

AMENDMENTS TO HOUSE BILL NO. 2484

Sponsor: REPRESENTATIVE WHITE

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1 Amend Bill, page 1, line 6, by inserting after "funds"
2 and providing for nonjudicial settlement agreement

3 Amend Bill, page 1, line 12, by striking out "AND (D)"

4 Amend Bill, page 1, line 13, by striking out "ARE" and
5 inserting

6 is

7 Amend Bill, page 1, lines 13 and 14, by striking out "AND THE
8 SECTION IS AMENDED BY ADDING SUBSECTIONS"

9 Amend Bill, page 4, lines 11 through 30; page 5, lines 1
10 through 30; page 6, lines 1 through 3; by striking out all of
11 said lines on said pages

12 Amend Bill, page 6, by inserting between lines 4 and 5

13 Section 2. Title 15 is amended by adding a section to read:
14 § 5548.1. Nonjudicial settlement agreement.

15 Notwithstanding section 5547(b) (relating to authority to
16 take and hold trust property):

17 (1) Except as expressly provided in the gift instrument
18 and as otherwise provided in paragraph (2), if the donor
19 placed restrictions on the use or management of property
20 transferred to a nonprofit corporation, the donor or anyone
21 the donor appointed for the purpose in the gift instrument,
22 or the guardian of the donor's property, the agent under the
23 donor's financial power of attorney or the donor's personal
24 representative, together with the nonprofit corporation
25 holding the property, may enter into a binding nonjudicial
26 settlement agreement during calendar years 2020, 2021 and
27 2022, or the nonprofit corporation's fiscal years that end
28 during those calendar years with respect to any matter
29 involving the property, including a restriction.

30 (2) A nonjudicial settlement agreement is valid only to

1 the extent it includes terms and conditions that the court
2 could approve under this chapter or other applicable law, and
3 that the property remains committed to a charitable purpose
4 or purposes.

5 (3) A nonprofit corporation may request, during calendar
6 years 2020, 2021 and 2022, or the nonprofit corporation's
7 fiscal years that end during those calendar years, the court
8 to review a nonjudicial settlement agreement in order to
9 determine whether the agreement contains terms and conditions
10 the court could have approved.

11 (4) A proceeding commenced during calendar years 2020,
12 2021 and 2022, or the nonprofit corporation's fiscal years
13 that end during those calendar years, to enforce a gift
14 instrument related to assets held by a nonprofit corporation
15 for a charitable purpose, whether or not subject to a
16 nonjudicial settlement agreement, may be brought by the donor
17 during the donor's lifetime or at any time by the Office of
18 the Attorney General, by a charitable organization expressly
19 named in the gift instrument and nonjudicial settlement
20 agreement, if applicable, to receive any portion of the
21 assets governed by the gift instrument and nonjudicial
22 settlement agreement, if applicable, or by any other person
23 having standing to do so, which may include anyone appointed
24 in the gift instrument.

25 Amend Bill, page 6, line 5, by striking out "2" and inserting

26 3

27 Amend Bill, page 7, line 28, by striking out "3" and

28 inserting

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