

633A.3102 Revocation or modification.

1. Unless the terms of the trust expressly provide that the trust is irrevocable, the settlor may revoke or modify the trust. This subsection does not apply to trusts created under instruments executed before July 1, 2000.

2. Except as otherwise provided by the terms of the trust, if a trust is created or funded by more than one settlor, each settlor may revoke or modify the trust as to the portion of the trust contributed by that settlor.

3. A trust that is revocable by the settlor may be revoked or modified by any of the following methods:

a. By compliance with any method specified by the terms of the trust.

b. Unless the terms of the trust expressly make the method specified exclusive, then either of the following:

(1) By a writing, other than a will, signed by the settlor and delivered to the trustee during the settlor's lifetime.

(2) By a later will or codicil expressly referring to the trust and which makes a devise of the property that would otherwise have passed by the terms of the trust.

4. Upon termination of a revocable trust, the trustee must distribute the trust property as the settlor directs.

5. The settlor's powers with respect to revocation or modification may be exercised by an agent under a power of attorney only if all of the following apply:

a. The trust instrument expressly authorizes an agent under a power of attorney to exercise such powers.

b. The power of attorney expressly authorizes an agent acting under the power of attorney to exercise such powers.

99 Acts, ch 125, §26, 109

C2001, §633.3102

2005 Acts, ch 38, §54

CS2005, §633A.3102

2006 Acts, ch 1104, §4; 2012 Acts, ch 1123, §16, 32

[SP] 2012 amendment to subsection 5 applies to revocable trusts and powers of attorney in existence on or after July 1, 2012; 2012 Acts, ch 1123, §32

[T] Subsection 5 amended