

will; and that such devise or bequest shall be given effect in accordance with the terms of the trust as they appear in writing at the testator's death; and that an entire revocation of the trust prior to the testator's death shall invalidate the devise or bequest; and to provide that a devise or bequest may be made to a trustee of a testamentary trust established under another valid will or codicil; that such devise or bequest shall not be invalid because the testamentary trust was not in existence when the will containing such devise or bequest was executed if the testator of the will establishing such testamentary trust predeceases the testator of the will containing such devise or bequest, and the will establishing the testamentary trust is admitted to probate; and to provide generally for the validity and manner of administration of such devises or bequests.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That new Sections 350A and 350B be and they hereby are added to Article 93 of the Annotated Code of Maryland (1957 edition), titled "Testamentary Law", subtitled "Wills", said new Sections to follow immediately after Section 350 of said Article 93, and all to read as follows:*

*350A. Bequests or Devises to Trustee Under, or in Accordance with Terms of, Existing Trusts.*

*A devise or bequest may be made in a will or codicil, otherwise valid under this Article, in form or substance to the trustee or trustees under, or in accordance with the terms of, a written inter vivos trust (including an unfunded life insurance trust, although the settlor has reserved any or all rights of ownership in the insurance contracts) which has been executed and is in existence prior to or contemporaneously with the execution of such will or codicil and is identified in such will or codicil, without regard to the size or character of the corpus of such trust, or whether the settlor is the testator or a third person.*

*Such devise or bequest shall not be invalid because the trust is subject to amendment or modification or may be terminated or revoked after the will or codicil is executed (whether by the settlor or any other person or persons), nor because the trust instrument or any amendment thereto was not executed in the manner required by this Article for wills or codicils.*

*Unless the will or codicil otherwise provides—*

*(1) Such devise or bequest shall not be invalid because the trust was amended or modified after the will or codicil was executed, and such devise or bequest shall be given effect in accordance with the terms of the trust as they appear in writing on the date of death of the testator, including any such amendment or modification;*

*(2) Property passing under such devise or bequest shall be deemed to pass directly to the trustee or trustees of the inter vivos trust and shall become a part of the assets of such trust, and shall not be deemed held under a separate testamentary trust;*

*(3) An entire revocation of the trust prior to the death of the testator shall invalidate the devise or bequest even though such re-*