

PROTECTING INDIVIDUAL TRUSTEES
WHO
PROTECT BENEFICIARIES



W. Cameron McCulloch, Jr.
Laurel M. Smith
Kean | Miller LLP
Pennzoil South Tower
711 Louisiana Street
Suite 1800
Houston, Texas 77002
Phone: (713) 844-3000
Fax: (713) 844-3030
cameron.mcculloch@keanmiller.com
laurel.smith@keanmiller.com

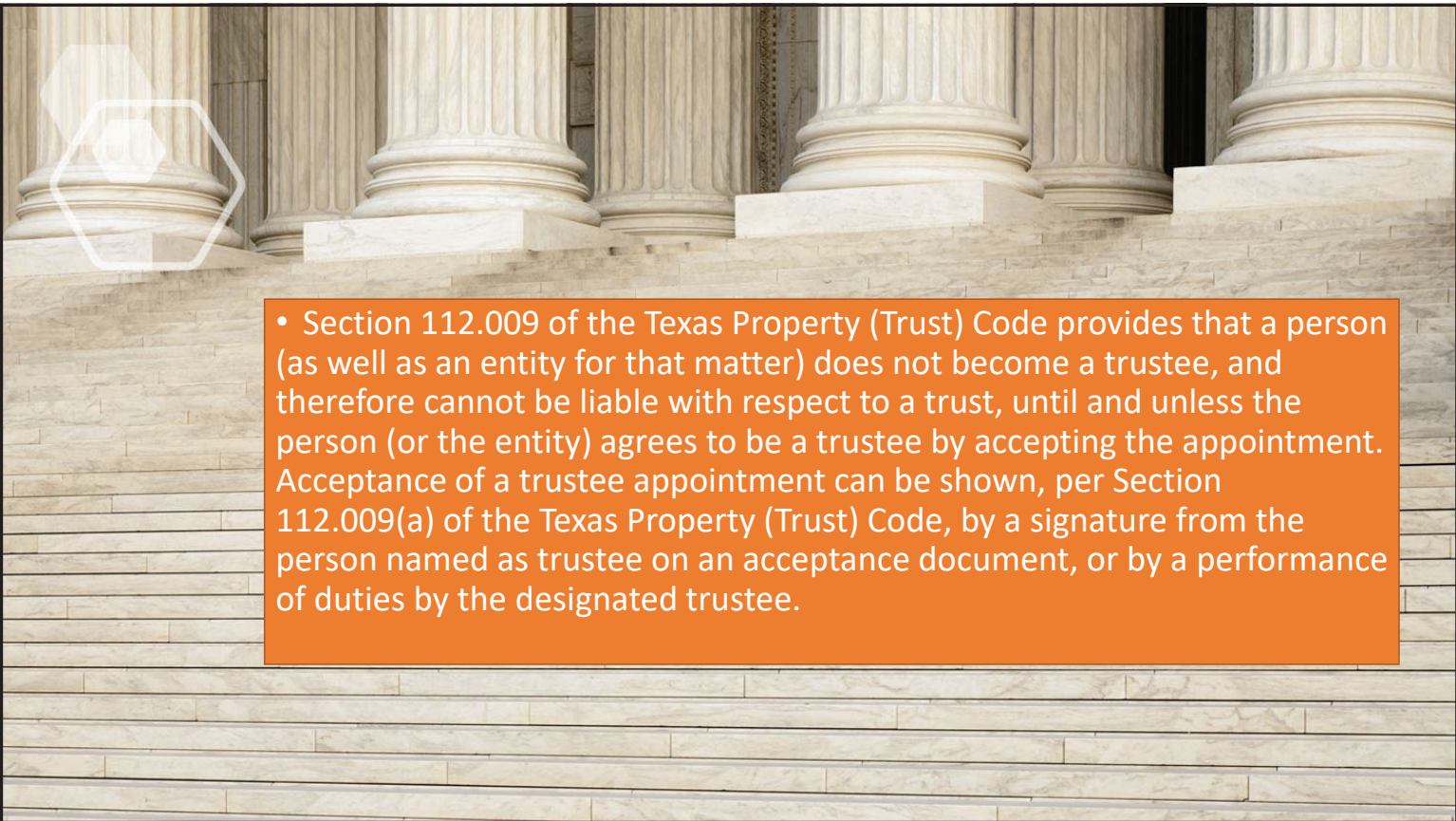
1

DEFINITIVE GUIDE ON
PICKING
A TRUSTEE

WEALTH ADVISORS TRUST



2

- 
- Section 112.009 of the Texas Property (Trust) Code provides that a person (as well as an entity for that matter) does not become a trustee, and therefore cannot be liable with respect to a trust, until and unless the person (or the entity) agrees to be a trustee by accepting the appointment. Acceptance of a trustee appointment can be shown, per Section 112.009(a) of the Texas Property (Trust) Code, by a signature from the person named as trustee on an acceptance document, or by a performance of duties by the designated trustee.

3



Counseling the Client



4

ACCEPTANCE OF TRUSTEE APPOINTMENT — NOW WHAT?

Administration of Trust

The trustee should expect to follow three sets of rules in administering the trust:

1. the trust instrument;
2. the Texas Trust Code (Chapters 111 through 117 of the Texas Property Code); and
3. common law.



INITIAL RESPONSIBILITIES

- Read the Trust Instrument
- Review the Actions of the Prior Trustee
- Learn About Your Beneficiaries
- Examine the Trust Assets

Also available as part of the eCourse

[2023 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the
19th Annual Changes and Trends Affecting Special Needs Trusts session
"Protecting Individual Trustees Who Protect Beneficiaries"