

§ 36C-6-606. (Effective until March 1, 2024) Revocation of provisions in revocable trust by divorce or annulment; revival.

Dissolution of the settlor's marriage by absolute divorce or annulment after executing a revocable trust revokes all provisions in the trust in favor of the settlor's former spouse, including, but not by way of limitation, any provision conferring a general or special power of appointment on the former spouse and any appointment of the former spouse as trustee. Property prevented from passing to the former spouse because of revocation by divorce or absolute annulment passes as if the former spouse failed to survive the settlor, and other provisions conferring some power or office on the former spouse are interpreted as if the former spouse failed to survive the settlor. If provisions are revoked solely by this section, they are revived by the settlor's remarriage to the former spouse. The reference to "former spouse" in this section includes a purported former spouse. (2007-106, s. 26.)

§ 36C-6-606. (Effective March 1, 2024) Revocation of provisions in revocable trust by divorce or annulment; revival.

(a) Unless a contrary intent is expressly indicated in the revocable trust, if the settlor's marriage is dissolved by absolute divorce or annulment after the execution of a revocable trust, then the settlor's former spouse shall be deemed to have predeceased the settlor for all purposes related to the construction, interpretation, or administration of that revocable trust. This section shall apply to all provisions of the settlor's revocable trust, including, but not by way of limitation, any provision conferring a general or special power of appointment on the former spouse and any appointment of the former spouse as executor, trustee, conservator, guardian, or any other fiduciary or nonfiduciary position.

(b) This section shall not apply to a revocable trust if any of the following occur:

- (1) The settlor executes a subsequent valid amendment to the revocable trust, such as by date of the revocable trust, and which modifies the revocable trust.
- (2) The settlor remarries the former spouse prior to the settlor's death, unless the remarriage is subsequently dissolved by absolute divorce or annulment.

(c) As used in this section, the term "former spouse" includes a purported former spouse. (2007-106, s. 26; 2023-120, s. 2.2.)