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.)