

**75-7-1008 Exculpation of trustee.**

A term of a trust relieving a trustee of liability for breach of trust is unenforceable to the extent that it:

- (1) relieves the trustee of liability for breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries; or
- (2) was inserted by the trustee or fiduciary without disclosure of its existence and contents.

Enacted by Chapter 89, 2004 General Session