

386.360 Trust instruments -- How amended.

- (1) In order to assist charitable trust interests in maintaining various tax benefits extended to them, the governing instrument of a trust may be amended to permit the trust to conform to the requirements of, or to obtain benefits available under, applicable provisions of the Internal Revenue Code. Such amendment may be made by the trustee with the approval of the Attorney General of this state, of the trustor and, if one (1) or more beneficiaries are named in the governing instrument of such trust, of each named beneficiary. If the trustor is not then living or is not then competent to give such approval, such amendment may be made by the trustee with the approval of the Attorney General and, if one (1) or more beneficiaries are named in the governing instrument of such trust, of each named beneficiary. If one (1) or more of said required approvals is not obtained, the trustee may apply to the court having jurisdiction over such trust for approval of such amendment. Said governing instrument may also be amended in any respect and by any method set forth in such instrument or as otherwise provided by law.
- (2) Nothing in this section shall impair the rights and powers of the courts or the Attorney General with respect to any trust.

History: Created 1972 Ky. Acts ch. 344, sec. 3.