

**ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)**  
**Act 386 of 1998**

**700.7402 Creating trust; requirements.**

Sec. 7402.

- (1) A trust is created only if all of the following apply:
  - (a) The settlor has capacity to create a trust.
  - (b) The settlor indicates an intention to create the trust.
  - (c) The trust has a definite beneficiary or is either of the following:
    - (i) A charitable trust.
    - (ii) A trust for a noncharitable purpose under section 7409 or a trust for the care of an animal under section 7408.
  - (d) The trustee has duties to perform.
  - (e) The same person is not the sole trustee and sole beneficiary.
- (2) A trust beneficiary is definite if the trust beneficiary can be ascertained now or in the future, subject to any applicable rule against perpetuities.
- (3) A power in a trustee to select a trust beneficiary from an indefinite class is valid only in a charitable trust.

**History:** 1998, Act 386, Eff. Apr. 1, 2000 ;-- Am. 2009, Act 46, Eff. Apr. 1, 2010 ;-- Am. 2024, Act 1, Imd. Eff. Feb. 21, 2024  
**Popular Name:** EPIC