

75-2-1204 When nonvested property interest or power of appointment created.

- (1) Except as provided in Subsections (2) and (3) and in Section 75-2-1207, the time of creation of a nonvested property interest or a power of appointment is determined under general principles of property law.
- (2) For purposes of this part, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of:
 - (a) a nonvested property interest; or
 - (b) a property interest subject to a power of appointment described in Section 75-2-1203, the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates.
- (3) For purposes of this title, a nonvested property interest or a power of appointment arising from a transfer of property to a previously funded trust or other existing property arrangement is created when the nonvested property interest or power of appointment in the original contribution was created.

Amended by Chapter 364, 2013 General Session