

75-7-1005 Limitation of action against trustee.

- (1) A beneficiary may not commence a proceeding against a trustee for breach of trust more than six months after the date that the beneficiary or a person who may represent and bind the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.
- (2) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into its existence.
- (3) If Subsection (1) does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust must be commenced within one year after the first to occur of:
 - (a) the removal, resignation, or death of the trustee;
 - (b) the termination of the beneficiary's interest in the trust; or
 - (c) the termination of the trust.
- (4) This section does not preclude an action to recover for fraud or misrepresentation related to the report.

Enacted by Chapter 89, 2004 General Session