

PROBATE, ESTATES AND FIDUCIARIES CODE (20 PA.C.S.) - EXERCISE
OF POWERS OF APPOINTMENT

Act of Oct. 30, 2017, P.L. 417, No. 41

Cl. 20

Session of 2017

No. 2017-41

HB 203

AN ACT

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in dispositions independent of letters, family exemption, probate of wills and grant of letters, further providing for payments to family and funeral directors; and, in powers of appointment, further providing for exercise of powers of appointment.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 3101(a) and 7602(e)(2) of Title 20 of the Pennsylvania Consolidated Statutes are amended to read:
§ 3101. Payments to family and funeral directors.

(a) Wages, salary or employee benefits.--Any employer of a person dying domiciled in this Commonwealth at any time after the death of the employee, whether or not a personal representative has been appointed, may pay wages, salary or any employee benefits due the deceased in an amount not exceeding [\$5,000] **\$10,000** to the spouse, any child, the father or mother, or any sister or brother (preference being given in the order named) of the deceased employee. Any employer making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and he shall not be required to see to the application thereof. Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution.

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§ 7602. Exercise of powers of appointment.

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(e) Testamentary powers.--

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(2) A grant of a testamentary power to appoint to the donee's creditors shall be construed as a power to appoint to the creditors of the donee's estate. **In the absence of a specific contrary intent appearing in the instrument, the grant of a testamentary power that denies the right to appoint to the donee's creditors shall be construed as also denying the power to appoint to the creditors of the donee's estate.**

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Section 2. The amendment of 20 Pa.C.S. § 7602(e)(2) shall apply to all powers of appointment created before, on or after the effective date of this section.

Section 3. This act shall take effects as follows:

(1) The amendment of 20 Pa.C.S. § 3101(a) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 30th day of October, A.D. 2017.

TOM WOLF