

Effective 5/7/2025

75B-1-101 Definitions for title.

As used in this title:

- (1) "Agent" means the same as that term is defined in Section 75-1-201.
- (2) "Beneficiary" means a person that:
 - (a) has a present or future beneficial interest in a trust, vested or contingent; or
 - (b) in a capacity other than that of trustee, holds a power of appointment over trust property.
- (3) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in Subsection 75B-2-405(1).
- (4) "Child" means, except as provided in Sections 75B-2-503 and 75B-2-504, the same as that term is defined in Section 75-1-201.
- (5) "Claims" means the same as that term is defined in Section 75-1-201.
- (6) "Conservator" means the same as that term is defined in Section 75-1-201.
- (7) "Court" means a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.
- (8) "Descendant" means the same as that term is defined in Section 75-1-201.
- (9) "Devise" means the same as that term is defined in Section 75-1-201.
- (10) "Distributee" means the same as that term is defined in Section 75-1-201.
- (11) "Estate" means the same as that term is defined in Section 75-1-201.
- (12) "Fiduciary" means the same as that term is defined in Section 75-1-201.
- (13) "Governing instrument" means the same as that term is defined in Section 75-1-201.
- (14) "Guardian" means the same as that term is defined in Section 75-1-201.
- (15) "Incapacitated" means the same as that term is defined in Section 75-1-201.
- (16) "Income" means the same as that term is defined in Section 75A-5-102.
- (17) "Interested person" means, except as provided in Section 75B-2-110, the same as that term is defined in Section 75-1-102.
- (18) "Lease" means the same as that term is defined in Section 75-1-201.
- (19) "Minor" means an individual who is younger than 18 years old.
- (20) "Mortgage" means the same as that term is defined in Section 75-1-201.
- (21) "Nongeneral power of appointment" means the same as that term is defined in Section 75A-4-102.
- (22) "Organization" means the same as that term is defined in Section 75-1-201.
- (23) "Parent" means the same as that term is defined in Section 75-1-201.
- (24) "Person" means the same as that term is defined in Section 75-1-201.
- (25) "Personal representative" means the same as that term is defined in Section 75-1-201.
- (26) "Petition" means the same as that term is defined in Section 75-1-201.
- (27) "Power of appointment" means the same as that term is defined in Section 75A-4-102.
- (28) "Principal" means the same as that term is defined in Section 75A-5-102.
- (29) "Property" means the same as that term is defined in Section 75-1-201.
- (30) "Protected person" means the same as that term is defined in Section 75-1-201.
- (31) "Record" means the same as that term is defined in Section 75-1-201.
- (32) "Security" means the same as that term is defined in Section 75-1-201.
- (33)
 - (a) "Settlor" means a person, including a testator, who creates, or contributes property to, a trust.
 - (b) If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.
- (34) "Sign" means the same as that term is defined in Section 75-1-201.
- (35) "State" means the same as that term is defined in Section 75-1-201.

- (36) "Successor" means a person, other than a creditor, that is entitled to property of a decedent under the decedent's will or Title 75, Utah Uniform Probate Code.
- (37) "Testator" means the same as that term is defined in Section 75-1-201.
- (38)
- (a) "Trust" means:
 - (i) a health savings account, as defined in Section 223 of the Internal Revenue Code;
 - (ii) an express trust, private or charitable, with additions thereto, wherever and however created; or
 - (iii) a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust.
 - (b) "Trust" does not include:
 - (i) a constructive trust;
 - (ii) a resulting trust;
 - (iii) a conservatorship;
 - (iv) a personal representative;
 - (v) a trust account as defined in Title 75, Chapter 6, Nonprobate Transfers;
 - (vi) a custodial arrangement under Title 75A, Chapter 8, Uniform Transfers To Minors Act;
 - (vii) a business trust providing for certificates to be issued to beneficiaries;
 - (viii) a common trust fund;
 - (ix) a voting trust;
 - (x) a preneed funeral plan under Title 58, Chapter 9, Funeral Services Licensing Act;
 - (xi) a security arrangement;
 - (xii) a liquidation trust;
 - (xiii) a trust for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind; or
 - (xiv) any arrangement under which a person is nominee or escrowee for another person.
- (39) "Trust company" means the same as that term is defined in Section 7-5-1.
- (40) "Trustee" means an original, additional, and successor trustee, and cotrustee, whether or not appointed or confirmed by the court.
- (41) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.
- (42) "Ward" means the same as that term is defined in Section 75-1-201.
- (43) "Will" means the same as that term is defined in Section 75-1-201.

Amended by Chapter 310, 2025 General Session

Amended by Chapter 338, 2025 General Session