

2023 Kansas Statutes

58-5122. Saving provision; corrective action. (a) If exercise of the decanting power would be effective under the uniform trust decanting act except that the second-trust instrument in part does not comply with the act, the exercise of the power is effective and the following rules apply with respect to the principal of the second trust attributable to the exercise of the power:

(1) A provision in the second-trust instrument that is not permitted under the act is void to the extent necessary to comply with this act.

(2) A provision required by the act to be in the second-trust instrument that is not contained in the instrument is deemed to be included in the instrument to the extent necessary to comply with the act.

(b) If a trustee or other fiduciary of a second trust determines that subsection (a) applies to a prior exercise of the decanting power, the fiduciary shall take corrective action consistent with the fiduciary's duties.

History: L. 2023, ch. 48, § 22; July 1.