

SAMPLE FLOATING SPOUSE CLAUSE

Definition of Spouse. The Settlor's spouse, wherever that term appears in this Trust, is the person who is at that time both married to the Settlor and sharing the Settlor's residence. That status is retested each time a provision of this Trust refers to the Settlor's spouse. A person who stops meeting either condition stops being the Settlor's spouse at that moment and takes no further interest under this Trust, and no amendment, trustee action, or judgment dissolving the marriage is required for that result. A person who meets both conditions at a later time becomes the Settlor's spouse from that time forward. A temporary absence for health, business, or military service does not by itself end a shared residence. The Trustee may rely on a written statement of the Settlor as to whether the conditions are met and has no duty to investigate.

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