A Few Facts about

THE UNIFORM POWERS OF APPOINTMENT ACT

PURPOSE: A power of appointment is an estate planning tool that permits the owner of property to name a third party and give that person the power to direct the distribution of that property among some class of permissible beneficiaries. It is an effective and flexible technique used in a wide variety of situations, but there is very little statutory law governing the creation and use of powers of appointment. Instead, estate planning attorneys must rely on a patchwork of state court decisions. The drafters of the Uniform Powers of Appointment Act did not set out to change the law, but rather to codify the existing common law, relying heavily on the Restatement (Third) of Property: Wills and other Donative Transfers. Therefore, estate planning attorneys will already be familiar with the act’s provisions, and are likely to welcome the legal certainty that would result from its enactment.

ORIGIN: Completed by the Uniform Law Commission in 2013.

APPROVED BY: American Bar Association

ENACTED BY:

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.