



WHY YOUR STATE SHOULD ADOPT THE UNIFORM POWERS OF APPOINTMENT ACT

- ***UPAA clarifies and codifies the common law.*** Powers of appointment are commonly used by estate planners to give a third party the authority to direct the disposition of a donor's property to specified eligible recipients. The uniform act does not change the law, but rather codifies the existing patchwork of state court cases that constitute the common law on powers of appointment.
- ***UPAA is easily understood by estate planners.*** The act is based on the Restatement (Third) of Property: Wills and Other Donative Transfers, and estate planning attorneys will already be familiar with most of the act's provisions.
- ***UPAA reduces unnecessary and expensive litigation.*** The uniform act provides the clear statutory authority that is now lacking for the creation, revocation, and use of powers of appointment. Its adoption will benefit estate planning practitioners who must draft enforceable provisions, and also provide needed guidance to the courts that must interpret the powers of appointment granted by wills and trusts.
- ***UPAA encompasses the best ideas from the country's leading trust law experts.*** The uniform act was drafted with extensive input from the American College of Trust and Estate Counsel (ACTEC) and the American Bar Association Section on Real Property, Trust and Estate Law (ABA-RPTE).
- ***UPAA will help eliminate jurisdictional conflicts.*** In our modern mobile society, American citizens frequently move from state to state and own property in multiple states. Uniformity of the law will ensure that powers of appointment granted by a resident of one state will be enforced similarly by the courts of every other state.

For further information about the Uniform Powers of Appointment Act, please contact ULC Chief Counsel Benjamin Orzeske at 312-450-6621 or borzeske@uniformlaws.org.