

WEST VIRGINIA CODE: §44D-8B-4

§44D-8B-4. Fiduciary duty.

- (a) In exercising the decanting power, an authorized fiduciary shall act in accordance with its fiduciary duties, including the duty to act in accordance with the purposes of the first trust.
- (b) This article does not create or imply a duty to exercise the decanting power or to inform beneficiaries about the applicability of this article.
- (c) Except as otherwise provided in a first-trust instrument, for purposes of this article and §44D-8-1 and §44D-8-2(a) of this code, the terms of the first trust are considered to include the decanting power.