

Article 2.

Creation, Revocation, and Amendment of Power of Appointment.

§ 31D-2-201. Creation of power of appointment.

- (a) A power of appointment is created only if all of the following apply:
 - (1) The instrument creating the power is valid under applicable law.
 - (2) Repealed by Session Laws 2021-53, s. 4.1, effective June 25, 2021.
 - (3) The terms of the instrument creating the power manifest the donor's intent to create in a power holder a power of appointment over the appointive property exercisable in favor of a permissible appointee.
- (b) Repealed by Session Laws 2021-53, s. 4.1, effective June 25, 2021.
- (c) A power of appointment may not be created in a deceased individual.
- (d) Subject to an applicable rule against perpetuities or restraint on alienation, a power of appointment may be created in an unborn or unascertained power holder. (2015-205, s. 3(a); 2021-53, s. 4.1.)