

BILL SUMMARY
2nd Session of the 58th Legislature

| | |
|------------------------|--|
| Bill No.: | HB 3449 |
| Version: | Introduced |
| Request Number: | 8398 |
| Author: | Rep. O'Donnell |
| Date: | 3/8/2022 |
| Impact: | No direct fiscal impact anticipated |

Research Analysis

HB3449 gives courts discretion to modify or terminate a trust created after November 1, 2022 if it determines that the value of the trust property is insufficient to justify the cost of administration or if the purpose of the trust is illegal, impossible, wasteful or impracticable to fulfill. Court approved modification may include the following actions:

- removal or appointment of new trustees;
- distribution of assets of a terminated trust; and
- directing, permitting or prohibiting trustees from performing certain acts that go against the terms of the trust.

The court must consider the terms and purpose of trust, the facts and circumstances surrounding the creation of the trust and extrinsic evidence relevant to the proposed modifications in its decision making.

Prepared By: Quyen Do

Fiscal Analysis

The measure, as introduced, would modify the powers of district courts as they relate to the execution of trusts.

Upon review, no direct fiscal impact to the state is anticipated from passage of the measure.

Prepared By: Clayton Mayfield

Other Considerations

None.