

Virtual representation provisions – Uniform Trust Code Art. 3

SECTION 301. REPRESENTATION: BASIC EFFECT.

- (a) Notice to a person who may represent and bind another person under this article has the same effect as if notice were given directly to the other person.
- (b) The consent of a person who may represent and bind another person under this article is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.
- (c) Except as otherwise provided ~~in Sections [411 and] 602~~ by law, a person who under this article may represent a settlor who lacks capacity may receive notice and give a binding consent on the settlor's behalf.

~~[(d) A settlor may not represent and bind a beneficiary under this [article] with respect to the termination or modification of a trust under Section 411(a).]~~

SECTION 302. REPRESENTATION BY HOLDER OF GENERAL TESTAMENTARY POWER OF APPOINTMENT.

Reserved.

SECTION 303. REPRESENTATION BY FIDUCIARIES AND PARENTS.

Reserved.

SECTION 304. REPRESENTATION BY PERSON HAVING SUBSTANTIALLY IDENTICAL INTEREST.

- (a) Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented.
- (b) A presumptive remainder beneficiary may represent contingent successor remainder beneficiaries with respect to matters in which there is no conflict of interest.
- (c) Nothing in this section shall affect the court's authority to appoint a guardian ad litem pursuant to section 9-5-89.

SECTION 305. APPOINTMENT OF REPRESENTATIVE.

Reserved.