



Sen. Ira I. Silverstein

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09400SB2676sam001

LRB094 19015 AJ0 55657 a

1 AMENDMENT TO SENATE BILL 2676

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2676 on page 1,  
3 line 5, by replacing "Section 3-4" with "Sections 2-9 and 3-4";  
4 and

5 on page 1, by inserting between lines 5 and 6 the following:

6 "(755 ILCS 45/2-9) (from Ch. 110 1/2, par. 802-9)

7 Sec. 2-9. Preservation of estate plan and trusts. In  
8 exercising powers granted under the agency, including powers of  
9 amendment or revocation and powers to expend or withdraw  
10 property passing by trust, contract or beneficiary designation  
11 at the principal's death (such as, without limitation,  
12 specifically bequeathed property, joint accounts, life  
13 insurance, trusts and retirement plans), the agent shall take  
14 the principal's estate plan into account insofar as it is known  
15 to the agent and shall attempt to preserve the plan, but the  
16 agent shall not be liable to any plan beneficiary under this  
17 Section unless the agent acts in bad faith. An agent may not  
18 revoke or amend a trust revocable or amendable by the principal  
19 or require the trustee of any trust for the benefit of the  
20 principal to pay income or principal to the agent without  
21 specific authority and specific reference to the trust in the  
22 agency (which shall include accounts held in any financial  
23 institution titled in the name of any trust subject to the  
24 provisions of the Trusts and Trustees Act, and shall

1 specifically exclude any Totten Trust, Payable on Death  
2 Account, or comparable trust account arrangement where the  
3 terms of such trust are contained entirely on the financial  
4 institution's signature card). The agent shall have access to  
5 and the right to copy (but not to hold) the principal's will,  
6 trusts and other personal papers and records to the extent the  
7 agent deems relevant for purposes of this Section.

8 (Source: P.A. 85-701.)".