WYOMING

State Decanting Summary[1]

STATUTORY HISTORY	
Statutory citation	W.S. 4-10-816(a)(xxviii)
Effective Date	7/1/13
Amendment Date(s)	
ABILITY TO DECANT	
1. Discretionary distribution authority required to decant?	Yes, discretion over income or principal.
2. Limitation on trustee who may decant?	No
CHANGES PERMITTED	
3. May new trust eliminate beneficiary's mandatory distribution rights?	Silent
4. May new trust eliminate beneficiary's withdrawal rights?	Silent
5. Must new and old trust beneficiaries be identical?	Silent
6. Are beneficiaries of new trust limited to current beneficiaries of old trust?	Silent
7. May remainder beneficiaries' interests be accelerated?	Silent
8. New and old trust require same distribution standard?	Silent
9. May trustee grant a power of appointment in new trust?	Silent
10. Must new trust grant identical power of appointment as old trust?	Silent
11. Supplemental needs trust exception?	No
TAX RESTRICTIONS	
12. Marital deduction savings provision?	No
13. Charitable deduction savings provision?	No
14. Beneficiary/trustee savings provision?	No
15. Other tax savings provisions?	No
16. Non-grantor trust to grantor trust conversion permitted?	Silent
OTHER RESTRICTIONS	
17. Rule against perpetuities savings provision?	No
18. May trustee increase trustee commission?	Silent
19. Other restrictions?	No
NOTICE, CONSENT & APPROVAL	
20. Notice to interested parties required prior to decanting?	No
21. Is decanting prohibited if a beneficiary objects?	No
22. Court approval required to decant?	No
FIDUCIARY DUTIES	
23. Provision re: purposes for exercise or explicit fiduciary duty?	No
24. Provision that trustee has no duty to consider decanting?	No
25. Standard of review?	No
TRUSTS SUBJECT TO STATUTE	
26. Provision on trusts subject to statute?	No
MISCELLANEOUS	
27. Other unique considerations?	No

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WYOMING STATUTE
W.S. 4-10-816(a)(xxviii)

4-10-816. Specific powers of trustee.

(a) Without limiting the authority conferred by W.S. 4-10-815, a trustee may: . . .

(xxviii) On distribution of trust income or principal pursuant to authority in the trust instrument to make discretionary distributions to a trust beneficiary, whether or not the discretionary distributions are pursuant to an ascertainable standard, make distributions of all or any portion of trust income or principal in further trust.

Section 3. This act is effective July 1, 2013.

CH1 7798427v.1 July 28, 2013

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