

Effective 5/7/2025

Part 2

Jurisdiction and Venue for Trusts

75B-2-201 Court -- Exclusive jurisdiction of trusts.

- (1)
- (a) The court has exclusive jurisdiction over proceedings initiated by an interested party concerning the internal affairs of trusts.
 - (b) An interested party may bring proceedings under Subsection (1)(a) 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) A proceeding under Subsection (1) includes a proceeding 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; or
 - (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.

Renumbered and Amended by Chapter 310, 2025 General Session

75B-2-202 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)
- (a) 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.
 - (b) 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 75B-2-107(4).

Renumbered and Amended by Chapter 310, 2025 General Session

75B-2-203 Jurisdiction over an action involving a trust.

- (1) A court of this state has jurisdiction as described in Title 78A, Judiciary and Judicial Administration, over an action involving a trust.
- (2) This section does not preclude judicial or nonjudicial alternative dispute resolution.

Renumbered and Amended by Chapter 310, 2025 General Session

75B-2-204 Trust proceedings -- Dismissal of matters relating to foreign trusts.

- (1) The court may not, over the objection of a party, entertain proceedings under Section 75B-2-201 involving a trust that:
 - (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.

Renumbered and Amended by Chapter 310, 2025 General Session

75B-2-205 Venue for an action involving a trust.

- (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, and except as provided in Subsection (2), a person shall bring an action involving a trust in:
 - (a) the county in which the trust's principal place of administration is or will be located; or
 - (b) if the trust is created by a will and the estate is not yet closed, the county in which the decedent's estate is being administered.
- (2) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, and if a trust has no trustee, a person shall bring an action for the appointment of a trustee in:
 - (a) a county of this state in which a beneficiary resides;
 - (b) a county in which any trust property is located; or
 - (c) if the trust is created by a will, the county in which the decedent's estate was or is being administered.
- (3) This section does not apply to an action brought in the Business and Chancery Court.

Renumbered and Amended by Chapter 310, 2025 General Session