

RCW 11.98B.080 Directed trustee—Duties and liability. (1)

Subject to subsection (2) of this section, a directed trustee shall take reasonable action to comply with a trust director's exercise or nonexercise of a power of direction or further power under RCW 11.98B.050(2)(a), and the trustee is not liable for the action.

(2) A directed trustee must not comply with a trust director's exercise or nonexercise of a power of direction or further power under RCW 11.98B.050(2)(a) to the extent that by complying the trustee would engage in willful misconduct.

(3) An exercise of a power of direction under which a trust director may release a trustee or another trust director from liability for breach of trust is not effective if:

(a) The breach involved the trustee's or other director's willful misconduct;

(b) The release was induced by improper conduct of the trustee or other director in procuring the release; or

(c) At the time of the release, the director did not know the material facts relating to the breach.

(4) A directed trustee that has reasonable doubt about its duty under this section may petition the superior court for instructions in the county where venue lies for the trust under RCW 11.96A.050.

(5) The terms of a trust may impose a duty or liability on a directed trustee in addition to the duties and liabilities under this section. [2020 c 303 s 9.]