

75-2-608 Exercise of power of appointment.

In the absence of a requirement that a power of appointment be exercised by a reference, or by an express or specific reference, to the power, a general residuary clause in a will, or a will making general disposition of all of the testator's property, expresses an intention to exercise a power of appointment held by the testator only if:

- (1) the power is a general power and the creating instrument does not contain a gift if the power is not exercised; or
- (2) the testator's will manifests an intention to include the property subject to the power.

Repealed and Re-enacted by Chapter 39, 1998 General Session