

**PRESENTED AT**

**25<sup>th</sup> Estate Planning, Guardianship and Elder Law Conference**

August 10-11, 2023  
Galveston, TX

**Trustee Boot Camp – Checklists for the New Trustee**

**Dave Folz**

Dave Folz  
Trust Counselor LLC  
dave@trustcounselorllc.com  
Dallas, TX

<b>1. WHAT DOES IT MEAN TO BE A TRUSTEE?.....</b>	<b>3</b>
<b>2. DOCUMENT DOCUMENT DOCUMENT .....</b>	<b>4</b>
<b>3. MEETING WITH THE ATTORNEY .....</b>	<b>5</b>
<b>4. GETTING ORGANIZED - TRUST TERMS.....</b>	<b>9</b>
<b>5. GETTING ORGANIZED - ADMINISTRATIVE STEPS .....</b>	<b>11</b>
<b>6. MEETING WITH THE CPA .....</b>	<b>15</b>
<b>7. TRUST INVESTMENT PROCESS AND STRATEGY .....</b>	<b>19</b>
<b>8. REVIEWING A TRUST SECURITIES PORTFOLIO .....</b>	<b>23</b>
<b>9. DISCRETIONARY DISTRIBUTIONS .....</b>	<b>24</b>
<b>10. MEETING THE BENEFICIARIES, KEEPING THEM INFORMED.....</b>	<b>27</b>
<b>11. COMMUNICATING WITH THE BENEFICIARIES .....</b>	<b>29</b>
<b>12. TRUST ACCOUNTING REQUIREMENTS .....</b>	<b>30</b>
<b>13. TRUSTEE RISK MANAGEMENT .....</b>	<b>33</b>

Mr. Folz has provided this presentation for general guidance. It does not constitute the provision of legal, accounting, or investment advice of any kind. The presentation is intended for educational purposes only and provided as is with no assurance or guarantee of completeness, accuracy, or timeliness.

1.

# WHAT DOES IT MEAN TO BE A TRUSTEE?

---

## TRUSTEE = FIDUCIARY

### BLACK'S LAW DICTIONARY

*A fiduciary is one who owes to another the duties of good faith, loyalty, due care, and disclosure;*

*Someone who must exercise a high standard of care in managing another's money or property.*

## TRUSTEE DUTIES

**DUTY** to collect, preserve, and maintain trust property

**DUTY** to administer the trust according to its terms

**DUTY** to make trust assets productive

**DUTY** to invest prudently

**DUTY** to provide an accounting

**DUTY** to disclose material facts

**DUTY** of skill and care

**DUTY** to avoid self-dealing – loans, purchases/sales from and to the trust

**DUTY** to reasonably exercise discretion

**DUTY** to enforce and defend claims

**DUTY** to give notice

**DUTY** of confidentiality concerning the trust and the beneficiaries

**DUTY** of loyalty

**DUTY** to keep trust assets separate

**DUTY** of impartiality

2.

## **DOCUMENT DOCUMENT DOCUMENT**

---

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Trustee Boot Camp - Checklists for the New Trustee

Also available as part of the eCourse

[Drafting for the Trustee in a Challenging Environment](#)

First appeared as part of the conference materials for the  
25<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Drafting for the Trustee in a Challenging Environment "