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# In California Not Every Beneficial Interest In A Trust Is A Security

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California's statutory definition of "security" lists by name two types of trust certificates - collateral trust certificates and voting trust certificates. Cal. Corp. Code § 25109. Both of these certificates are also found in the definition of "security" in Section 2(a)(1) of the Securities Act of 1933.

Other types of interests in trusts come within California's definition of "security" apophatically by reason of the statute's express exclusion of (i) beneficial interests in voluntary *inter vivos* trusts not created for the purpose of carrying on any business or solely for the purposes of voting; and (ii) beneficial interests in testamentary trusts.

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