8 T.C. 862 (1947)

A charitable bequest is not deductible for estate tax purposes if the trust allows invasion of the principal for the benefit of life tenants, even if the life tenants have substantial independent income, because under Pennsylvania law, the trust principal must be exhausted before the beneficiaries are required to use their own income.

Summary

The Tax Court addressed whether a charitable bequest was deductible from the decedent's estate tax. The trust allowed for the invasion of the principal for the comfort and support of the decedent's sisters, who were the life tenants. Despite the sisters having substantial independent income, the court held that under Pennsylvania law, the trust principal could be exhausted for their benefit before they were required to use their personal funds. Therefore, the charitable bequest was deemed too uncertain to be deductible because the amount ultimately going to charity was not reliably ascertainable at the time of the decedent's death.

Facts

Bayard H. Christy created a trust that provided income to himself during his life. Upon his death, the trust was to pay $4,000 annually to his sisters, Ethel and Abby Christy, and allowed the trustee discretion to expend principal for their

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