

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Trusts and Trustees Act is amended by adding
5 Section 8.5 as follows:

6 (760 ILCS 5/8.5 new)

7 Sec. 8.5. Certification of trust.

8 (a) Instead of furnishing a copy of the trust instrument to
9 a person other than the beneficiary, the trustee may furnish to
10 the person a certification of trust containing the following
11 information:

12 (1) a statement that the trust exists and the date the
13 trust instrument was executed;

14 (2) the identity of the settlor;

15 (3) the identity and address of the currently acting
16 trustee;

17 (4) the powers of the trustee;

18 (5) the revocability or irrevocability of the trust,
19 whether the trust is amendable or unamendable, and the
20 identity of any person holding a power to revoke or amend
21 the trust;

22 (6) the authority of co-trustees to sign or otherwise
23 authenticate and whether all or less than all are required

1 in order to exercise powers of the trustee;

2 (7) the trust's taxpayer identification number; and

3 (8) the manner of taking title to trust property.

4 (b) A certification of trust must be signed or otherwise
5 authenticated by one or more of the trustees. A third party may
6 require that the certification of trust be acknowledged.

7 (c) A certification of trust must state that the trust has
8 not been revoked, modified, or amended in any manner that would
9 cause the representations contained in the certification of
10 trust to be incorrect.

11 (d) A certification of trust need not contain the
12 dispositive terms of a trust.

13 (e) A recipient of a certification of trust may require the
14 trustee to furnish copies of those excerpts from the original
15 trust instrument and later amendments which designate the
16 trustee and confer upon the trustee the power to act in the
17 pending transaction.

18 (f) A person who acts in reliance upon a certification of
19 trust without knowledge that the representations contained
20 therein are incorrect is not liable to any person for so acting
21 and may assume without inquiry the existence of the facts
22 contained in the certification. Knowledge of the terms of the
23 trust may not be inferred solely from the fact that a copy of
24 all or part of the trust instrument is held by the person
25 relying upon the certification.

26 (g) A person who in good faith enters into a transaction in

1 reliance upon a certification of trust may enforce the
2 transaction against the trust property as if the
3 representations contained in the certification were correct.

4 (h) A person making a demand for the trust instrument in
5 addition to a certification of trust or excerpts is liable for
6 damages if the court determines that the person did not act in
7 good faith in demanding the trust instrument. A person required
8 to examine a complete copy of the trust instrument for purposes
9 of complying with applicable federal, state, or local law, a
10 person acting in a fiduciary capacity with respect to a trust,
11 and the Attorney General's Charitable Trust Bureau are deemed
12 to be acting in good faith when demanding a copy of the trust
13 instrument. This Section does not modify or limit any
14 obligation a trustee may have to furnish a copy of a trust
15 instrument to the Attorney General under the Charitable Trust
16 Act or the Solicitation for Charity Act.

17 (i) This Section does not limit the right of a person to
18 obtain a copy of the trust instrument in a judicial proceeding
19 concerning the trust.

20 (j) A certification of trust may be substantially as
21 follows, provided that nothing in this subsection (j) shall
22 invalidate or bar the use of a certification of trust in any
23 other or different form:

24 CERTIFICATION OF TRUST

25 Name of trust:

26 Date trust instrument was executed:

1 Tax Identification Number of trust (SSN or EIN):.....

2 Name(s) of settlor(s) of trust:

3 Name(s) of currently acting trustee(s):

4 Address(es) of currently acting trustee(s):

5 This trust states that of co-trustee(s) are
6 required to exercise the powers of the trustee.

7 The co-trustees authorized to sign or otherwise
8 authenticate on behalf of the trust are:.....

9 There are no co-trustees authorized to sign or otherwise
10 authenticate on behalf of the trust.

11 Name(s) of successor trustee(s):

12 The trustee(s) has (have) the power to (state, synopsize, or
13 describe relevant powers):

14 Title to the trust property shall be taken as follows (for
15 example, "John Doe and Jane Doe, co-trustees of the Doe Family
16 Living Trust, dated January 4, 1999"):

17

18 This is an irrevocable trust.

19 This is a revocable trust. Name(s) of person(s) holding
20 power to revoke the trust:

21 This is an unamendable trust.

22 This trust is amendable. Name(s) of person(s) holding
23 power to amend the trust:

24 I (we) certify that the above named trust is in full force and
25 has not been revoked, modified, or amended in any manner which

1 would cause the representations in this Certification of Trust
2 to be incorrect.

3 IN WITNESS THEREOF, each of the undersigned, being a trustee of
4 the above-named trust with the authority to execute this
5 Certification of Trust, does hereby execute it this day
6 of,

7 Trustee Signature:

8 Printed Name:

9 Trustee Signature:

10 Printed Name:

11 [OPTIONAL:

12 This instrument was signed and acknowledged before me on
13, (date) by (name/s of person/s):.....

14 (Signature of Notary Public):

15

16 (SEAL)]

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.