

§ 36C-8B-18. Removal or replacement of authorized fiduciary.

An authorized fiduciary may not exercise the decanting power to modify a provision in a first trust granting another person power to remove or replace the fiduciary unless one or more of the following occur:

- (1) The person holding the power consents to the modification in a signed written instrument and the modification applies only to the person holding the power.
- (2) The person holding the power and the qualified beneficiaries of the second trust consent to the modification in a signed written instrument and the modification grants a substantially similar power to another person.
- (3) A court approves the modification and the modification grants a substantially similar power to another person. (2017-121, s. 1.)