

Measure: HB2757

Author: Representative Doug Cox

Subject: Family Wealth Preservation Trust Act

Provisions:

Section 1: Amends existing language by adding to the definition of ‘preservation trust,’ the following underlined language:

Having at all times as a trustee or cotrustee an Oklahoma-based bank that maintains a trust department or as a trustee, an individual if a majority in value of the assets of the trust consists of qualified property used in a family farm.

This section also adds a definition of “qualified property used in a family farm.”

Section 2: Notwithstanding Section 3 of this title and Section 299.15 of Title 60 of the Oklahoma Statutes, the corpus and income of a preservation trust shall be exempt from attachment or execution and every other species of forced sale and no judgment, decree, or execution can be a lien on the trust for the payment of debts of a grantor, except a child support judgment, except for any additional property contributed to the preservation trust by the grantor having an aggregate fair market value, determined as of the date of each contribution, minus liabilities to which the property is subject, in excess of ~~One Million Dollars (\$1,000,000.00)~~ Two Million Dollars (\$2,000,000.00). Any incremental growth derived from income or an increase in value of the corpus of a preservation trust shall also be considered protected by this section. Transfer of an asset to a preservation trust does not affect any mortgage, security interest or lien to which that asset is subject.

Section 2: Effective date of November 1, 2008

Prepared by: Dante Giancola, Deputy Director

Date: March 2, 2008