

REFERENCE TITLE: trusts; estates; policies; procedures

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2657

Introduced by
Representative Carter N

AN ACT

AMENDING SECTIONS 14-1201, 14-2302, 14-2402, 14-3716, 14-3718, 14-5101,
14-6102 AND 14-10105; RELATING TO TRUSTS AND ESTATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-1201, Arizona Revised Statutes, is amended to
3 read:

4 14-1201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Agent" includes an attorney-in-fact under a durable or
7 nondurable power of attorney, a person who is authorized to make decisions
8 concerning another person's health care and a person who is authorized to
9 make decisions for another person under a natural death act.

10 2. "Application" means a written request to the registrar for an
11 order of informal probate or appointment under chapter 3, article 3 of
12 this title.

13 3. "Basis for compensation" means an hourly rate, a fixed fee or a
14 contingency fee agreement and reimbursable costs.

15 4. "Beneficiary", as it relates to a trust beneficiary, includes a
16 person who has any present or future interest, vested or contingent, and
17 includes the owner of an interest by assignment or other transfer. As it
18 relates to a charitable trust, beneficiary includes any person entitled to
19 enforce the trust. As it relates to a beneficiary of a beneficiary
20 designation, beneficiary refers to a beneficiary of an insurance or
21 annuity policy, an account with pay on death designation, a security
22 registered in beneficiary form or a pension, profit sharing, retirement or
23 similar benefit plan, or any other nonprobate transfer at death. As it
24 relates to a beneficiary designated in a governing instrument, beneficiary
25 includes a grantee of a deed, a devisee, a trust beneficiary, a
26 beneficiary of a beneficiary designation, a donee, appointee or taker in
27 default of a power of appointment and a person in whose favor a power of
28 attorney or a power held in any person, fiduciary or representative
29 capacity is exercised.

30 5. "Beneficiary designation" refers to a governing instrument
31 naming a beneficiary of an insurance or annuity policy, of an account with
32 pay on death designation, of a security registered in beneficiary form or
33 of a pension, profit sharing, retirement or similar benefit plan, or any
34 other nonprobate transfer at death.

35 6. "Certified paper original" means a tangible medium that contains
36 both the text of an electronic will and any self-proving affidavit
37 concerning the electronic will and that is accompanied by an affidavit
38 that is executed pursuant to section 14-2523.

39 7. "Child" includes a person who is entitled to take as a child
40 under this title by intestate succession from the parent whose
41 relationship is involved. Child excludes a person who is only a
42 stepchild, a foster child, a grandchild or a more remote descendant.

43 8. "Claims", in respect to estates of decedents and protected
44 persons, includes liabilities of the decedent or the protected person,
45 whether arising in contract, in tort or otherwise, and liabilities of the

1 estate that arise at or after the death of the decedent or after the
2 appointment of a conservator, including funeral expenses and expenses of
3 administration. Claims do not include estate or inheritance taxes or
4 demands or disputes regarding title of a decedent or a protected person to
5 specific assets alleged to be included in the estate.

6 9. "Community property" means that property of a husband and wife
7 that is acquired during the marriage and that is community property as
8 prescribed in section 25-211.

9 10. "Conservator" means a person who is appointed by a court to
10 manage the estate of a protected person.

11 11. "Court" means the superior court.

12 12. "Dependent child" means a minor child whom the decedent was
13 obligated to support or an adult child who was in fact being supported by
14 the decedent at the time of the decedent's death.

15 13. "Descendant" means all of the decedent's descendants of all
16 generations, with the relationship of parent and child at each generation.

17 14. "Devise", when used as a noun, means a testamentary disposition
18 of real or personal property and, when used as a verb, means to dispose of
19 real or personal property by will.

20 15. "Devisee" means a person designated in a will to receive a
21 devise. For the purposes of chapter 3 of this title, in the case of a
22 devise to an existing trust or trustee, or to a trustee on trust described
23 by will, the trust or trustee is the devisee and the beneficiaries are not
24 devisees.

25 16. "Disability" means cause for a protective order as described in
26 section 14-5401.

27 17. "Distributee" means any person who has received property of a
28 decedent from that person's personal representative other than as a
29 creditor or purchaser. Distributee includes a testamentary trustee only
30 to the extent of distributed assets or increment that remains in that
31 person's hands. A beneficiary of a testamentary trust to whom the trustee
32 has distributed property received from a personal representative is a
33 distributee of the personal representative. For the purposes of this
34 paragraph, "testamentary trustee" includes a trustee to whom assets are
35 transferred by will, to the extent of the devised assets.

36 18. "Electronic" means having electrical, digital, magnetic,
37 optical, electromagnetic or similar capabilities.

38 ~~22.~~ 19. "Electronically present" means two or more individuals who
39 are in ~~a~~ different physical ~~location~~ LOCATIONS and who are communicating
40 by means of technology that enables all individuals to see and hear each
41 other in real time to the same extent as if the individuals were
42 physically present in the same location.

43 ~~19.~~ 20. "Electronic record" means a record that is created,
44 generated, sent, communicated, received or stored by electronic means.

1 ~~20.~~ 21. "Electronic signature" means an electronic method or
2 process that does both of the following:

3 (a) Is attached to or logically associated with an electronic
4 record and that is executed or adopted by a person with the intent to sign
5 the electronic record.

6 (b) Uses a security procedure that allows a determination that the
7 electronic signature was all of the following:

8 (i) Unique to the person using it.

9 (ii) Capable of verification.

10 (iii) Under the sole control of the person making the electronic
11 signature.

12 (iv) Linked to the electronic record to which the electronic
13 signature relates in a manner so that if the electronic record is changed
14 the electronic signature is invalidated.

15 ~~21.~~ 22. "Electronic will" means a testamentary instrument that is
16 executed and maintained on an electronic medium and that is executed in
17 compliance with section 14-2518.

18 23. "Estate" includes the property of the decedent, trust or other
19 person whose affairs are subject to this title as originally constituted
20 and as it exists from time to time during administration. As it relates
21 to a spouse, the estate includes only the separate property and the share
22 of the community property belonging to the decedent or person whose
23 affairs are subject to this title.

24 24. "Exempt property" means that property of a decedent's estate
25 that is described in section 14-2403.

26 25. "Fiduciary" includes a personal representative, guardian,
27 conservator and trustee.

28 26. "Foreign personal representative" means a personal
29 representative who is appointed by another jurisdiction.

30 27. "Formal proceedings" means proceedings that are conducted
31 before a ~~judge~~ JUDICIAL OFFICER with notice to interested persons.

32 28. "Governing instrument" means a deed, will, trust, insurance or
33 annuity policy, account with pay on death designation, security registered
34 in beneficiary form, pension, profit sharing, retirement or similar
35 benefit plan, instrument creating or exercising a power of appointment or
36 power of attorney or supported decision-making agreement or a dispositive,
37 appointive or nominative instrument of any similar type.

38 29. "Guardian" means a person who has qualified as a guardian of a
39 minor or incapacitated person pursuant to testamentary or court
40 appointment but excludes a person who is merely a guardian ad litem.

41 30. "Guardian ad litem" includes a person who is appointed pursuant
42 to section 14-1408.

43 31. "Heirs", except as controlled by section 14-2711, means
44 persons, including the surviving spouse and the state, who are entitled
45 under the statutes of intestate succession to the property of a decedent.

1 32. "Incapacitated person" has the same meaning prescribed in
2 section 14-5101.

3 33. "Informal proceedings" means those proceedings conducted
4 without notice to interested persons by an officer of the court acting as
5 a registrar for probate of a will or appointment of a personal
6 representative.

7 34. "Interested person" includes any trustee, heir, devisee, child,
8 spouse, creditor, beneficiary, person holding a power of appointment and
9 other person who has a property right in or claim against a trust estate
10 or the estate of a decedent, ward or protected person. Interested person
11 also includes a person who has priority for appointment as personal
12 representative and other fiduciaries representing interested persons.
13 Interested person, as the term relates to particular persons, may vary
14 from time to time and must be determined according to the particular
15 purposes of, and matter involved in, any proceeding.

16 35. "Issue" of a person means descendant as defined in this
17 section.

18 36. "Joint tenants with the right of survivorship" and "community
19 property with the right of survivorship" includes co-owners of property
20 held under circumstances that entitle one or more to the whole of the
21 property on the death of the other or others but excludes forms of
22 co-ownership registration in which the underlying ownership of each party
23 is in proportion to that party's contribution.

24 37. "Lease" includes any oil, gas or other mineral lease.

25 38. "Letters" includes letters testamentary, letters of
26 guardianship, letters of administration and letters of conservatorship.

27 39. "Minor" means a person who is under eighteen years of age.

28 40. "Mortgage" means any conveyance, agreement or arrangement in
29 which property is encumbered or used as security. Mortgage does not
30 include leases or easements.

31 41. "Nonresident decedent" means a decedent who was domiciled in
32 another jurisdiction at the time of the decedent's death.

33 42. "Organization" means a corporation, limited liability company,
34 business trust, estate, trust, partnership, joint venture, association,
35 government or governmental subdivision or agency or any other legal or
36 commercial entity.

37 43. "Original will" means either an original paper will or a
38 certified paper original of an electronic will.

39 44. "Paper will" means a testamentary instrument that is executed
40 and maintained on a tangible medium and that is executed in compliance
41 with section 14-2502 or 14-2503.

42 45. "Parent" includes any person entitled to take, or who would be
43 entitled to take if the child died without a will, as a parent under this
44 title by intestate succession from the child whose relationship is in

1 question and excludes any person who is only a stepparent, foster parent
2 or grandparent.

3 46. "Payor" means a trustee, insurer, business entity, employer,
4 government, governmental agency or subdivision or any other person who is
5 authorized or obligated by law or a governing instrument to make payments.

6 47. "Person" means an individual or an organization.

7 48. "Personal representative" includes an executor, an
8 administrator, a successor personal representative, a special
9 administrator and persons who perform substantially the same function
10 under the law governing their status. A general personal representative
11 excludes a special administrator.

12 49. "Petition" means a written request to the court for an order
13 after notice.

14 50. "Proceeding" includes action at law and suit in equity.

15 51. "Property" has the same meaning prescribed in section 14-10103.

16 52. "Protected person" has the same meaning prescribed in section
17 14-5101.

18 53. "Protective proceeding" has the same meaning prescribed in
19 section 14-5101.

20 54. "Qualified custodian" means a person who fulfills the
21 requirements of section 14-2520.

22 55. "Registrar" means the official of the court who is designated
23 to perform the functions of registrar as provided in section 14-1307.

24 56. "Security" includes any note, stock, treasury stock, bond,
25 debenture, evidence of indebtedness, certificate of interest or
26 participation in an oil, gas or mining title or lease or in payments out
27 of production under that title or lease, collateral trust certificate,
28 transferable share or voting trust certificate and, in general, includes
29 any interest or instrument commonly known as a security, or any
30 certificate of interest or participation, any temporary or interim
31 certificate, receipt or certificate of deposit for, or any warrant or
32 right to subscribe to or purchase, any of these securities.

33 57. "Separate property" means that property of a husband or wife
34 that is the spouse's separate property as defined in section 25-213.

35 58. "Settlement", in reference to a decedent's estate, includes the
36 full process of administration, distribution and closing.

37 59. "Special administrator" means a personal representative as
38 described by sections 14-3614 through 14-3618.

39 60. "State" has the same meaning prescribed in section 14-10103.

40 61. "Successor personal representative" means a personal
41 representative, other than a special administrator, who is appointed to
42 succeed a previously appointed personal representative.

43 62. "Successors" means persons, other than creditors, who are
44 entitled to property of a decedent under a will or this title.

63. "Supervised administration" refers to the proceedings described in chapter 3, article 5 of this title.

64. "Survive" means that a person has neither predeceased an event, including the death of another person, nor is deemed to have predeceased an event under section 14-2104 or 14-2702.

65. "Tangible medium" means a medium on which information may be inscribed by writing, typing, printing or similar means and that is perceivable by reading directly from the medium on which the information is inscribed.

66. "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

67. "Testator" includes a person of either sex.

68. "Trust" includes an express trust, private or charitable, with any additions, wherever and however created. Trust also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. Trust excludes other constructive trusts and excludes resulting trusts, conservatorship, personal representatives, trust accounts, custodial arrangements pursuant to chapter 7, article 7 of this title, business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions or employee benefits of any kind, trusts created by a city or town for the payment of medical insurance, health care benefits or expenses, long-term or short-term disability, self insurance reserves and similar programs administered by a city or town, legal defense trusts and any arrangement under which a person is nominee or escrowee for another.

69. "Trustee" includes an original, additional or successor trustee, whether or not appointed or confirmed by the court.

70. "Ward" has the same meaning prescribed in section 14-5101.

71. "Will" includes a codicil and any testamentary instrument that merely appoints ~~an executor~~ A PERSONAL REPRESENTATIVE, revokes or revises another will, nominates a guardian OR CONSERVATOR, OR BOTH, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession. A will may be a paper will or an electronic will.

Sec. 2. Section 14-2302, Arizona Revised Statutes, is amended to read:

14-2302. Omitted children; shares; definition

A. Except as provided in subsection ~~C~~ D of this section, if a testator fails to provide by will for a child who is born or adopted after the testator executes the will, the omitted child receives a share in the estate as follows:

1. If the testator had no child living when the testator executed the will, an omitted child receives a share in the estate equal in value

1 to what the child would have received if the testator had died intestate,
2 unless the will devised all or substantially all of the estate to the
3 other parent of the omitted child and that other parent survives the
4 testator and is entitled to take under the will.

5 2. If the testator had one or more children living when the
6 testator executed the will and the will devised property or an interest in
7 property to one or more of the then-living children, an omitted child is
8 entitled to share in the testator's estate as follows:

9 (a) The portion of the testator's estate in which the omitted child
10 is entitled to share is limited to devises made to the testator's
11 then-living children under the will.

12 (b) As limited under subdivision (a) of this paragraph, the omitted
13 child is entitled to receive the share of the testator's estate that the
14 child would have received if the testator had included all omitted
15 children with the children to whom devises were made under the will and
16 had given an equal share of the estate to each child.

17 B. To the extent feasible, the interest granted an omitted child
18 under subsection A, paragraph 2 of this section shall be of the same
19 character, whether equitable or legal, present or future, as that devised
20 to the testator's then-living children under the will.

21 C. In satisfying a share prescribed by subsection A, paragraph 2 of
22 this section, devises to the testator's children who were living when the
23 will was executed abate ratably. In abating the devises of the
24 then-living children, the court shall preserve to the maximum extent
25 possible the character of the testamentary plan adopted by the testator.

26 D. Subsection A of this section does not apply if either of the
27 following is true:

28 1. It appears from the will that the omission was intentional.

29 2. The testator provided for the omitted child by transfer outside
30 the will and the intent that the transfer be in lieu of a testamentary
31 provision is shown by the testator's statements or can be reasonably
32 inferred from the amount of the transfer or other evidence.

33 E. If at the time the testator executed the will the testator fails
34 to provide by will for a living child solely because the testator believes
35 the child to be dead, the child is entitled to share in the estate as if
36 the child were an omitted after-born or after-adopted child.

37 F. In satisfying a share provided by subsection A, paragraph 1 of
38 this section, devises made by the will abate under section 14-3902.

39 G. For the purposes of this section, "omitted child" means a child
40 who was born or adopted after the testator executed a will.

41 Sec. 3. Section 14-2402, Arizona Revised Statutes, is amended to
42 read:

43 14-2402. Homestead allowance

44 A. A decedent's surviving spouse is entitled to a homestead
45 allowance of ~~eighteen thousand dollars~~ \$18,000. If there is no surviving

1 spouse each minor child and each dependent child of the decedent are
2 entitled to a homestead allowance of ~~eighteen thousand dollars~~ \$18,000
3 divided by the number of minor and dependent children of the decedent.

4 B. The homestead allowance is exempt from and has priority over all
5 claims against the estate, except expenses of administration.

6 C. The homestead allowance is chargeable against any benefit or
7 share that passes to the surviving spouse or minor or dependent child by
8 the decedent's will, by nonprobate transfer pursuant to section ~~14-6102~~
9 14-6101 or by intestate succession, unless it is otherwise provided by the
10 decedent's will or by the governing instrument for a nonprobate transfer.
11 To determine the homestead allowance under this section, a survivorship
12 interest in a joint tenancy of real estate is considered a nonprobate
13 transfer pursuant to section ~~14-6102~~ 14-6101.

14 Sec. 4. Section 14-3716, Arizona Revised Statutes, is amended to
15 read:

16 14-3716. Powers and duties of successor personal
17 representative

18 A successor personal representative has the same power and duty as
19 the original personal representative to complete the administration and
20 distribution of the estate, as expeditiously as possible, but he shall not
21 exercise any power expressly made personal to the ~~executor~~ PERSONAL
22 REPRESENTATIVE named in the will.

23 Sec. 5. Section 14-3718, Arizona Revised Statutes, is amended to
24 read:

25 14-3718. Powers of surviving personal representative

26 Unless the terms of the will otherwise provide, every power
27 exercisable by personal co-representatives may be exercised by the one or
28 more remaining after the appointment of one or more is terminated, and if
29 one of two or more nominated as ~~co-executors~~ CO-PERSONAL REPRESENTATIVES
30 is not appointed, those appointed may exercise all the powers incident to
31 the office.

32 Sec. 6. Section 14-5101, Arizona Revised Statutes, is amended to
33 read:

34 14-5101. Definitions

35 In this title, unless the context otherwise requires:

36 1. "Contact" includes in-person contact, written communication and
37 all forms of electronic communications.

38 2. "Contact order" means an order allowing contact between a ward
39 and a person with a significant relationship to the ward.

40 3. "Incapacitated person" means any person who is impaired by
41 reason of mental illness, mental deficiency, mental disorder, physical
42 illness or disability, chronic use of drugs, chronic intoxication or other
43 cause, except minority, to the extent that he lacks sufficient
44 understanding or capacity to make or communicate responsible decisions
45 concerning his person. In cases of limited guardianship only, a person is

not deemed an incapacitated person for purposes of voting if, ~~the person files a petition and has a hearing and the judge~~ ON PETITION AND AFTER A HEARING, THE JUDICIAL OFFICER determines by clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote pursuant to section 14-5304.02.

4. "Inpatient psychiatric facility" means a hospital that contains an organized psychiatric services unit or a special hospital that is licensed to provide psychiatric services.

5. "Investigator" means a person who is appointed by the court under section 14-5308.

6. "Joint legal decision-making" has the same meaning prescribed in section 25-401.

7. "Legal decision-making" has the same meaning prescribed in section 25-401.

8. "Minor ward" means a minor for whom a guardian has been appointed solely because of minority.

~~8.~~ 9. "Parenting time" has the same meaning prescribed in section 25-401.

~~9.~~ 10. "Physician" means a person licensed pursuant to title 32, chapter 13 or 17.

~~10.~~ 11. "Protected person" means a minor or any other person for whom a conservator has been appointed or any other protective order has been made.

~~11.~~ 12. "Protective proceeding" means a proceeding under section 14-5401 to determine that a person cannot effectively manage or apply his estate to necessary ends, either because he lacks the ability or is otherwise inconvenienced, or because he is a minor, and to secure administration of his estate by a conservator or other appropriate relief.

~~12.~~ 13. "Psychologist" means a person licensed pursuant to title 32, chapter 19.1.

~~13.~~ 14. "Registered nurse" has the same meaning as prescribed in section 32-1601.

~~14.~~ 15. "Significant relationship" means the person either is related to the ward by blood or marriage or is a close friend of the ward as established by a history of pattern and practice.

~~15.~~ 16. "Visitation" has the same meaning prescribed in section 25-401.

~~16.~~ 17. "Ward" means a person for whom a guardian has been appointed.

Sec. 7. Section 14-6102, Arizona Revised Statutes, is amended to read:

14-6102. Nonprobate transferees; liability for creditor claims and statutory allowances

A. Except as otherwise provided by law, a transferee of a nonprobate transfer is subject to liability to the decedent's probate

1 estate for allowed claims against the decedent's probate estate and
 2 statutory allowances to the decedent's spouse and children to the extent
 3 the decedent's probate estate is insufficient to satisfy those claims and
 4 allowances. The liability of a nonprobate transferee may not exceed the
 5 value of nonprobate transfers received or controlled by that transferee.

6 B. Nonprobate transferees are liable for the insufficiency
 7 described in subsection A of this section in the following order:

8 1. As provided in the decedent's will or any other governing
 9 instrument.

10 2. To the extent of the value of the nonprobate transfer received
 11 or controlled by the trustee of a trust serving as the principal
 12 nonprobate instrument in the decedent's estate plan as shown by its
 13 designation as devisee of the decedent's residuary estate or by other
 14 facts or circumstances.

15 3. Other nonprobate transferees, in proportion to the values
 16 received.

17 C. Unless otherwise provided by the trust instrument, interests of
 18 beneficiaries in all trusts that incur liabilities under this section
 19 abate as necessary to satisfy the liability as if all of the trust
 20 ~~instruments~~ INSTRUMENTS were a single will and the interest were devised
 21 under it.

22 D. A provision made in one instrument may direct the apportionment
 23 of the liability among the nonprobate transferees taking under that or any
 24 other governing instrument. If a provision in one instrument conflicts
 25 with a provision in another instrument, the later instrument prevails.

26 E. On due notice to a nonprobate transferee, the liability imposed
 27 by this section is enforceable in proceedings in this state, wherever the
 28 transferee is located.

29 F. A proceeding under this section may not be commenced unless the
 30 personal representative of the decedent's estate has received from the
 31 surviving spouse or a child to the extent that statutory allowances are
 32 affected, or from a creditor, a written demand for the proceeding. If the
 33 personal representative declines or fails to commence a proceeding after
 34 demand, a person making the demand may commence the proceeding in the name
 35 of the decedent's estate, at the expense of the person making the demand
 36 and not of the estate. A personal representative who declines in good
 37 faith to commence a requested proceeding incurs no personal liability for
 38 declining.

39 G. A proceeding under this section must be commenced within two
 40 years after the decedent's death, but a proceeding on behalf of a creditor
 41 whose claim was allowed after proceedings challenging disallowance of the
 42 claim may be commenced within sixty days after final allowance of the
 43 claims.

44 H. Unless a written notice asserting that a decedent's probate
 45 estate is insufficient to pay allowed claims and statutory allowances have

1 been received from the decedent's personal representative, the following
2 rules apply:

3 1. Payment or delivery of assets by any financial institution,
4 registrar or other obligor to a nonprobate transferee in accordance with
5 the terms of the governing instrument controlling the transfer releases
6 the obligor from all claims for amounts paid or assets delivered.

7 2. A trustee receiving or controlling a nonprobate transfer is
8 released from liability under this section on any assets distributed to
9 the trust's beneficiaries. Each beneficiary to the extent of the
10 distribution received becomes liable for the amount of the trustee's
11 liability attributable to that asset imposed by subsections B and C of
12 this section.

13 I. For the purposes of this section a nonprobate transfer is a
14 valid transfer effective at death, other than a transfer of a survivorship
15 interest in a joint tenancy of real estate, by a transferor whose last
16 domicile was in this state, and to the extent that the transferor
17 immediately before death had power, acting alone, to prevent the transfer
18 by revocation or withdrawal and to instead use the property for the
19 benefit of the transferor or apply it to discharge claims against the
20 transfer's probate estate. With respect to multiple party accounts, the
21 portion of the account that is a nonprobate transfer is that portion of
22 that account to which the decedent was beneficially entitled immediately
23 before death pursuant to section 14-6211.

24 Sec. 8. Section 14-10105, Arizona Revised Statutes, is amended to
25 read:

26 14-10105. Default and mandatory rules

27 A. Except as otherwise provided in the terms of the trust, this
28 chapter governs:

29 1. The duties, powers, exercise of powers, resignation and
30 appointment of a trustee.

31 2. Conflicts of interest of a trustee.

32 3. Relations among trustees.

33 4. ~~Mergers~~ COMBINATIONS or divisions of trusts.

34 5. The rights and interests of a beneficiary.

35 B. The terms of a trust prevail over any provision of this chapter
36 except:

37 1. The requirements for creating a trust.

38 2. The duty of a trustee to act in good faith and in accordance
39 with the purposes of the trust.

40 3. The requirement that a trust and its terms be for the benefit of
41 its beneficiaries and that the trust have a purpose that is lawful, not
42 contrary to public policy and possible to achieve.

43 4. The power of the court to modify or terminate a trust under
44 sections 14-10410, 14-10411, 14-10412, 14-10413, 14-10414, 14-10415 and
45 14-10416.

1 5. The effect of a spendthrift provision and the rights of certain
2 creditors and assignees to reach a trust as provided in article 5 of this
3 chapter.

4 6. The power of the court under section 14-10702 to require,
5 dispense with, modify or terminate a bond.

6 7. The power of the court under section 14-10708, subsection B to
7 adjust a trustee's compensation specified in the terms of the trust that
8 is unreasonably low or high.

9 8. The duty to respond to the request of a qualified beneficiary of
10 an irrevocable trust for trustee's reports and other information
11 reasonably related to the administration of a trust.

12 9. The effect of an exculpatory term under section 14-11008.

13 10. The rights under sections 14-11010, 14-11011, 14-11012 and
14 14-11013 of a person other than a trustee or beneficiary.

15 11. Periods of limitation for commencing a judicial proceeding.

16 12. The power of the court to take action consistent with the
17 settlor's intent and exercise jurisdiction as may be necessary in the
18 interests of justice.

19 13. The subject matter jurisdiction of the court and venue for
20 commencing a proceeding as provided in sections 14-10203 and 14-10204.

21 14. The notice provisions of section 14-10110, subsection B.

22 15. The enforceability of a penalty clause under section 14-10113.