

**SENATE BILL No. 45**

By Committee on Judiciary

1-24

1 AN ACT concerning trusts; relating to certification of trust; amending  
2 K.S.A. 58a-1013 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 58a-1013 is hereby amended to read as follows:  
6 58a-1013. (a) Instead of furnishing a copy of the trust instrument to a  
7 person other than a qualified beneficiary, the trustee may furnish to the  
8 person an acknowledged certification of trust containing the following  
9 information:

10 (1) That the trust exists and the date the trust instrument was  
11 executed;

12 (2) the identity of the settlor;

13 (3) the identity and address of the currently acting trustee;

14 (4) the powers of the trustee;

15 (5) the revocability or irrevocability of the trust and the identity of  
16 any person holding a power to revoke the trust;

17 (6) the authority of cotrustees to sign or otherwise authenticate and  
18 whether all or less than all are required in order to exercise powers of the  
19 trustee; *and*

20 ~~(7) the trust's taxpayer identification number; and~~

21 ~~(8) (7) the manner of taking title to trust property.~~

22 (b) A certification of trust may be signed or otherwise authenticated  
23 by any trustee.

24 (c) A certification of trust must state that the trust has not been  
25 revoked, modified, or amended in any manner that would cause the  
26 representations contained in the certification of trust to be incorrect.

27 (d) A certification of trust need not contain the dispositive terms of a  
28 trust.

29 (e) A recipient of a certification of trust may require the trustee to  
30 furnish copies of those excerpts from the original trust instrument and  
31 later amendments which designate the trustee and confer upon the trustee  
32 the power to act in the pending transaction.

33 (f) A person who acts in reliance upon a certification of trust without  
34 knowledge that the representations contained therein are incorrect is not  
35 liable to any person for so acting and may assume without inquiry the  
36 existence of the facts contained in the certification. Knowledge of the

1 terms of the trust may not be inferred solely from the fact that a copy of  
2 all or part of the trust instrument is held by the person relying upon the  
3 certification.

4 (g) A person who in good faith enters into a transaction in reliance  
5 upon a certification of trust may enforce the transaction against the trust  
6 property as if the representations contained in the certification were  
7 correct.

8 (h) A person making a demand for the trust instrument in addition to  
9 a certification of trust or excerpts is liable for damages if the court  
10 determines that the person did not act in good faith in demanding the trust  
11 instrument.

12 (i) This section does not limit the right of a person to obtain a copy  
13 of the trust instrument in a judicial proceeding concerning the trust.

14 Sec. 2. K.S.A. 58a-1013 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its  
16 publication in the statute book.

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