

Trustee Removal: Supreme Court Speaks

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What are the time deadlines for suing an objectionable trustee? This summer, the Texas Supreme Court ruled that the answer depends on whether the suit seeks removal of the trustee or whether the suit seeks the recovery of damages from the trustee.

Trustee Removal: No Limitations Period

There is no statute of limitations that applies to a suit for the removal of a trustee. The trustee owes a fiduciary duty and, if that duty is breached, there is no time limitation for an interested party to sue to remove the trustee from office. Because of the ongoing nature of the fiduciary relationship, suit to terminate that relationship can be brought at any time.

Monetary Recovery: Limitations Applies

Suits seeking the recovery of damages caused by a trustee's breach are governed by limitations, likely a four year period from the date of the conduct causing the damage.

Ditta v. Conte, 298 S.W.3d 187 (Tex. 2009).



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