

TRUSTEE DUTIES

Duty	Probate Code Section	Brief Description
Duty to administer trust	§16000	You have a duty to follow the terms of the trust and the law governing the administration of trusts.
Duty of loyalty	§16002	You have a duty to administer the trust solely for the benefit of the beneficiaries of the trust.
Duty to deal impartially with beneficiaries	§16003	You have a duty to not favor the interests of one beneficiary over another, except to the extent that the trust provides to the contrary.
Duty to avoid conflict of interest	§16004	You have a duty to avoid transactions with the trust that will benefit you personally.
Duty not to require beneficiary to relieve trustee of liability	§16004.5	You cannot require a beneficiary to waive their rights as a condition of distribution.
Duty not to undertake adverse trust	§16005	You may not act as trustee of any other trust that has a competing interest with this trust.
Duty to take control of and preserve trust property	§16006	You must marshal trust assets and take reasonable steps to preserve them.
Duty to make trust property productive	§16007	Subject to certain exceptions, you have a duty to make the trust assets profitable. The subject of trust investments is complicated, and we will discuss this area with you in detail.
Duty to keep trust property separate and identified	§16009	This is one of the most important duties you have. You have a duty to keep the assets and debts of the trust separate from your own. In other words, you should not commingle funds.
Duty to enforce claims	§16010	You must take reasonable actions to pursue amounts that may be owed to the trust.
Duty to defend actions	§16011	You have the duty to take actions to prevent a loss to the trust, such as by defending a lawsuit.
Duty not to delegate; exception	§16012	Subject to certain exceptions, you must perform actions on behalf of the trust yourself rather than having others act on behalf of the trust.
Duty with respect to cotrustees	§16013	If you serve along with a cotrustee, you each have a duty to participate in the administration and prevent the other from committing a breach of the trust.
Duty to use special skills	§16014	In managing the trust property, you must use at least ordinary business ability. However, if you have special skills, you will be held to a higher standard of care.
Duty to provide information to beneficiaries	§§16060-16064	You have a number of duties related to providing financial and other information to beneficiaries (and in some cases, the settlor's family members). We will discuss these duties with you in detail.
Discretionary powers to be used reasonably	§§16080, 16081	Even if the trust provides that a particular action is entirely within your discretion, you have a duty to act reasonably in exercising that discretion.