

2023 Kansas Statutes

58-5103. Application; scope. (a) Except as otherwise provided in subsections (b) and (c), the uniform trust decanting act applies to an express trust that is irrevocable or revocable by the settlor only with the consent of the trustee or a person holding an adverse interest.

(b) The uniform trust decanting act does not apply to a trust held solely for charitable purposes.

(c) Subject to K.S.A. 2023 Supp. 58-5115, and amendments thereto, a trust instrument may restrict or prohibit exercise of the decanting power.

(d) The uniform trust decanting act does not limit the power of a trustee, powerholder or other person to distribute or appoint property in further trust or to modify a trust under the trust instrument, law of this state other than the act, common law, a court order or a nonjudicial settlement agreement.

(e) The uniform trust decanting act does not affect the ability of a settlor to provide in a trust instrument for the distribution of the trust property or appointment in further trust of the trust property or for modification of the trust instrument.

History: L. 2023, ch. 48, § 3; July 1.