

**390.050 Creation of power of appointment.**

- (1) A power of appointment is created only if:
  - (a) The instrument creating the power:
    1. Is valid under applicable law; and
    2. Except as otherwise provided in subsection (2) of this section, transfers the appointive property; and
  - (b) The terms of the instrument creating the power manifest the donor's intent to create, in a powerholder, a power of appointment over the appointive property exercisable in favor of a permissible appointee.
- (2) Subsection (1)(a)2. of this section does not apply to the creation of a power of appointment by the exercise of a power of appointment.
- (3) A power of appointment may not be created in a deceased individual.
- (4) Subject to an applicable rule against perpetuities, a power of appointment may be created in an unborn or unascertained powerholder.

**Effective:** July 15, 2020

**History:** Created 2020 Ky. Acts ch. 41, sec. 4, effective July 15, 2020.