

By: Phillips

H.B. No. 1813

Substitute the following for H.B. No. 1813:

By: Quintanilla

C.S.H.B. No. 1813

A BILL TO BE ENTITLED

AN ACT

relating to the beneficiaries of a trust who are entitled to demand an accounting from the trustee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 113.151(a), Property Code, is amended to read as follows:

(a) A beneficiary, including a person whose right to benefit from the trust is contingent, regardless of whether the right to benefit from the trust is presently vested, by written demand may request the trustee to deliver to each beneficiary of the trust a written statement of accounts covering all transactions since the last accounting or since the creation of the trust, whichever is later. If the trustee fails or refuses to deliver the statement on or before the 90th day after the date the trustee receives the demand or after a longer period ordered by a court, any beneficiary of the trust may file suit to compel the trustee to deliver the statement to all beneficiaries of the trust. The court may require the trustee to deliver a written statement of account to all beneficiaries on finding that the nature of the beneficiary's interest in the trust or the effect of the administration of the trust on the beneficiary's interest is sufficient to require an accounting by the trustee. However, the trustee is not obligated or required to account to the beneficiaries of a trust more frequently than once every 12 months unless a more frequent accounting is

1 required by the court. If a beneficiary is successful in the suit
2 to compel a statement under this section, the court may, in its
3 discretion, award all or part of the costs of court and all of the
4 suing beneficiary's reasonable and necessary attorney's fees and
5 costs against the trustee in the trustee's individual capacity or
6 in the trustee's capacity as trustee.

7 SECTION 2. This Act takes effect September 1, 2011.