

(5) ~~((No judgment shall be rendered in favor of the plaintiff in any such action unless the plaintiff shall cause a copy of the notice of the hearing on such action to be mailed not less than twenty days before the date therefor to the trustor, if living, the trustee and to each beneficiary whose name and address is known to him. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing.))~~ The procedure for all actions provided in this section is as provided in chapter 11.96 RCW.

(6) Nothing in this section shall be construed to change the existing law with regard to the liability of the trustee of a charitable trust for the torts of the trustee.

NEW SECTION. Sec. 86. RCW 11.98.010, 11.98.020, 11.98.030, and 11.98.040, each as amended by this 1984 act, are decodified and recodified as RCW 11.98.130, 11.98.140, 11.98.150, and 11.98.160, respectively.

Sec. 87. Section 11.98.010, chapter 145, Laws of 1965 and RCW 11.98.010 are each amended to read as follows:

If any provision of an instrument creating a trust ~~((shall))~~, including the provisions of any further trust created, or any other disposition of property made pursuant to exercise of a power of appointment granted in or created through authority under such instrument violates the rule against perpetuities, neither such provision nor any other provisions of the trust ~~((shall))~~, or such further trust or other disposition, is thereby ~~((be))~~ rendered invalid during any of the following periods:

(1) The twenty-one years following the effective date of the instrument.

(2) The period measured by any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such life or lives.

(3) The period measured by any portion of any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such portion of such life or lives; and

(4) The twenty-one years following the expiration of the periods specified in (2) and (3) above.

Sec. 88. Section 11.98.020, chapter 145, Laws of 1965 and RCW 11.98.020 are each amended to read as follows:

If, during any period in which an instrument creating a trust, as described in RCW 11.98.130, or any provision thereof, is not to be rendered invalid by the rule against perpetuities, any of the trust assets should by the terms of the instrument or pursuant to any further trust or other disposition resulting from exercise of the power of appointment granted in or created

through authority under such instrument, become distributable or any beneficial interest ((therein)) in any of the trust assets should by the terms of the instrument, or such further trust or other disposition become vested, such assets shall be distributed and such beneficial interest shall validly vest in accordance with the instrument, or such further trust or other disposition.

Sec. 89. Section 11.98.030, chapter 145, Laws of 1965 and RCW 11.98.030 are each amended to read as follows:

If, at the expiration of any period in which an instrument creating a trust, as described in RCW 11.98.009, or any provision thereof, is not to be rendered invalid by the rule against perpetuities, any of the trust assets have not by the terms of the trust instrument become distributable or vested, then ~~((such))~~ the assets shall be ~~((then))~~ distributed as the superior court having jurisdiction ~~((shall))~~ directs, giving effect to the general intent of the creator of the trust or person exercising a power of appointment in the case of any further trust or other disposition of property made pursuant to the exercise of a power of appointment.

Sec. 90. Section 11.98.040, chapter 145, Laws of 1965 and RCW 11.98.040 are each amended to read as follows:

For the purposes of this chapter the effective date of an instrument purporting to create an irrevocable inter vivos trust ~~((shall be its))~~ is the date ~~((of delivery))~~ on which it is executed by the trustor, and the effective date of an instrument purporting to create either a revocable inter vivos trust or a testamentary trust ~~((shall be))~~ is the date of the trustor's or testator's death.

NEW SECTION. Sec. 91. There is added to chapter 11.98 RCW a new section to be codified as RCW 11.98.170 to read as follows:

**TRUSTEE OR CUSTODIAN NAMED AS BENEFICIARY OF LIFE INSURANCE POLICY OR RETIREMENT PLAN.** (1) Any life insurance policy or retirement plan payment provision may designate as beneficiary:

(a) A trustee named or to be named by will, and immediately after the proving of the will, the proceeds of such insurance or of such plan designated as payable to that trustee, in part or in whole, shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of under the terms of the will governing the testamentary trust; or

(b) A trustee named or to be named under a trust agreement executed by the insured, the plan participant, or any other person, and the proceeds of such insurance or retirement plan designated as payable to such trustee, in part or in whole, shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of by the trustee as provided in such trust agreement; a trust is valid even if the only corpus consists of the right of the trustee to receive as beneficiary insurance or retirement plan proceeds; any such trustee may also receive assets, other than insurance or