

S.F. No. 1306, as introduced - 87th Legislative Session (2011-2012) [11-3185]

2.1 ~~(b) If the federal estate or federal generation-skipping transfer tax becomes effective~~
2.2 ~~before January 1, 2011, then the reference to January 1, 2011, in paragraph (a) is deemed~~
2.3 ~~to refer to the first date on which this tax becomes legally effective, instead of January 1,~~
2.4 ~~2011.~~

2.5 (e) (b) The personal representative, trustee, or any interested person under the
2.6 governing instrument, including a will or trust agreement, may bring a proceeding
2.7 to determine whether the decedent intended that a formula or provision described in
2.8 paragraph (a) be construed with respect to the law as it existed after December 31, 2009.
2.9 This proceeding must be commenced by December 31, 2011, and the court may consider
2.10 extrinsic evidence that contradicts the plain meaning of the will, trust, or other governing
2.11 instrument. The court may modify a provision of a will, trust, or other governing
2.12 instrument that refers to the federal estate tax or generation-skipping transfer tax laws as
2.13 described in paragraph (a) to conform the terms to the decedent's intention, or achieve
2.14 the decedent's tax objectives in a manner that is not contrary to the decedent's probable
2.15 intention. The court may provide that its decision, including any decision to modify
2.16 a provision of a will, trust, or other governing instrument, is effective as of the date of
2.17 the decedent's death.