

**395.325 Fiduciary resignation or disability -- Settlement of accounts --
Appointment of successor trustee.**

- (1) If any fiduciary resigns or is removed, he shall upon the appointment of his successor settle his accounts.
- (2) If any fiduciary becomes mentally disabled or dies, the personal representative of his estate shall upon the appointment of a successor fiduciary for the mentally disabled fiduciary or decedent settle for his decedent the accounts of the first decedent.
- (3) In appointing a successor trustee of a trust created by will, the court shall give preference to that person, or those persons, designated in the will as successor trustee. If there be no such designation or if the court finds the person or persons so designated are not best qualified to protect the interests of the beneficiaries, then the court shall give preference to the persons who apply for appointment, preferring the surviving husband or wife, or if the husband or wife does not nominate a suitable trustee, then such others as are next entitled to distribution or one (1) or more of them whom the court deems best qualified.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 141, sec. 109, effective July 1, 1982; and ch. 277, sec. 13, effective July 15, 1982 -- Created 1970 Ky. Acts ch. 257, sec. 4.

Note: 1982 Ky. Acts ch. 277, sec. 14 attempted to amend this section as it was amended by 1980 Ky. Acts ch. 396, sec. 122, which would have taken effect July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, effective July 1, 1982. Therefore, the amendment by 1982 Ky. Acts ch. 227, sec. 14 was not made.

Legislative Research Commission Note. This section was amended by two 1982 acts which do not appear to be in conflict and have been compiled together.