



Ohio Revised Code

Section 5808.08 Direction of settlor contrary to terms - power of modification.

Effective: March 27, 2013

Legislation: House Bill 479 - 129th General Assembly

- (A) While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.
- (B) As provided in section 5815.25 of the Revised Code, a trustee is not liable for losses resulting from certain actions or failures to act when other persons are granted certain powers with respect to the administration of the trust.
- (C) The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.
- (D) Except to the extent otherwise provided by the terms of a trust, a person other than a beneficiary who holds a power to direct, including, but not limited to, a power to direct the modification or termination of a trust, is presumptively a fiduciary who, as a fiduciary, is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from breach of a fiduciary duty.
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