

**386B.4-130 Cy pres.**

- (1) Except as otherwise provided in subsection (2) of this section, if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve, or wasteful:
  - (a) The trust shall not fail, in whole or in part;
  - (b) The trust property shall not revert to the settlor or the settlor's successors in interest; and
  - (c) The court may apply cy pres to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a manner consistent with the settlor's charitable purposes.
- (2) A provision in the terms of a charitable trust that would result in distribution of the trust property to a noncharitable beneficiary prevails over the power of the court under subsection (1) of this section to apply cy pres to modify or terminate the trust only if, when the provision takes effect:
  - (a) The trust property is to revert to the settlor and the settlor is still living; or
  - (b) Fewer than twenty-one (21) years have elapsed since the date of the trust's creation.
- (3) The Circuit Court shall have exclusive jurisdiction over actions to identify a charitable beneficiary of a trust.

**Effective:** July 15, 2014

**History:** Created 2014 Ky. Acts ch. 25, sec. 35, effective July 15, 2014.