

# WEST VIRGINIA CODE: §44D-10-1001

## §44D-10-1001. Remedies for breach of trust.

- (a) A violation by a trustee of a duty the trustee owes to a beneficiary is a breach of trust.
- (b) To remedy a breach of trust that has occurred or may occur, the court may:
- (1) Compel the trustee to perform the trustee's duties;
  - (2) Enjoin the trustee from committing a breach of trust;
  - (3) Compel the trustee to redress a breach of trust by paying money, restoring property or other means;
  - (4) Order a trustee to account;
  - (5) Appoint a special fiduciary to take possession of the trust property and administer the trust in accordance with the limitations and directions as ordered by the court;
  - (6) Suspend the trustee;
  - (7) Remove the trustee as provided in section seven hundred six, article seven of this chapter;
  - (8) Reduce or deny compensation to the trustee;
  - (9) Subject to section one thousand twelve of this article, void an act of the trustee, impose a lien or a constructive trust on trust property or trace trust property wrongfully disposed of and recover the property or its proceeds; or
  - (10) Order any other appropriate relief.