

Section 204 - Notice of action

1. Definitions. In this section
 - (a) “Qualified beneficiary” has the meaning set forth in subsection 15-5-103(16).
 - (b) “Objection period” is that period of time provided in Section 304(d)(5).
2. A fiduciary may give a notice of proposed action regarding a matter governed by subparts 1 through 8 of this part [4] as provided in this section. For the purpose of this section, a proposed action includes a course of action and a decision not to take action.
3. The fiduciary shall mail notice of the proposed action to all qualified beneficiaries and the fiduciary may give notice to any other beneficiary. A beneficiary shall be bound under this section with respect to such proposed action if the beneficiary receives actual notice or if the beneficiary would be bound under the provisions of Title 15, Article 5, Part 3.
4. Notice of proposed action need not be given to any beneficiary who consents in writing to the proposed action. The consent may be executed at any time before or after the proposed action is taken.
5. The notice of proposed action shall state that it is given pursuant to this section and shall follow the procedures set out in section 304 regarding notice.
6. A beneficiary may object to the proposed action by mailing a written objection to the fiduciary at the address stated in the notice of proposed action within the objection period.
7. A fiduciary is not liable to a beneficiary to whom notice is given for an action regarding a matter governed by this part if the fiduciary does not receive a written objection to the proposed action from the beneficiary within the objection period and the other requirements of this section are satisfied. If no beneficiary who receives notice objects under this section, the fiduciary is not liable to the beneficiaries receiving notice with respect to the proposed action.
8. If the fiduciary receives a written objection within the objection period, either the fiduciary or a beneficiary may petition the court to have the proposed action performed as proposed, performed with modifications, or denied. In the proceeding, a beneficiary objecting to the proposed action has the burden of proving that the fiduciary's proposed action should not be performed. A beneficiary who has not objected is not estopped from opposing the proposed action in the proceeding. If the fiduciary decides not to implement the proposed action, the fiduciary shall notify the beneficiaries of the decision not to take the action and the reasons for the decision, and the fiduciary's decision not to implement the proposed action does not itself give rise to liability to any beneficiary. A beneficiary may petition the court to have the action performed, and has the burden of proving that it should be performed.

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