

fails to appoint and maintain at all times in the District of Columbia such resident agent shall not, while such failure continues, be entitled to the exemption provided in this section. Whenever any such person or entity does not have in the District of Columbia an agent for service of process or such agent cannot with reasonable diligence be found at his registered address, then the said Commissioners or their designee shall be the agent for the service of process for such person or entity. Service of process on the Commissioners or their designee shall be made by delivering to, and leaving with them, or with any person having charge of their office, or with their designee, duplicate copies of the process accompanied by a fee in the amount of \$2.00 and such service shall be sufficient service upon such person or entity. In the event of such service, the Commissioners, or their designee, shall immediately cause one of such copies to be forwarded by registered or certified mail, addressed to such person or entity at his or its address, as such address appears on the records of the Commissioners or their designee. Any such service shall be returnable in not less than thirty days unless the rules of the court issuing such process prescribe another period, in which case such prescribed period shall govern. Nothing contained in this section shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served on any such person or entity in any other manner now or hereafter permitted by law."

Approved December 5, 1963.

Public Law 88-192

AN ACT

To amend the Act of March 3, 1901, relating to devises and bequests by will.

December 5, 1963
[H. R. 3190]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is amended by adding the following new section after section 1628 thereof:

"SEC. 1628a. (a) **BEQUESTS OR DEVISES TO TRUSTEE UNDER, OR IN ACCORDANCE WITH TERMS OF, EXISTING TRUSTS.**—A devise or bequest may be made in a will or codicil, otherwise valid, in form or substance to the trustee or trustees under, or in accordance with the terms of, a written inter vivos trust (including an unfunded life insurance trust, although the settlor has reserved any or all rights of ownership in the insurance contracts) which has been executed and is in existence prior to or contemporaneously with the execution of such will or codicil and is identified in such will or codicil, without regard to the size or character of the corpus of such trust, or whether the settlor is the testator or a third person.

"Such devise or bequest shall not be invalid because the trust is subject to amendment or modification or may be terminated or revoked after the will or codicil is executed (whether by the settlor or any other person or persons), nor because the trust instrument or any amendment thereto was not executed in the manner required by law for wills or codicils.

D. C. "Pour
over" trusts.

31 Stat. 1433;
32 Stat. 545.
D. C. Code 19-
205.

"Unless the will or codicil otherwise provides—

"(1) such devise or bequest shall not be invalid because the trust was amended or modified after the will or codicil was executed, and such devise or bequest shall be given effect in accordance with the terms of the trust as they appear in writing on the date of death of the testator, including any such amendment or modification;

"(2) property passing under such devise or bequest shall be deemed to pass directly to the trustee or trustees of the inter vivos trust and shall become a part of the assets of such trust, and shall not be deemed held under a separate testamentary trust;

"(3) an entire revocation of the trust prior to the death of the testator shall invalidate the devise or bequest even though such revocation was not effected in the manner provided by law for the revocation of wills and codicils;

"(4) a termination of the trust, except by way of revocation, in accordance with the terms of said trust or by its exhaustion or by operation of law or otherwise shall not invalidate the devise or bequest.

"(b) **BEQUESTS OR DEVISES TO TRUSTEE UNDER, OR IN ACCORDANCE WITH TERMS OF, TESTAMENTARY TRUSTS.**—A devise or bequest may be made in a will or codicil, otherwise valid, in form or substance to the trustee or trustees under, or in accordance with the terms of, a testamentary trust established under another valid will or codicil. Such devise or bequest shall not be invalid because the testamentary trust or the will or codicil establishing such testamentary trust was not in existence when the will or codicil containing such devise or bequest was executed, if the testator of the will or codicil establishing such testamentary trust predeceases the testator of the will or codicil containing such devise or bequest, and such will or codicil establishing such testamentary trust had been or is subsequently admitted to probate.

"Unless the will otherwise provides—

"(1) property passing under such devise or bequest shall be deemed to pass directly to the trustee or trustees of the testamentary trust and shall become a part of the assets of such trust, and shall not be deemed held under a separate testamentary trust;

"(2) a termination of the trust in accordance with the terms of said trust or by its exhaustion or by operation of law or otherwise shall not invalidate the devise or bequest.

"The provisions of this section shall apply to any devise or bequest made by a testator living on the effective date of this Act or born subsequent thereto, without regard to the date of execution of the will or codicil containing such devise or bequest or of the trust instrument, or any amendment thereto: *Provided, however,* That the provisions of this Act shall not be construed as casting any doubt upon the validity as heretofore existing of (a) any devise or bequest made by a testator who shall have died prior to the effective date hereof, or (b) any devise or bequest which does not come within the provisions of this Act."

SEC. 2. Any provision of law inconsistent with the provisions of this Act is hereby repealed.

SEC. 3. This Act shall become effective upon the date of enactment of this Act.

Approved December 5, 1963.