

Part 2

Jurisdiction of Court Concerning Trusts

75-7-201 Court -- Exclusive jurisdiction of trusts.

- (1)
- (a) The court has exclusive jurisdiction of proceedings initiated by interested parties concerning the internal affairs of trusts.
 - (b) Proceedings which may be maintained under this section are those concerning:
 - (i) the administration and distribution of trusts;
 - (ii) the declaration of rights; and
 - (iii) the determination of other matters involving trustees and beneficiaries of trusts.
 - (c) These include, but are not limited to proceedings to:
 - (i) appoint or remove a trustee;
 - (ii) review a trustee's fees;
 - (iii) review and settle interim or final accounts;
 - (iv) ascertain beneficiaries;
 - (v) determine any question arising in the administration or distribution of any trust, including questions of construction of trust instruments;
 - (vi) instruct trustees;
 - (vii) determine the existence or nonexistence of any immunity, power, privilege, duty, or right; and
 - (viii) order transfer of administration of the trust to another state upon appropriate conditions as may be determined by the court or accept transfer of administration of a trust from another state to this state upon such conditions as may be imposed by the supervising court of the other state, unless the court in this state determines that these conditions are incompatible with its own rules and procedures.
- (2)
- (a) A proceeding under this section does not result in continuing supervision by the court over the administration of the trust.
 - (b) The management and distribution of a trust estate, submission of accounts and reports to beneficiaries, payment of trustee's fees and other obligations of a trust, acceptance and change of trusteeship, and other aspects of the administration of a trust shall proceed expeditiously consistent with the terms of the trust, free of judicial intervention and without order, approval or other action of any court, subject to the jurisdiction of the court as invoked by interested parties or as otherwise exercised as provided by law.

Amended by Chapter 3, 2003 Special Session 2

Amended by Chapter 3, 2003 Special Session 2

75-7-202 Effect of administration in this state -- Consent to jurisdiction.

- (1) The trustee submits personally to the jurisdiction of the courts of this state regarding any matter involving the trust if the trustee acts as trustee of a trust administered in this state.
- (2) To the extent of the beneficial interests in a trust administered in this state, the beneficiaries of the trust are subject to the jurisdiction of the courts of this state regarding any matter involving the trust. By accepting a distribution from such a trust, the recipient submits personally to the jurisdiction of the courts of this state regarding any matter involving the trust.

- (3) By accepting the delegation of a trust function from the trustee of a trust administered in this state, the agent submits to the jurisdiction of the courts of this state regarding any matter involving the trust.
- (4) Unless otherwise designated in the trust instrument, a trust is administered in this state if it meets the requirements of Subsection 75-7-107(4).

Amended by Chapter 89, 2004 General Session

75-7-203 Subject matter jurisdiction.

- (1) The district court has exclusive jurisdiction of proceedings in this state brought by a trustee or beneficiary concerning the administration of a trust.
- (2) The district court has concurrent jurisdiction with other courts of this state of other proceedings involving a trust.
- (3) This section does not preclude judicial or nonjudicial alternative dispute resolution.

Repealed and Re-enacted by Chapter 89, 2004 General Session

75-7-204 Trust proceedings -- Dismissal of matters relating to foreign trusts.

- (1) The court may not, over the objection of a party, entertain proceedings under Section 75-7-201 involving a trust which:
 - (a) is under the continuing supervision of a foreign court;
 - (b) is registered in another state; or
 - (c) has a fiduciary which transacts a major portion of its trust administration in another state.
- (2) Notwithstanding Subsection (1), the court may entertain a proceeding regarding any matter involving a trust if:
 - (a) all appropriate parties could not be bound by litigation in the courts of the other state; or
 - (b) the interests of justice would be seriously impaired.
- (3) The court may condition a stay or dismissal of a proceeding on the consent of any party to the jurisdiction of the courts of another state, or the court may grant a continuance or enter any other appropriate order.

Amended by Chapter 3, 2003 Special Session 2

Amended by Chapter 3, 2003 Special Session 2

75-7-205 Venue.

- (1) Except as otherwise provided in Subsection (2), venue for a judicial proceeding involving a trust is in the county in which the trust's principal place of administration is or will be located and, if the trust is created by will and the estate is not yet closed, in the county in which the decedent's estate is being administered.
- (2) If a trust has no trustee, venue for a judicial proceeding for the appointment of a trustee is in any county of this state in which a beneficiary resides, in any county in which any trust property is located, and if the trust is created by will, in the county in which the decedent's estate was or is being administered.

Repealed and Re-enacted by Chapter 89, 2004 General Session