

RCW 11.98.011 Trust creation—Requirements. (1) A trust is created only if:

- (a) The trustor has capacity to create a trust;
- (b) The trustor indicates an intention to create the trust;
- (c) The trust has a definite beneficiary or is:
 - (i) A charitable trust;
 - (ii) A trust for the care of an animal, as provided in chapter 11.118 RCW; or
 - (iii) A trust for a noncharitable purpose, as provided in RCW 11.98.015;
- (d) The trustee has duties to perform; and
- (e) The same person is not the sole trustee and sole beneficiary.

(2) A beneficiary is definite if the beneficiary can be ascertained now or in the future, subject to any applicable rule against perpetuities.

(3) A power in a trustee to select a beneficiary from an indefinite class is valid, except to the extent that the trustee may distribute trust property to himself or herself. If the power is not exercised within a reasonable time, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred. [2011 c 327 s 16.]

Application—Effective date—2011 c 327: See notes following RCW 11.103.020.