ARTICLE 11-A
UNIFORM PRINCIPAL AND INCOME ACT

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Part 1. Definitions and Fiduciary Duties

§ 11-A-1.1. Short title

This article may be cited as the New York Uniform Principal and Income Act.


§ 11-A-1.2. Definitions

In this article:

(1) "Accounting period" means a calendar year unless another twelve-month period is selected by a fiduciary. The term includes a portion of a calendar year or other twelve-month period that begins when an income interest begins or ends when an income interest ends.

(2) "Beneficiary" includes, in the case of a decedent's estate, a distributee and testamentary beneficiary and, in the case of a trust, an income beneficiary and a remainder beneficiary.

(3) "Fiduciary" means a personal representative or trustee. The term includes an executor, administrator, successor personal representative, and a person performing substantially the same function.

(4) "Income" means money or property that a fiduciary receives as current return from a principal asset. The term includes a portion of receipts from a sale, exchange, or liquidation of a principal asset, to the extent provided in part 4.

(5) "Income beneficiary" means a person to whom net income of a trust is or may be payable.
§ 11-A-1.3

Fiduciary duties; general principles

(a) In allocating receipts and disbursements to or between principal and income, and with respect to any matter within the scope of parts 2 and 3, a fiduciary:

(1) shall administer a trust or estate in accordance with the terms of the trust or the will, even if there is a different provision in this article;

(2) may administer a trust or estate by the exercise of a discretionary power of administration given to the fiduciary by the terms of the trust or the will, even if the exercise of the power produces a result different from a result required or permitted by this article;

(3) shall administer a trust or estate in accordance with this article if the terms of the trust or the will do not contain a different provision or do not give the fiduciary a discretionary power of administration; and

(4) shall add a receipt or charge a disbursement to principal to the extent that the terms of the trust or the will and this article do not provide a rule for allocating the receipt or disbursement to or between principal and income.

(b) In exercising a discretionary power of administration regarding a matter within the scope of this article, whether granted by the terms of a trust, a will, or this article, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest an intention that the fiduciary shall or may favor one or more of the beneficiaries.
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A determination in accordance with this article is presumed to be fair and reasonable to all of the beneficiaries.


Part 2. Decedent’s Estate or Terminating Income Interest

§ 11-A-2.1. Determination and distribution of net income

After a decedent dies, in the case of an estate, or after an income interest in a trust ends, the following rules apply:

(1) A fiduciary of an estate or of a terminating income interest shall determine the amount of net income and net principal receipts received from property specifically given to a beneficiary under the rules in parts 3 through 5 which apply to trustees and the rules in paragraph (5). The fiduciary shall distribute the net income and net principal receipts to the beneficiary who is to receive the specific property.

(2) A fiduciary shall determine the remaining net income of a decedent’s estate or a terminating income interest under the rules in parts 3 through 5 which apply to trustees and by:

(A) including in net income all income from property used to discharge liabilities;

(B) paying from income or principal, in the fiduciary’s discretion, fees of attorneys, accountants, and fiduciaries; court costs and other expenses of administration; and interest on death taxes, but the fiduciary may pay those expenses from income and property passing to a trust for which the fiduciary claims an estate tax marital or charitable deduction only to the extent that the payment of those expenses from income will not cause the reduction or loss of the deduction; and

(C) paying from principal all other disbursements made or incurred in connection with the settlement of a decedent’s estate or the winding up of a terminating income interest, including debts, funeral expenses, disposition of remains, family allowances, and death taxes and related penalties that are apportioned to the estate or terminating income interest by the will, the terms of the trust, or applicable law.

(3) A fiduciary shall distribute to a beneficiary who receives a pecuniary amount outright the interest or any other amount provided by the will, the terms of the trust, or applicable law from net income determined under paragraph (2) or from principal to the extent that net income is insufficient. If a beneficiary is to receive a pecuniary amount outright from a trust after an income interest ends and no interest or other amount is provided for by the terms of the trust or applicable law, the fiduciary shall distribute the interest or other amount to which the beneficiary would be entitled under applicable law if the pecuniary amount were required to be paid under a will.

(4) A fiduciary shall distribute the net income remaining after distributions required by paragraph (3) in the manner described in 11-A-2.2 to all other beneficiaries, including a beneficiary who receives a pecuniary amount in trust, even if the beneficiary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust.

(5) A fiduciary may not reduce principal or income receipts from property described in paragraph (1) because of a payment described in 11-A-5.1 or 11-A-5.2 to the extent that the will, the terms of the trust, or applicable law requires the fiduciary to make the...
payment from assets other than the property or to the extent that the fiduciary recovers or expects to recover the payment from a third party. The net income and principal receipts from the property are determined by including all of the amounts the fiduciary receives or pays with respect to the property, whether those amounts accrued or became due before, on, or after the date of a decedent’s death or an income interest’s terminating event, and by making a reasonable provision for amounts that the fiduciary believes the estate or terminating income interest may become obligated to pay after the property is distributed.


§ 11-A-2.2. Distribution to residuary and remainder beneficiaries

(a) Each beneficiary described in paragraph 11-A-2.1(4) is entitled to receive a portion of the net income equal to the beneficiary’s fractional interest in undistributed principal assets, using values as of the distribution date, provided, however, that any amount allowed as a tax deduction to the estate for income payable to a charitable organization shall be paid, without diminution for taxes, to the charitable organization entitled to receive such income. If a fiduciary makes more than one distribution of assets to beneficiaries to whom this section applies, each beneficiary, including one who does not receive part of the distribution, is entitled, as of each distribution date, to the net income the fiduciary has received after the date of death or terminating event or earlier distribution date but has not distributed as of the current distribution date.

(b) In determining a beneficiary’s share of net income, the following rules apply:

1. The beneficiary is entitled to receive a portion of the net income equal to the beneficiary’s fractional interest in the undistributed principal assets immediately before the distribution date, including assets that later may be sold to meet principal obligations.

2. The beneficiary’s fractional interest in the undistributed principal assets must be calculated without regard to property specifically given to a beneficiary and property required to pay pecuniary amounts not in trust.

3. The beneficiary’s fractional interest in the undistributed principal assets must be calculated on the basis of the aggregate value of those assets as of the distribution date without reducing the value by any unpaid principal obligation.

4. The distribution date for purposes of this section may be the date as of which the fiduciary calculates the value of the assets if that date is reasonably near the date on which assets are actually distributed.

(c) If a fiduciary does not distribute all of the collected but undistributed net income to each person as of a distribution date, the fiduciary shall maintain appropriate records showing the interest of each beneficiary in that net income.

(d) A fiduciary may apply the rules in this section, to the extent that the fiduciary considers it appropriate, to net gain or loss realized after the date of death or terminating event or earlier distribution date from the disposition of a principal asset if this section applies to the income from the asset.

§ 11-A-3.3. Apportionment when income interest ends

(a) In this section, "undistributed income" means net income received before the date on which an income interest ends. The term does not include an item of income or expense that is due or accrued or net income that has been added or is required to be added to principal under the terms of the trust.

(b) When a mandatory income interest ends, the trustee shall pay to a mandatory income beneficiary who survives that date, or the estate of a deceased mandatory income beneficiary whose death causes the interest to end, the beneficiary's share of the undistributed income that is not disposed of under the terms of the trust unless the beneficiary has an unqualified power to revoke more than five percent of the trust immediately before the income interest ends. In the latter case, the undistributed income from the portion of the trust that may be revoked must be added to principal.

(c) When a trustee's obligation to pay a fixed annuity or a fixed fraction of the value of the trust's assets ends, the trustee shall prorate the final payment if and to the extent required by applicable law to accomplish a purpose of the trust or its settlor relating to income, gift, estate, or other tax requirements.


Part 4. Allocation of Receipts During Administration of Trust

Subpart 1. Receipts From Entities

§ 11-A-4.1. Character of receipts

(a) In this section, "entity" means a corporation, partnership, limited liability company, regulated investment company, real estate investment trust, common trust fund, or any other organization in which a trustee has an interest other than a trust or estate to which 11-A-4.2 applies, a business or activity to which 11-A-4.3 applies, or an asset-backed security to which 11-A-4.15 applies.

(b) Except as otherwise provided in this section, a trustee shall allocate to income money received from an entity.

(c) A trustee shall allocate the following receipts from an entity to principal:

1. Property other than money; provided that if a trustee receives the option to receive a distribution in the form of money or property and elects to receive the distribution in the form of property such distribution shall be considered to be a distribution of money;

2. Money received in one distribution or a series of related distributions in exchange for part or all of a trust's interest in the entity;

3. Money received in total or partial liquidation of the entity; and

4. Money received from an entity that is a regulated investment company or a real estate investment trust if the money distributed is a capital gain dividend for federal income tax purposes.

(d) Money is received in partial liquidation:
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of a bond or other obligation for the payment of money bearing no stated interest but payable or redeemable at maturity or at a future time at an amount in excess of the amount in consideration of which it was issued is income. If the income accrues pursuant to a fixed schedule of appreciation, such income is distributable to the beneficiary at the time the increment occurs, and the trustee may transfer the amount thereof from principal to income on each such date. Whenever unrealized increment is distributed as income but out of principal the principal shall be reimbursed from the income when realized.

(c) This section does not apply to an obligation to which 11–A–4.9, 11–A–4.10, 11–A–4.11, 11–A–4.12, 11–A–4.14, or 11–A–4.15 applies.


§ 11–A–4.7. Insurance policies and similar contracts

(a) Except as otherwise provided in paragraph (b), a trustee shall allocate to principal the proceeds of a life insurance policy or other contract in which the trust or its trustee is named as beneficiary, including a contract that insures the trust or its trustee against loss for damage to, destruction of, or loss of title to a trust asset. The trustee shall allocate dividends on an insurance policy to income if the premiums on the policy are paid from income, and to principal if the premiums are paid from principal.

(b) A trustee shall allocate to income proceeds of a contract that insures the trustee against loss of occupancy or other use by an income beneficiary, loss of income, or, subject to 11–A–4.3, loss of profits from a business.

(c) This section does not apply to a contract to which 11–A–4.9 applies.


Subpart 3. Receipts Normally Apportioned

§ 11–A–4.8. Insubstantial allocations not required

If a trustee determines that an allocation between principal and income required by 11–A–4.9, 11–A–4.10, 11–A–4.11, 11–A–4.12, or 11–A–4.15 is insubstantial, the trustee may allocate the entire amount to principal unless one of the circumstances described in subparagraph 11–2.3(b)(5) applies to the allocation. This power may be exercised by a cotrustee in the circumstances described in subparagraph 11–2.3(b)(5) and may be released for the reasons and in the manner described in that section. An allocation is presumed to be insubstantial if:

(1) the amount of the allocation would increase or decrease net income in an accounting period, as determined before the allocation, by less than ten percent; or

(2) the value of the asset producing the receipt for which the allocation would be made is less than ten percent of the total value of the trust’s assets at the beginning of the accounting period.


§ 11–A–4.9. Deferred compensation, annuities, and similar payments

(a) In this section, “payment” means a payment that a trustee may receive over a fixed number of years or during the life of one or more individuals because of services rendered
or property transferred to the payer in exchange for future payments. The term includes
a payment made in money or property from the payer’s general assets or from a separate
fund created by the payer, including a private or commercial annuity, an individual retire-
ment account, and a pension, profit-sharing, stock-bonus, or stock-ownership plan.

(b) To the extent that a payment is characterized as interest or a dividend or a payment
made in lieu of interest or a dividend, a trustee shall allocate it to income. The trustee
shall allocate to principal the balance of the payment and any other payment received in
the same accounting period that is not characterized as interest, a dividend, or an equiva-
 lent payment.

(c) If no part of a payment is characterized as interest, a dividend, or an equivalent
payment, and all or part of the payment is required to be made, a trustee shall allocate
to income ten percent of the part that is required to be made during the accounting period
and the balance to principal. If no part of a payment is required to be made or the payment
received is the entire amount to which the trustee is entitled, the trustee shall allocate the
entire payment to principal. For purposes of this paragraph, a payment is not “required
to be made” to the extent that it is made because the trustee exercises a right of withdrawal.

(d) If, to obtain an estate tax marital deduction for a trust, a trustee must allocate more
of a payment to income than provided for by this section, the trustee shall allocate to in-
come the additional amount necessary to obtain the marital deduction.

(e) This section does not apply to payments to which 11-A-4.10 applies.


§ 11-A-4.10. Liquidating asset

(a) In this section, “liquidating asset” means an asset whose value will diminish or termi-
nate because the asset is expected to produce receipts for a period of limited duration.
The term includes a leasehold, patent, copyright, royalty right, and right to receive pay-
ments during a period of more than one year under an arrangement that does not provide
for the payment of interest on the unpaid balance. The term does not include a payment
subject to 11-A-4.9, resources subject to 11-A-4.11, timber subject to 11-A-4.12, an activ-
ity subject to 11-A-4.14, an asset subject to 11-A-4.15, or any asset for which the trustee
establishes a reserve for depreciation under 11-A-5.3.

(b) A trustee shall allocate to income ten percent of the receipts from a liquidating asset
and the balance to principal.


§ 11-A-4.11. Minerals, water, and other natural resources

(a) To the extent that a trustee accounts for receipts from an interest in minerals or
other natural resources pursuant to this section, the trustee shall allocate them as follows:

(1) If received as nominal delay rental or nominal annual rent on a lease, a receipt must
be allocated to income.

(2) If received from a production payment, a receipt must be allocated to income if
and to the extent that the agreement creating the production payment provides a factor
for interest or its equivalent. The balance must be allocated to principal.

(3) If an amount received as a royalty, shut-in-well payment, take-or-pay payment, bon-
us, or delay rental is more than nominal, ninety percent must be allocated to principal
and the balance to income.
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(4) If an amount is received from a working interest or any other interest not provided for in subparagraph (1), (2), or (3), ninety percent of the net amount received must be allocated to principal and the balance to income.

(b) An amount received on account of an interest in water that is renewable must be allocated to income. If the water is not renewable, ninety percent of the amount must be allocated to principal and the balance to income.

(c) This article applies whether or not a decedent or donor was extracting minerals, water, or other natural resources before the interest became subject to the trust.

(d) If a trust owns an interest in minerals, water, or other natural resources on the effective date of this article, the trustee may allocate receipts from the interest as provided in this article or in the manner used by the trustee before the effective date of this article. If the trust acquires an interest in minerals, water, or other natural resources after the effective date of this article, the trustee shall allocate receipts from the interest as provided in this article.


§ 11–A–4.12. Timber

(a) To the extent that a trustee accounts for receipts from the sale of timber and related products pursuant to this section, the trustee shall allocate the net receipts:

(1) to income to the extent that the amount of timber removed from the land does not exceed the rate of growth of the timber during the accounting periods in which a beneficiary has a mandatory income interest;

(2) to principal to the extent that the amount of timber removed from the land exceeds the rate of growth of the timber or the net receipts are from the sale of standing timber;

(3) to or between income and principal if the net receipts are from the lease of timberland or from a contract to cut timber from land owned by a trust, by determining the amount of timber removed from the land under the lease or contract and applying the rules in subparagraphs (1) and (2); or

(4) to principal to the extent that advance payments, bonuses, and other payments are not allocated pursuant to subparagraph (1), (2), or (3).

(b) In determining net receipts to be allocated pursuant to paragraph (a), a trustee shall deduct and transfer to principal a reasonable amount for depletion.

(c) This article applies whether or not a decedent or transferor was harvesting timber from the property before it became subject to the trust.

(d) If a trust owns an interest in timberland on the effective date of this article, the trustee may allocate net receipts from the sale of timber and related products as provided in this article or in the manner used by the trustee before the effective date of this article. If the trust acquires an interest in timberland after the effective date of this article, the trustee shall allocate net receipts from the sale of timber and related products as provided in this article.


§ 11–A–4.13. Property not productive of income

(a) If a gift tax or estate tax marital deduction is allowed for all or part of a trust whose assets consist substantially of property that does not provide the spouse with sufficient income from or principal to incurpal pursuant to the enjoyment to make property the power of combination or combination of the above assets are any accounting p.

Derivation: New.


(a) In this section of contracts a participate in some of assets, or change an asset or a group

(b) To the extent of derivatives, the trust in connection with

(c) If a trustee owns the property is to sell property to the sell an asset to the deliver the asset must be allocated to principal. A gain is granted to a settlor

Derivation: New.

§ 11–A–4.15. A

(a) In this section the right it gives the that provide collateral, the right to receive f return or only the property to which 11

(b) If a trust receive proceeds of the collateral of the payment which shall allocate the

(c) If a trust receive an asset-backed securitization or principal. If
income from or use of the trust assets, and if the amounts that the trustee transfers from principal to income under paragraph 11-2.3(b)(5) and distributes to the spouse from principal pursuant to the terms of the trust are insufficient to provide the spouse with the beneficial enjoyment required to obtain the marital deduction, the spouse may require the trustee to make property productive of income, convert property within a reasonable time, or exercise the power conferred by paragraph 11-2.3(b)(5). The trustee may decide which action or combination of actions to take.

(b) In cases not governed by paragraph (a), proceeds from the sale or other disposition of an asset are principal without regard to the amount of income the asset produces during any accounting period.


(a) In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments which gives a trust the right or obligation to participate in some or all changes in the price of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

(b) To the extent that a trustee does not account under 11-A-4.3 for transactions in derivatives, the trustee shall allocate to principal receipts from and disbursements made in connection with those transactions.

(c) If a trustee grants an option to buy property from the trust, whether or not the trust owns the property when the option is granted, grants an option that permits another person to sell property to the trust, or acquires an option to buy property for the trust or an option to sell an asset owned by the trust, and the trustee or other owner of the asset is required to deliver the asset if the option is exercised, an amount received for granting the option must be allocated to principal. An amount paid to acquire the option must be paid from principal. A gain or loss realized upon the exercise of an option, including an option granted to a settlor of the trust for services rendered, must be allocated to principal.


§ 11-A-4.15. Asset-backed securities

(a) In this section, "asset-backed security" means an asset whose value is based upon the right it gives the owner to receive distributions from the proceeds of financial assets that provide collateral for the security. The term includes an asset that gives the owner the right to receive from the collateral financial assets only the interest or other current return or only the proceeds other than interest or current return. The term does not include an asset to which 11-A-4.1 or 11-A-4.9 applies.

(b) If a trust receives a payment from interest or other current return and from other proceeds of the collateral financial assets, the trustee shall allocate to income the portion of the payment which the payer identifies as being from interest or other current return and shall allocate the balance of the payment to principal.

(c) If a trust receives one or more payments in exchange for the trust's entire interest in an asset-backed security in one accounting period, the trustee shall allocate the payments to principal. If a payment is one of a series of payments that will result in the
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liquidation of the trust’s interest in the security over more than one accounting period, the trustee shall allocate ten percent of the payment to income and the balance to principal.


Part 5. Allocation of Disbursements During Administration of Trust

§ 11-A-5.1. Disbursements from income

A trustee shall make the following disbursements from income to the extent that they are not disbursements to which subparagraph 11-A-2.1(2)(B) or (C) applies:

(1) one-third of the regular compensation of any person providing investment advisory or custodial services to the trustee;

(2) if the court shall find that any judicial proceeding primarily concerns income and that it is equitable to charge the expense of such proceeding, or a part thereof, to income, the court may direct that all or a specified part of the expense of such proceeding, including attorney’s fees, shall be charged to income;

(3) all of the other ordinary expenses incurred in connection with the administration, management, or preservation of trust property and the distribution of income, including interest, ordinary repairs, regularly recurring taxes assessed against principal; and

(4) recurring premiums on insurance covering the loss of a principal asset or the loss of income from or use of the asset.


§ 11-A-5.2. Disbursements from principal

(a) A trustee shall make the following disbursements from principal:

(1) the remaining two-thirds of the disbursements described in paragraph 11-A-5.1(1);

(2) all of the trustee’s compensation calculated on principal as a fee for acceptance, distribution, or termination, and disbursements made to prepare property for sale;

(3) payments on the principal of a trust debt;

(4) except as provided in paragraph 11-A-5.1(2), all expenses for accountings, judicial proceedings or other matters that involve both the income and remainder interests or that concern primarily principal, including a proceeding to construe the trust or to protect the trust or its property;

(5) premiums paid on a policy of insurance not described in paragraph 11-A-5.1(4) of which the trust is the owner and beneficiary;

(6) estate, inheritance, and other transfer taxes, including penalties, apportioned to the trust; and

(7) disbursements related to environmental matters, including reclamation, assessing environmental conditions, remedying and removing environmental contamination, monitoring remedial activities and the release of substances, preventing future releases of substances collecting amounts from persons liable or potentially liable for the costs of those activities, penalties imposed under environmental laws or regulations and other payments made to comply with those laws or regulations, statutory or common law claims by third parties, and defending claims based on environmental matters.
(b) If a principal asset is encumbered with an obligation that requires income from that asset to be paid directly to the creditor, the trustee shall transfer from principal to income an amount equal to the income paid to the creditor in reduction of the principal balance of the obligation.


§ 11-A-5.3. Transfers from income to principal for depreciation

(a) In this section, “depreciation” means a reduction in value due to wear, tear, decay, corrosion, or gradual obsolescence of a fixed asset having a useful life of more than one year.

(b) A trustee may transfer to principal a reasonable amount of the net cash receipts from a principal asset that is subject to depreciation, but may not transfer any amount for depreciation:

1. of that portion of real property used or available for use by a beneficiary as a residence or of tangible personal property held or made available for the personal use or enjoyment of a beneficiary;

2. during the administration of a decedent’s estate; or

3. under this section if the trustee is accounting under 11-A-4.3 for the business or activity in which the asset is used.

(c) An amount transferred to principal need not be held as a separate fund.


§ 11-A-5.4. Transfers from income to reimburse principal

(a) If a trustee makes or expects to make a principal disbursement described in this section, the trustee may transfer an appropriate amount from income to principal in one or more accounting periods to reimburse principal or to provide a reserve for future principal disbursements.

(b) Principal disbursements to which paragraph (a) applies include the following, but only to the extent that the trustee has not been and does not expect to be reimbursed by a third party:

1. an amount chargeable to income but paid from principal because it is unusually large, including extraordinary repairs;

2. a capital improvement to a principal asset, whether in the form of changes to an existing asset or the construction of a new asset, including special assessments;

3. disbursements made to prepare property for rental, including tenant allowances, leasehold improvements, and broker’s commissions;

4. periodic payments on an obligation secured by a principal asset to the extent that the amount transferred from income to principal for depreciation is less than the periodic payments; and

5. disbursements described in subparagraph 11-A-5.2(a)(7).

(c) If the asset whose ownership gives rise to the disbursements becomes subject to a successive income interest after an income interest ends, a trustee may continue to transfer amounts from income to principal as provided in paragraph (a).
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§ 11-A-5.5. Income taxes

(a) A tax required to be paid by a trustee based on receipts allocated to income must be paid from income.

(b) A tax required to be paid by a trustee based on receipts allocated to principal must be paid from principal, even if the tax is called an income tax by the taxing authority.

(c) A tax required to be paid by a trustee on the trust’s share of an entity’s taxable income must be paid proportionately:

(1) from income to the extent that receipts from the entity are allocated to income; and

(2) from principal to the extent that:

(A) receipts from the entity are allocated to principal; and

(B) the trust’s share of the entity’s taxable income exceeds the total receipts described in subparagraph (1) and clause (A).

(d) For purposes of this section, receipt allocated to principal or income must be reduced by the amount distributed to a beneficiary from principal or income for which the trust receives a deduction in calculating the tax.


§ 11-A-5.6. Adjustments between principal and income because of taxes

A fiduciary may make adjustments between principal and income to offset the shifting of economic interests or tax benefits between income beneficiaries and remainder beneficiaries which arise from:

(1) elections and decisions that the fiduciary makes from time to time regarding tax matters;

(2) an income tax or any other tax that is imposed upon the fiduciary or a beneficiary as a result of a transaction involving or a distribution from the estate or trust; or

(3) the ownership by an estate or trust of an interest in an entity whose taxable income, whether or not distributed, is includable in the taxable income of the estate, trust, or a beneficiary.


§ 11-A-6.1. Uniformity of application and construction

In applying and construing this article, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 11-A-6.2. Severability clause

If any provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.


§ 11-A-6.3. Effective date

This article takes effect on January first, two thousand two.


§ 11-A-6.4. Application of article

Except as specifically provided in the trust instrument, the will, or in this article, this article shall apply to any receipt or expense received or incurred on or after its effective date by any trust or decedent’s estate established before its effective date and whether the asset involved was acquired by the trustee before or after its effective date. This article shall also apply to any trust or decedent’s estate established on or after its effective date except to the extent that the trust instrument or the will provides otherwise, or unless an election or court decision is made pursuant to 11-2.4 to make this article not apply to such trust.