

2023 Kansas Statutes

58-5002. Definitions. As used in the Kansas uniform directed trust act:

- (1) "Breach of trust" includes a violation by a trust director or trustee of a duty imposed on that director or trustee by the terms of the trust, this act or law of this state pertaining to trusts other than this act.
- (2) "Directed trust" means a trust for which the terms of the trust grant a power of direction.
- (3) "Directed trustee" means a trustee that is subject to a trust director's power of direction.
- (4) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.
- (5) "Power of direction" means a power over a trust granted to a person by the terms of the trust to the extent the power is exercisable while the person is not serving as a trustee. The term includes a power over the investment, management, or distribution of trust property or other matters of trust administration. The term excludes the powers described in K.S.A. 2023 Supp. 58-5005(b), and amendments thereto.
- (6) "Settlor" means a person, including a testator, that creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.
- (7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.
- (8) "Terms of a trust" means:
 - (A) Except as otherwise provided in subsection (8)(B), the manifestation of the settlor's intent regarding a trust's provisions as:
 - (i) Expressed in the trust instrument; or
 - (ii) established by other evidence that would be admissible in a judicial proceeding; or
 - (B) the trust's provisions as established, determined, or amended by:
 - (i) A trustee or trust director in accordance with applicable law;
 - (ii) court order; or
 - (iii) a nonjudicial settlement agreement under K.S.A. 58a-111, and amendments thereto.
- (9) "Trust director" means a person that is granted a power of direction by the terms of a trust to the extent the power is exercisable while the person is not serving as a trustee. The person is a trust director whether or not the terms of the trust refer to the person as a trust director and whether or not the person is a beneficiary or settlor of the trust.
- (10) "Trustee" includes an original, additional, and successor trustee, and a cotrustee.

History: L. 2022, ch. 16, § 2; July 1.