30): <u>Request an order from the court for the sale of real or personal</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p><u>property under Article 29A of Chapter I of the General Statutes, or for the exchange, partition, or other disposition or change in the character of, or for the grant of options or other rights in or to, such property; and</u></p> <p>Adds new subsection (31): <u>Distribute the assets of an inoperative trust consistent with the authority granted under G.S. 28A-22-10.</u></p>
§817					<p>X</p> <p>Omits subsections (a) and (c).</p>
Article 9 – UPIA					
§1001				<p>X</p> <p>Adds the following to subsection (1) [UTC (a)]: <u>A breach of trust may occur by reason of an action or by reason of a failure to act.</u></p>	<p>X</p> <p>Replaces “...the trustee owes to a beneficiary...” with “...the trustee owes <u>under a trust...</u>”</p> <p>Adds new subsection (c): <u>The court may, for cause shown, relieve a trustee from liability for any breach of trust, or wholly or partly excuse a trustee who has acted honestly and reasonably from liability for a breach of trust.</u></p>
§1002				<p>X</p> <p>Adds paragraph (1)(a): <u>The amount of damages caused by the breach;</u></p>	<p>X</p> <p>In subsection (a) omits “<i>to the beneficiaries affected</i>”</p>
§1003					X

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<p>In subsection (a) omits “accountable <i>to an affected beneficiary...</i>” and adds: <u>Nothing in this section limits a trustee’s right to compensation under G.S. 36C-7-708 or payments allowed under G.S. 36C-8-802(f).</u></p> <p>In subsection (b) omits “not liable <i>to a beneficiary...</i>”</p>
§1004				<p>X</p> <p>Omits the language: “the court, <i>as justice and equity may require</i>, may award...”</p>	<p>X</p> <p>Omits the language “the court, <i>as justice and equity may require</i>, may award...” and changes the language near the end to: “...including reasonable attorney’s fees <u>as provided in the General Statutes.</u>”</p>
§1005		<p>X</p> <p>Adds subsection (D): <u>Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this chapter, or if fraud is used to avoid or circumvent the provisions or purposes of this chapter, any person injured thereby may obtain appropriate relief against the perpetrator of the fraud or restitution from any person benefiting from the fraud, whether innocent or not, except for a bona fide purchaser. Any proceeding shall be commenced within two years after the fraud is discovered, but no proceeding</u></p>	<p>X</p> <p>In subsection (a), adds the following: “<u>Unless previously barred by adjudication, consent, or limitation</u>, a beneficiary may not...” Also excludes the following language from the end of the subsection: “...<i>and informed the beneficiary of the time allowed for commencing a proceeding.</i>”</p> <p>In subsection (c), adds the following: “...a judicial proceeding by a beneficiary or on behalf of a beneficiary or on behalf of a beneficiary against a trustee...” Also changes the time</p>	<p>X</p> <p>Adds new subsection (1): <u>Notwithstanding ORS chapter 12 or any other provision of law, but subject to subsection (2) of this section, a civil action against a trustee based on any act or omission of the trustee, whether based in tort, contract or other theory of recovery, must be commenced within six years after the date the act or omission is discovered, or six years after the date the act or omission should have been discovered, whichever is earlier.</u></p> <p>Combines UTC subsections (a)</p>	<p>X</p> <p>Replaces this section entirely with the following:</p> <p>(a) <u>No proceeding against a trustee for breach of trust may be commenced more than five years after the first to occur of: (i) the removal, resignation, or death of the trustee; (ii) the termination of the beneficiary’s interest in the trust; or (iii) the termination of the trust.</u></p> <p>(b) <u>Except as provided in subsection (a) of this section, Chapter 1 of the General Statutes governs the limitations of actions on judicial proceedings</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
		<p><u>may be brought against one not a perpetrator of the fraud later than five years after the time the fraud is committed. This section does not apply to remedies for fraud practiced on a decedent during his lifetime which affects the succession of his estate.</u></p> <p>Adds subsection (E): <u>The provisions of this section shall not operate to reduce the period of limitations applicable to actions and suits governed by §8.01-245.</u></p>	<p>limitation from five years to three years.</p>	<p>and (b) into Oregon subsection (2), adding that a copy of this code section must be included in the report.</p> <p>In subsection (3) [UTC (c)], omits paragraphs (1)-(3), and changes the section to read: “...must be commenced <u>within 10 years from the date of the act or omission complained of, or two years from the termination of any fiduciary account established under the trust, whichever is later.</u></p>	<p><u>involving trusts.</u></p>
§1006					
§1007					
§1008	<p>X</p> <p>Adds subsection (c): <u>This section applies only to irrevocable trusts created on or after September 1, 2005, and to revocable trusts which become irrevocable on or after September 1, 2005.</u></p>	<p>X</p> <p>In subsection (B), changes the language to read: “...trustee proves that the <u>existence and contents of the exculpatory term were adequately communicated to the seller.</u>”</p>	<p>X</p> <p>Omits UTC subsection (b).</p>	<p>X</p> <p>Subsection (2) [UTC (b)] is divided into paragraphs, and new paragraph (a) is added: <u>The settler is represented by an independent counsel who reviewed the term.</u></p>	<p>X</p> <p>Omits paragraph (a)(2) and subsection (b); combines the remainder into a single section.</p>
§1009		<p>X</p> <p>Omits the words “while having capacity” from the first sentence of the section.</p>	<p>X</p> <p>Omits the words “while having capacity” from the first sentence of the section.</p> <p>Adds subsection (b): <u>No consideration is required for the consent, release or ratification to be valid.</u></p>		<p>X</p> <p>Omits the words “while having capacity” from the first sentence of the section.</p> <p>In paragraph (a)(2) replaces “did not <i>know</i>” with “did not <i>have knowledge.</i>”</p> <p>Adds new subsection (b): <u>No consideration is required for the consent, release, or ratification to be valid.</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
§1010			<p style="text-align: center;">X</p> <p>Adds subsection (d): <u>The question of liability as between the trust estate and the trustee individually may be determined in a proceeding for accounting, surcharge, or indemnification or other appropriate proceeding.</u></p>	<p style="text-align: center;">X</p> <p>Adds new subsection (4): <u>This section does not impose personal liability on a trustee solely because the trustee holds property under an instrument that shows title in the name of the trustee but does not state that the trustee holds the property in a representative capacity.</u></p>	<p style="text-align: center;">X</p> <p>In subsection (a) adds “if the trustee in <u>making</u> the contract...” and also adds: <u>The addition of the phrase “trustee” or “as trustee” or a similar designation to the signature of a trustee on a written contract is considered prima facie evidence of a disclosure of fiduciary capacity.</u></p> <p>Adds to subsection (c): <u>Any judgment rendered in favor of a claimant in such a judicial proceeding against a trust may be recovered from the trust property without proof that the trustee could have obtained reimbursement from the trust if the trustee had paid the claim.</u></p> <p>Adds new subsection (d): <u>A trustee is entitled to indemnity from the trust for any claim, other than a breach of trust, for which the trustee is liable:</u> <u>(1) If the claim arose from a common incident of activity in which the trustee was properly engaged for the trust;</u> <u>(2) If the trustee was not personally at fault; or</u> <u>(3) To the extent that the trustee’s actions increased the value of trust property.</u></p> <p>Adds new subsection (e): <u>A decision by a trustee not to inspect property, or to decline to</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>accept property, shall not create any inference as to liability, under any environmental law, with respect to that property. A trustee shall have no liability for a decrease in value of property in a trust by reason of the trustee's compliance with any environmental law, including reporting requirements.</u>
§1011 (optional section)				<p style="text-align: center;">X</p> <p>In subsection (3) [UTC (c)] omits the following: ...other than that of trustee <i>or is held by the trustee's spouse or one or more of trustee's descendants, siblings, or parents, or the spouse of any of them.</i></p>	<p style="text-align: center;">X</p> <p>In subsection (a) and (b) changes the language to read "a trustee who holds, <u>in a fiduciary capacity</u>, an interest..."</p> <p>In subsection (a), omits "...into by the partnership <i>after the trust's acquisition of the interest</i> if the fiduciary capacity was disclosed <i>in the contract or in a statement previously filed pursuant to the [Uniform Partnership Act or Uniform Limited Partnership Act].</i>"</p> <p>In subsection (b) omits "<i>Except as otherwise provided in subsection (c)</i>" and adds: <u>This subsection does not apply to additional ownership interests of the trustee held in a nonfiduciary capacity.</u></p> <p>Omits UTC (c).</p> <p>Changes subsection (c) [UTC (d)] to read: <u>If the settler transfers an existing general partnership interest to a</u></p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					<u>revocable trust, the settler remains personally liable for partnership obligations as if the settler were a general partner.</u>
§1012					X Adds new subsection (f): <u>A person is not required to obtain a certification under G.S. 36C-10-1013 in order to be entitled to the protections of this section.</u>
§1013	X Omits paragraph (a)(7).		X In paragraph (a)(4), adds “the powers of the trustee <u>which may make a reference to the powers set forth in the South Carolina Trust Code</u> ; Adds subsection (j) which provides a model form for the certificate of trust.	X UTC subsection (a) becomes Oregon subsections (1) and (2) Adds paragraph (2)(f): <u>The existence or nonexistence of any power to modify or amend the trust and the identity of any person holding a power to modify or amend the trust;</u> Adds paragraph (2)(j): <u>The state, country or other jurisdiction under the laws of which the trust was established.</u> In subsection (3) [UTC (b)], a certificate of trust must be signed by <u>all</u> trustees rather than <i>any</i> trustee. UTC subsection (f) and (g) are moved into Oregon subsection (9) as paragraphs (a) and (b). In paragraph (9)(b) [UTC (g)] the good faith requirement is omitted.	X In paragraph (a)(2) adds: “The identity of the settler, <u>unless withheld under a provision in the trust instrument;</u> ” Adds new subsection (j): <u>In transactions involving real property, a person who acts in reliance upon a certification of trust may require that the certification of trust be executed and acknowledged in a manner that will permit its registration in the office of the register of deeds in the county where the real property is located. The certification of trust need not contain the trust’s taxpayer identification number if that taxpayer identification number is also the social security number of a grantor. However, the trust’s taxpayer identification number shall be certified by the trustee to the person acting in reliance upon the certification of trust in a manner reasonably</u>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
				<p>Adds subsections (7), (8), (10), (11), (12) and (13) which provide additional rules for the certification of trust document.</p> <p>Adds new paragraph (9)(c): <u>If a person has actual knowledge that the trustee or trustees are acting outside the scope of the trust, and the actual knowledge was acquired by the person before entering into the transaction or making a binding commitment to do so, the transaction is not enforceable against the trust.</u></p> <p>Omits UTC subsections (h) and (i).</p>	<u>satisfactory to that person.</u>
§1101					
§1102					
§1103				<p>X</p> <p>Omits this section.</p>	
§1104		<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>
§1105	<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>	<p>X</p> <p>Omits this section.</p>
§1106			<p>X</p> <p>In paragraph (a)(5), adds the following: “an act done <u>and any right acquired or accrued before the effective date of this article is not effected by this article. Unless otherwise provided in this article, any right in a trust</u></p>		<p>X</p> <p>Omits this section.</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
			<u>accrues in accordance with the law in effect on the date of the creation of the trust.”</u>		
Sections unique to state		<p>§55-542.05 Proceedings to appoint or remove trustees.</p> <p>§55-542.06 Pleadings; parties; orders; notice</p> <p>§55-544.18 Amendment of a trust where gift, etc., establishes private foundation or constitutes a charitable trust or a split-interest trust.</p> <p>§55-544.19 Distribution of income of trust which is a private foundation or a charitable trust; prohibitions as to such private foundation.</p> <p>§55-544.20 Prohibitions as to trust which is deemed a split-interest trust.</p> <p>§55-544.21 Application of §55-544.19 and §55-544.20.</p> <p>§55-544.22 Interpretation of references to internal Revenue Code in §55-544.18 through §55-544.21.</p> <p>§55-544.23 Powers of courts not impaired by §55-544.18 through §55-544.22; severability.</p> <p>§55-545.03:1 Certain claims for reimbursement for public assistance.</p>	<p>§62-7-418 Estate and possession of trust estates shall be in beneficiaries thereof</p> <p>§62-7-605 Effect of Penalty Clause for Contest.</p> <p>§62-7-606 Anti-Lapse Provision in Trust.</p> <p>§62-7-607 Divorce or annulment as revoking revocable trust.</p> <p>§62-7-812 Exercise of powers by joint trustees; successor trustees; liability.</p>	<p>§38. In terrorem clause</p> <p>§47. Section 46(1) of this 2005 Act does not apply to a trust created under an instrument executed before the effective date of this 2005 Act.</p>	<p>§36C-2-205. Commencement of proceedings, pleadings, consolidation, and joinder.</p> <p>§36C-2-206. Representation of parties.</p> <p>§36C-2-207. Waiver of notice</p> <p>§36C-2-208. Accounting to clerk.</p> <p>§36C-2-209. Qualification and accounting of trustee of a testamentary trust.</p> <p>§36C-4-401A. Interest of trustee as beneficiary of life insurance or other death benefit sufficient to support inter vivos or testamentary trust.</p> <p>§36C-4-405A. Enforcement of charitable gift or trust.</p> <p>§36C-4-418. Distribution upon termination of trust.</p> <p>§36C-4-419. Effect of inalienable interest on modification or termination.</p> <p>Article 4A. Tax Status of Charitable Trusts.</p> <p>Article 4B. Charitable Remainder Trust Administration Act.</p>

UNIFORM TRUST CODE	ARKANSAS A.C.A. 28-73-101 to 28-73-1005 Effective: September 1, 2005	VIRGINIA V.C.A. 55-541.01 to 55-551.06 Effective: July 1, 2006	SOUTH CAROLINA S.C.C. 62-7-101 to 62-7-1106 Effective: January 1, 2006	OREGON O.R.S. 130.001 et seq. Effective: January 1, 2006	NORTH CAROLINA G.S. 36C-1-101 to 36C-11-1103 Effective: January 1, 2006
					§36C-5-508. Protective trusts.
Last Revised:	April 20, 2005	May 12, 2005	May 25, 2005	June 22, 2005	August 3, 2005