

No. 403, S.]

[Published August 14, 1959.

CHAPTER 287

AN ACT to amend 232.44 and 232.49 of the statutes, relating to certain directions in powers and the validity of instruments executed by the grantee of a power.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 232.44 of the statutes is amended to read:

232.44 When the grantor shall have directed any formalities to be used in the execution of a power, in addition to those which would be sufficient by law to pass the estate, the observance of such additional formalities shall not be necessary to a valid execution of the power, *except that if the grantor has explicitly directed that no instrument shall be effective to exercise the power unless it contains a reference to the specific power, an instrument which lacks such reference will not validly exercise the power.*

SECTION 2. 232.49 of the statutes is amended to read:

232.49 * * * *Except as otherwise provided in s. 232.44, an instrument executed by the grantee of a power conveying an estate, or creating a charge, which such grantee is authorized by the power to convey or create, but which he would have no right to convey or create unless by virtue of his power, shall be deemed a valid execution of the power, although such power be not recited or referred to therein.*

SECTION 3. No inference shall be drawn from this act as to the effect of the law as it existed prior to the enactment hereof.

Approved August 11, 1959.