

2023 Kansas Statutes

58-5009. Duty and liability of directed trustee. (a) Subject to subsection (b), a directed trustee shall take reasonable action to comply with a trust director's exercise or nonexercise of a power of direction or further power under K.S.A. 2023 Supp. 58-5006(b)(1), and amendments thereto, and the trustee is not liable for the action.

(b) A directed trustee must not comply with a trust director's exercise or nonexercise of a power of direction or further power under K.S.A. 2023 Supp. 58-5006(b)(1), and amendments thereto, to the extent that by complying the trustee would engage in willful misconduct.

(c) An exercise of a power of direction under which a trust director may release a trustee or another trust director from liability for breach of trust is not effective if:

- (1) The breach involved the trustee's or other director's willful misconduct;
- (2) the release was induced by improper conduct of the trustee or other director in procuring the release; or
- (3) at the time of the release, the director did not know the material facts relating to the breach.

(d) A directed trustee that has reasonable doubt about its duty under this section may petition the district court for instructions.

(e) The terms of a trust may impose a duty or liability on a directed trustee in addition to the duties and liabilities under this section.

History: L. 2022, ch. 16, § 9; July 1.