

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998

ARTICLE VIII
MISCELLANEOUS PROVISIONS

PART 1
EFFECTIVE DATE AND REPEALER

700.8101 Effective date; applicable provisions.

Sec. 8101. (1) This act takes effect April 1, 2000.

(2) Except as provided elsewhere in this act, on this act's effective date, all of the following apply:

(a) The act applies to a governing instrument executed by a decedent dying after that date.

(b) The act applies to a proceeding in court pending on that date or commenced after that date regardless of the time of the decedent's death except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of the infeasibility of applying this act's procedure.

(c) A fiduciary, including a person administering the estate of a minor or incompetent, holding an appointment on that date continues to hold the appointment, but has only the powers conferred by this act and is subject to the duties imposed with respect to an event occurring or action taken after that date.

(d) This act does not impair an accrued right or an action taken before that date in a proceeding. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period of time that commences to run by the provision of a statute before this act's effective date, the provision remains in force with respect to that right.

(e) A rule of construction or presumption provided in this act applies to a governing instrument executed before that date unless there is a clear indication of a contrary intent.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.8102 Repeal of certain acts.

Sec. 8102. The following acts and parts of acts are repealed:

(a) Disclaimer of property interests act, 1996 PA 131, MCL 554.871 to 554.890.

(b) Uniform testamentary additions to trusts act, 1962 PA 83, MCL 555.461 to 555.464.

(c) Revised probate code, 1978 PA 642, MCL 700.1 to 700.993.

(d) Uniform simultaneous death act, 1941 PA 73, MCL 720.101 to 720.108.

(e) 1996 PA 433, MCL 451.471 to 451.481.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

PART 2

MICHIGAN TRUST CODE MISCELLANEOUS PROVISIONS; EFFECTIVE DATE

700.8201 Construction of article VII.

Sec. 8201. (1) Article VII shall be construed and applied to promote its underlying purposes and policies.

(2) The following are the underlying purposes and policies of article VII:

(a) To make more comprehensive and to clarify the law governing trusts in this state.

(b) To permit the continued expansion and development of trust practices through custom, usage, and agreement of the parties.

(c) To foster certainty in the law so that settlors of trusts will have confidence that their instructions will be carried out as expressed in the terms of the trust.

History: Add. 2009, Act 46, Eff. Apr. 1, 2010.

Popular name: EPIC

700.8202 Electronic records and signatures.

Sec. 8202. The provisions of article VII governing the legal effect, validity, or enforceability of electronic records or electronic signatures, and of contracts formed or performed with the use of electronic records or signatures, conform to the requirements of section 102 of the electronic signatures in global and national commerce act, 15 USC 7002, and supersede, modify, and limit the requirements of the electronic signatures in global and national commerce act, 15 USC 7001 to 7031.

History: Add. 2009, Act 46, Eff. Apr. 1, 2010.

Popular name: EPIC

700.8204 Effective date.

Sec. 8204. The amendments and additions to article VII enacted by the amendatory act that added this section take effect on April 1, 2010.

History: Add. 2009, Act 46, Eff. Apr. 1, 2010.

Popular name: EPIC

700.8206 Application to existing relationships.

Sec. 8206. (1) Except as otherwise provided in article VII, all of the following apply on the effective date of the amendatory act that added this section:

(a) The amendments and additions to article VII enacted by the amendatory act that added this section apply to all trusts created before, on, or after that effective date.

(b) The amendments and additions to article VII enacted by the amendatory act that added this section apply to all judicial proceedings concerning trusts commenced on or after that effective date.

(c) The amendments and additions to article VII enacted by the amendatory act that added this section apply to judicial proceedings concerning trusts commenced before that effective date unless the court finds that application of a particular provision of the amendments and additions would substantially interfere with the effective conduct of the judicial proceedings or prejudice the rights of the parties, in which case the particular provision of the amendments and additions does not apply and the superseded provisions apply.

(d) Any rule of construction or presumption provided in the amendments and additions to article VII enacted by the amendatory act that added this section applies to trust instruments executed before that effective date unless there is a clear indication of a contrary intent in the terms of the trust.

(2) The amendments and additions to article VII enacted by the amendatory act that added this section do not impair an accrued right or affect an act done before that effective date. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period that has commenced to run under any other statute before that effective date, that statute continues to apply to the right even if it has been repealed or superseded.

(3) If any provision of the amendments and additions to article VII enacted by the amendatory act that added this section conflicts with any provision of 1846 RS 63, MCL 555.1 to 555.27, the provision of article VII prevails.

History: Add. 2009, Act 46, Eff. Apr. 1, 2010.

Popular name: EPIC