

HOUSE BILL NO. HB0158

Rule against perpetuities.

Sponsored by: Representative(s) Brown, Gingery and Krone

A BILL

for

1 AN ACT relating to property; providing that only interests
2 in real property must vest as specified; providing that
3 trusts holding property other than interests in real
4 property shall continue as specified; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 34-1-139 is amended to read:

10

11 **34-1-139. Perpetuities; time limits for vesting;**
12 **restrictions on selected lives; legislative intent.**

13

14 (a) No interest in real ~~or personal~~ property shall be
15 good unless it must vest not later than twenty-one (21)
16 years after some life in being at the creation of the
17 interest and any period of gestation involved in the

1 situation to which the limitation applies. The lives
2 selected to govern the time of vesting must not be so
3 numerous nor so situated that evidence of their deaths is
4 likely to be unreasonably difficult to obtain. It is
5 intended by ~~the enactment of this statute~~ subsection to
6 make effective in this state the American common-law rule
7 against perpetuities.

8
9 (b) ~~Subsection (a) of this section shall not apply to~~
10 A trust created after July 1, 2003, owning or holding
11 property other than interests in real property, shall
12 continue for one thousand (1,000) years after the trust's
13 creation, unless some earlier term is expressly set forth
14 in the trust instrument, if:

15
16 (i) ~~The instrument creating the trust states~~
17 ~~that the rule against perpetuities as provided in~~
18 ~~subsection (a) of this section shall not apply to~~ The trust
19 terms require that any power of appointment over the trust
20 property terminate and all interests in the trust property
21 vest or terminate no later than one thousand (1,000) years
22 after the trust's creation, or such earlier date as set
23 forth in the trust instrument;

24

1 ~~(ii) The instrument creating the trust states~~
2 ~~that the trust shall terminate no later than one thousand~~
3 ~~(1,000) years after the trust's creation; and~~

4
5 (ii)(iii) The trust is governed by the laws of
6 this state; and

7
8 (iii) The trustee maintains a place of business,
9 administers the trust in this state or is a resident of
10 this state.

11
12 ~~(c) The election provided in subsection (b) of this~~
13 ~~section shall not be available to real property owned and~~
14 ~~held in a trust making an election under subsection (b) of~~
15 ~~this section. If a trust owns or holds both interests in~~
16 ~~real property and interests in property other than real~~
17 ~~property, subsection (a) of this section shall apply to~~
18 ~~such any real property interests held in a the trust making~~
19 ~~an election under and subsection (b) of this section.~~
20 ~~Subsection (b) of this section shall apply to the remaining~~
21 ~~assets property of such the trust.~~

22
23 (d) Real property interests for the purpose of
24 ~~subsection (b) subsections (a) and (c) of this section~~

1 shall not include ~~a~~ mineral ~~interest~~ interests or ~~an~~
2 ~~interest~~ interests in a corporation, limited liability
3 company, partnership, business trust or other entity.

4

5 **Section 2.** This act is effective July 1, 2011.

6

7

(END)