
**2005 AMENDMENTS TO THE
DELAWARE STATUTORY TRUST ACT**

By *Matthew J. O'Toole, Esquire* and *Robert L. Symonds, Jr., Esquire*
Stevens & Lee
Wilmington, Delaware

Only two amendments to the Delaware Statutory Trust Act, 12 *Del. C.* § 3801 *et seq.* (the “Act”), have been enacted in 2005. Both are minor, and both become effective in 2008.

First, the provision establishing the fee for filing various certificates under the Act has been amended so that the fee may not exceed \$300. (The affected certificates are: certificate of trust; certificate of amendment; certificate of cancellation; certificate of merger or consolidation; certificate of correction; corrected certificate; certificate of conversion; certificate of transfer; certificate of transfer and continuance; certificate of statutory trust domestication; certificate of termination or amendment of a certificate with a future effective time; and restated certificate.) Currently, under Section 3813(a)(2), the filing fee is \$200; under Section 3813(a)(2) as amended effective July 1, 2008, that fee will be “up to \$300.”

Second, the fee for various filings by foreign statutory trusts under the Act likewise has been adjusted so that it will not exceed the specified amount. Currently, under Section 3862(1), the fee for filing an application for registration as a foreign statutory trust and certain other documents is \$200. Section 3862(1) has been amended, effective July 1, 2008, so that the filing fee will be “up to \$300.”

The 2005 amendments to the Act were contained in Delaware State House Bill No. 314. *See*; 75 Del. Laws, c. 218.