Article 8.
Testamentary Additions to Trusts.

§ 31-47. Testamentary additions to trusts.
(a) A will may validly devise property to:
(1) The trustee of a trust established before the testator's death by the testator, by
the testator and some other person, or by some other person, including a trust
authorized by G.S. 36C-4-401.1; or
(2) The trustee of a trust to be established at the testator's death, if the trust is
identified in the testator's will and its terms are set forth in a written instrument
executed before or concurrently with the execution of the testator's will, regardless of the existence, size, or character of the corpus of the trust during
the testator's lifetime.

The devise is not invalid because the trust is amendable or revocable, or because the trust
instrument or any amendment thereto was not executed in the manner required for wills, or because
the trust was amended after the execution of the testator's will or after the testator's death. A
revocable trust to which property is first transferred under subdivision (2) of this subsection is an
inter vivos trust and not a testamentary trust and, as of the date of the execution of the trust
instrument, is subject to Article 6 of Chapter 36C of the General Statutes.

(b) Unless the testator's will provides otherwise, property devised to the trustee of a trust
described in subsection (a) of this section is not held under a testamentary trust of the testator, but
it becomes a part of the trust to which it is devised, and shall be administered and disposed of in
accordance with the provisions of the governing instrument setting forth the terms of the trust,
including any amendments thereto made before or after the testator's death.

(c) Unless the testator's will provides otherwise, a revocation or termination of the trust
before the testator's death causes the devise to lapse.

(d) A devise to a trust shall be construed as a devise to the trustee of that trust.

(e) For purposes of this section, "devise," when used as a noun, means a testamentary
disposition of real or personal property and, when used as a verb, means to dispose of real or
personal property by will.

(f) Nothing in this section alters, amends, or in any manner affects the application of the
doctrine of acts of independent significance. (1955, c. 388; 1957, c. 783, s. 1; 1975, c. 161;
2007-184, s. 1.)

§ 31-48: Reserved for future codification purposes.

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§ 31-50: Reserved for future codification purposes.