
DIGEST

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Abramson

HB No. 620

Abstract: Provides that a written power of attorney in authentic form executed by a trustee authorizing a mandatory to sell specifically described immovable property at a specific price shall be considered the delegation of a ministerial duty.

Present law provides that a trustee shall not delegate the performance of his duties except as provided by present law.

Present law provides that a trustee may, by power of attorney, delegate the performance of ministerial duties and acts that he could not reasonably be required to perform personally, and further authorizes the delegation of his duties for certain acts such as the selection of specific investments and asset management functions under certain circumstances.

Present law provides that the trustee has the duty to exercise reasonable care, skill, and caution in selecting the agent and establishing the scope and terms of the delegation, to review the actions of the agent, and, in the event of a breach of the agent's duties, to take such action to remedy the breach.

Present law provides that an agent owes a duty to the trustee and to the beneficiaries to exercise reasonable care and skill.

Proposed law retains present law, and provides that a written power of attorney in authentic form executed by a trustee authorizing a mandatory to sell specifically described immovable property at a specific price shall be considered the delegation of a ministerial duty.

(Amends R.S. 9:2087)