## 633A.2103 Statute of frauds.

- 1. A trust is enforceable when evidenced by either of the following:
- a. A written instrument signed by the trustee, or by the trustee's agent if authorized in writing.
- b. A written instrument conveying the trust property signed by the settlor, or by the settlor's agent if authorized in writing.
- 2. If an owner of property declares that property is held upon a trust, the written instrument evidencing the trust must be signed by the settlor according to one of the following:
  - a. Before or at the time of the declaration.
  - b. After the time of the declaration but before the settlor has transferred the property.
- 3. If an owner of property while living transfers property to another person to hold upon a trust, the written instrument evidencing the trust must be signed according to one of the following:
  - a. By the settlor, concurrently with or before the transfer.
- b. By the trustee, concurrently with or before the transfer, or after the transfer but before the trustee has transferred the property to a third person.
- 4. Oral trusts that have not been reduced to writing as specified in this section are not enforceable. This section does not affect the power of a court to declare a resulting or constructive trust in the appropriate case or to order other relief where appropriate.

99 Acts, ch 125, \$10, 109 C2001, \$633.2103 2003 Acts, ch 95, \$10, 11; 2005 Acts, ch 38, \$54 CS2005, \$633A.2103