

Regular Session, 2014

HOUSE BILL NO. 620

BY REPRESENTATIVE ABRAMSON

TRUSTS: Provides relative to the delegation of authority of a trustee

1 AN ACT

2 To amend and reenact R.S. 9:2087, relative to trusts; to provide relative to the delegation of
3 certain duties of a trustee; to provide that the delegation of authority for the sale of
4 immovable property under certain circumstances shall be considered a ministerial
5 duty; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2087 is hereby amended and reenacted to read as follows:

8 §2087. Delegating performance

9 * * *

10 B.(1) A trustee may, by power of attorney, delegate the performance of
11 ministerial duties and acts that he could not reasonably be required to perform
12 personally.

13 (2) A written power of attorney in authentic form, executed by a trustee
14 authorizing a mandatary to sell specifically described immovable property at a
15 specific price shall be considered the delegation of the performance of a ministerial
16 duty as provided by Paragraph (1) of this Subsection.

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 620

Abstract: Provides that a written power of attorney in authentic form executed by a trustee authorizing a mandatory to sell specifically described immovable property at a specific price shall be considered the delegation of a ministerial duty.

Present law provides that a trustee shall not delegate the performance of his duties except as provided by present law.

Present law provides that a trustee may, by power of attorney, delegate the performance of ministerial duties and acts that he could not reasonably be required to perform personally, and further authorizes the delegation of his duties for certain acts such as the selection of specific investments and asset management functions under certain circumstances.

Present law provides that the trustee has the duty to exercise reasonable care, skill, and caution in selecting the agent and establishing the scope and terms of the delegation, to review the actions of the agent, and, in the event of a breach of the agent's duties, to take such action to remedy the breach.

Present law provides that an agent owes a duty to the trustee and to the beneficiaries to exercise reasonable care and skill.

Proposed law retains present law, and provides that a written power of attorney in authentic form executed by a trustee authorizing a mandatory to sell specifically described immovable property at a specific price shall be considered the delegation of a ministerial duty.

(Amends R.S. 9:2087)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Made technical amendment changing "mandatory" to "mandatary".