

386B.13-210 Saving provision -- Applicable rules.

- (1) If exercise of the decanting power would be effective under KRS 386B.13-010 to 386B.13-280 except that the second-trust instrument in part does not comply with the provisions of KRS 386B.13-010 to 386B.13-280, the exercise of the power is effective and the following rules shall apply with respect to the principal of the second trust attributable to the exercise of the power:
 - (a) A provision in the second-trust instrument which is not permitted under KRS 386B.13-010 to 386B.13-280 is void to the extent necessary to comply with KRS 386B.13-010 to 386B.13-280; and
 - (b) A provision required by KRS 386B.13-010 to 386B.13-280 to be in the second-trust instrument which is not contained in the instrument is deemed to be included in the instrument to the extent necessary to comply with KRS 386B.13-010 to 386B.13-280.
- (2) If a trustee or other fiduciary of a second trust determines that subsection (1) of this section applies to a prior exercise of the decanting power, the fiduciary shall take corrective action consistent with the fiduciary's duties.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 134, sec. 107, effective July 15, 2026.