

West's Annotated Code of Maryland

Estates and Trusts (Refs & Annos)

Title 14.5. Maryland Trust Act (Refs & Annos)

Subtitle 9. Liability of Trustees and Rights of Persons Dealing with the Trustee (Refs & Annos)

MD Code, Estates and Trusts, § 14.5-907

§ 14.5-907. Consent of beneficiary to conduct constituting breach

Effective: October 1, 2022

[Currentness](#)

“Interested party” defined

(a) In this section, “interested party” means a beneficiary, representative of a beneficiary, co-trustee, successor trustee, or any other person having an interest in or authority over a trust.

In general

(b) A trustee is not liable to a beneficiary for breach of trust if the beneficiary consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

- (1) The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or
- (2) At the time of the consent, release, or ratification, the beneficiary did not know of the rights of the beneficiary or of the material facts relating to the breach.

Procedures concerning the release of trustee from liability

(c)(1) When a trust terminates in accordance with the terms of the trust or Subtitle 4 of this title, or on the removal or resignation of a trustee in accordance with the terms of the trust or Subtitle 7 of this title, a trustee may elect to follow the procedures set forth in this subsection concerning the release of the trustee from liability for the administration of the trust.

- (2) A trustee seeking a release of the trustee from liability under this subsection shall send to the interested party from whom the trustee is seeking the release, by first-class and certified mail, return receipt requested, a report that:

(i) Informs the interested party that the trust is terminating or that the trustee has resigned or has been removed;

(ii) Provides the interested party:

1. An accounting of the trust, such as account statements, for the immediately preceding 5 years;
2. An estimate of any trust property or interests reasonably anticipated but not yet received or disbursed; and
3. The amount of any fees, including trustee fees, remaining to be paid; and

(iii) Notifies the interested party that:

1. The interested party may submit within 120 days after the trustee mailed the report:
 - A. A written objection to the trustee regarding the trustee's administration of the trust; or
 - B. A written statement to the trustee that the interested party does not object;
2. If the interested party does not submit a written objection to the trustee within 120 days after the trustee mailed the report, the interested party shall be deemed to have released the trustee and consented to and ratified all actions of the trustee; and
3. The trustee is unaware of any undisclosed information that could give rise to a claim by an interested party.

Failure to submit written objection

(d) An interested party to whom a report was sent under subsection (c)(2) of this section shall be deemed to have released the trustee and consented to and ratified all actions of the trustee if, within 120 days after the trustee mailed the report, the interested party:

- (1) Does not submit a written objection to the trustee; or
- (2) Submits a written statement to the trustee that the interested party does not object.

Distribution

(e)(1) Subject to paragraph (2) of this subsection, if no interested party to whom a report was sent under subsection (c)(2) of this section submits a written objection to the trustee within 120 days after the trustee mailed the report, the trustee shall distribute the trust property to the appropriate successors in interest within a reasonable period of time.

- (2) If each interested party to whom a report was sent under subsection (c)(2) of this section provides a written statement in accordance with subsection (d)(2) of this section, the trustee may distribute the trust property to the appropriate successors in interest within the 120-day period after the mailing of the report.

Effect of written objection

(f) If an interested party to whom a report was sent under subsection (c)(2) of this section submits a written objection to the trustee within 120 days after the trustee mailed the report, the objection may be:

- (1) Submitted to the court, with notice to all interested parties to whom a report was sent under subsection (c)(2) of this section, to commence a proceeding for resolution of the objection; or
- (2) Resolved by the agreement of all interested parties to whom a report was sent under subsection (c)(2) of this section and the trustee, in accordance with applicable laws.

Credits

Added by Acts 2014, c. 585, § 1, eff. Jan. 1, 2015. Amended by Acts 2020, c. 361, § 1, eff. Oct. 1, 2020; Acts 2020, c. 362, § 1, eff. Oct. 1, 2020; Acts 2022, c. 632, § 1, eff. Oct. 1, 2022; Acts 2022, c. 633, § 1, eff. Oct. 1, 2022.

MD Code, Estates and Trusts, § 14.5-907, MD EST & TRST § 14.5-907

Current through legislation effective through April 11, 2023, from the 2023 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

