

SB0531



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0531

Introduced 2/8/2007, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

760 ILCS 5/4
760 ILCS 5/4.26 new

from Ch. 17, par. 1654

Amends the Trusts and Trustees Act. Permits a trustee to terminate a trust if it has a market value of less than \$100,000 and the costs of continuing the trust will substantially impair the purpose of the trust. Outlines how distribution shall be made. Provides that a trustee who is an income beneficiary may not participate as a trustee in the exercise of termination power. Provides that the trustee shall give notice to the persons entitled to distribution at least 30 days prior to the effective date of the termination of the trust. Provides that the provisions of the Section concerning small trust termination shall not apply to trusts for domestic or pet animals.

LRB095 04908 AJO 24974 b

A BILL FOR

1 AN ACT concerning trusts.

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
5 changing Section 4 and adding Section 4.26 as follows:

6 (760 ILCS 5/4) (from Ch. 17, par. 1654)

7 Sec. 4. Powers of Trustee. The trustee has the powers
8 specified in the Sections following this Section and preceding
9 Section 5 ~~4.01 through 4.25.~~

10 (Source: P.A. 88-367.)

11 (760 ILCS 5/4.26 new)

12 Sec. 4.26. Small trust termination. To terminate the trust
13 and distribute the trust estate, including principal and
14 accrued and undistributed income, if the trustee determines, in
15 the trustee's sole discretion, that the market value of a trust
16 is less than \$100,000 and that the costs of continuing the
17 trust will substantially impair accomplishment of the purpose
18 of the trust.

19 Distribution shall be made to the persons then entitled to
20 receive or eligible to have the benefit of the income from the
21 trust in the proportions in which they are entitled thereto, or
22 if their interests are indefinite, to those persons per stirpes

1 if they have a common ancestor, or if not, then in equal
2 shares. The trustee shall give notice to the persons at least
3 30 days prior to the effective date of the termination.

4 If a particular trustee is an income beneficiary of the
5 trust or is legally obligated to an income beneficiary, then
6 that particular trustee may not participate as a trustee in the
7 exercise of this termination power; provided, however, that if
8 the trust has one or more co-trustees who are not so
9 disqualified from participating, the co-trustee or co-trustees
10 may exercise this power.

11 This Section shall not apply to the extent that it would
12 cause a trust otherwise qualifying for a federal or State tax
13 benefit or other benefit not to so qualify, nor shall it apply
14 to trusts for domestic or pet animals.

15 The provisions of this amendatory Act of the 95th General
16 Assembly apply to all trusts created before, on, or after its
17 effective date.