



# HOUSE BILL No. 5498

March 8, 2000, Introduced by Rep. Shulman and referred to the Committee on Family and Civil Law.

A bill to amend 1967 PA 224, entitled  
"Powers of appointment act of 1967,"  
by amending section 4 (MCL 556.114).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. Unless otherwise provided in the creating instru-  
2 ment, an instrument manifests an intent to exercise the power if  
3 the instrument purports to transfer an interest in the appointive  
4 property ~~which~~ THAT the donee would have no power to transfer  
5 except by virtue of the power, even though the power is not  
6 recited or referred to in the instrument, or if the instrument  
7 either expressly or by necessary implication from its wording,  
8 interpreted in the light of the circumstances surrounding its  
9 drafting and execution, manifests an intent to exercise the  
10 power. ~~If the creating instrument explicitly directs that no~~  
11 ~~instrument shall be effective to exercise the power unless it~~

1 ~~contains a reference to the specific power, an instrument which~~  
2 ~~lacks such reference does not validly exercise the power.~~  
3 Subject to the ~~foregoing~~ OTHER PROVISIONS OF THIS SECTION, if  
4 there is a general power exercisable by will with no express gift  
5 in default in the creating instrument, a residuary clause or  
6 other general language in the donee's will purporting to dispose  
7 of all of the donee's estate or property operates to exercise the  
8 power, but in all other cases such a clause or language does not  
9 in itself manifest an intent to exercise a power exercisable by  
10 will.