

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 920
95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 25, 2010, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4935S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 456, RSMo, is amended by adding thereto one new section, to be known as section 456.002, to read as follows:

456.002. 1. If a husband and wife own real or personal property as tenants by the entireties and transfer such property to the trustee of a trust, the terms of which provide that husband and wife are both settlors of that trust, then during any period that such property, or any investment or reinvestment thereof, is held by the trustee of that trust, such property shall be deemed to be tenancy by the entireties property and shall retain its characteristics as tenancy by the entireties property for all purposes.

2. Unless the terms of the transfer or the terms of the trust specifically provide otherwise, while both husband and wife are living and after the death of the first of them, the trustee shall administer such property as tenancy by the entireties property, including but not limited to administering such property in the following manner:

(1) The husband and wife while both shall be living shall be the sole permissible distributees of such property, or any interest therein, and of any income or benefits derived from the property;

(2) The husband and wife while both shall be living, and the survivor of them, shall have the power at any time and from time to time to withdraw or to appoint to any person or persons any part or all of such property; and

21 **(3) The power to revoke or amend the trust shall be vested in**
22 **and exercisable by the husband and wife while both of them are living**
23 **and by the survivor of them.**

24 **3. In the event that any transfer of tenancy by entireties**
25 **property to the trustee of the trust is held to be invalid by any court of**
26 **proper jurisdiction while both husband and wife are living, or the trust**
27 **is terminated by a court decree or by its terms while both husband and**
28 **wife are living, then immediately upon the occurrence of any such**
29 **event, any such tenancy by entireties property held by the trustee shall**
30 **automatically be deemed to be held individually by the husband and**
31 **wife, as tenants by the entireties, free and clear of the trust, without**
32 **any further action required on the part of the trustee or husband and**
33 **wife.**

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Bill

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