

**390.190 Capture doctrine -- Disposition of ineffectively appointed property under general power.**

To the extent a powerholder of a general power of appointment, other than a power to revoke, amend, or withdraw property from a trust, makes an ineffective appointment:

- (1) The gift-in-default clause controls the disposition of the ineffectively appointed property; or
- (2) If there is no gift-in-default clause or to the extent the clause is ineffective, the ineffectively appointed property:
  - (a) Passes to:
    1. The powerholder if the powerholder is a permissible appointee and living; or
    2. If the powerholder is an impermissible appointee or not living, the powerholder's estate if the estate is a permissible appointee; or
  - (b) If there is no taker under paragraph (a) of this subsection, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

**Effective:** July 15, 2020

**History:** Created 2020 Ky. Acts ch. 41, sec. 18, effective July 15, 2020.