

§ 31D-3-305. Permissible appointment.

(a) If a power holder of a general power of appointment permits appointment to the power holder or the power holder's estate, the power holder may make any appointment, including an appointment in trust or an appointment that creates a new power of appointment that the power holder could make in disposing of the power holder's own property.

(b) If a power holder of a general power of appointment permits appointment only to the creditors of the power holder or the creditors of the power holder's estate, or both, the power holder may appoint only to those creditors.

(c) Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the power holder of a nongeneral power may:

- (1) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee.
- (2) Create a general power in a permissible appointee.
- (3) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.
- (4) Create a nongeneral power in a permissible appointee to appoint to one or more persons if the permissible appointees of the new nongeneral power include one or more permissible appointees of the original nongeneral power.
(2015-205, s. 3(a); 2021-53, s. 4.2.)