

**633A.4403 Trustee-written request and third-party protection.**

1. A trustee under [this chapter](#) may present a written request to any person for the purpose of obtaining information needed to perform the trustee's duties or information regarding any of the following property:

- a. Owned by the trust for which the trustee is acting as fiduciary.
- b. To which a living or deceased settlor is entitled.

c. Owned by the deceased settlor at the time of death, including information about property of a deceased settlor that has passed or will pass by beneficiary designation or joint tenancy ownership.

2. The written request must include a certification of trust that complies with [section 633A.4604](#). A person to whom a request is presented under [this section](#) may require that the trustee presenting the request provide proof of the trustee's identity.

3. A person who in good faith provides the property or information a trustee requests under [this section](#), after taking reasonable steps to verify the identity of the trustee and who has no knowledge that the representations contained in the request are incorrect, shall not be liable to any person for so acting and may assume without inquiry the existence of the facts contained in the request. The period of time to verify the trustee's authority shall not exceed ten business days from the date the person received the request. Any right or title acquired from the trustee in consideration of the provision of property or information under [this section](#) is not invalid in consequence of a misapplication by the trustee. A transaction, and a lien created by a transaction, entered into by the trustee and a person acting in reliance upon a request under [this section](#) is enforceable against the assets for which the trustee has responsibility.

4. If a person refuses to provide the requested property or information within ten business days after receiving a request under [this section](#), the trustee may bring an action to recover the property or information or compel its delivery against the person to whom the trustee presented the written request. An action brought under [this section](#) must be brought within one year after the date of the act or failure to act. If the court finds that the person acted unreasonably in failing to deliver the property or information as requested in the written request, the court may award any or all of the following to the trustee:

- a. Damages sustained by the trust or by a living or deceased settlor's estate.

b. Costs of the action.

c. A penalty in an amount determined by the court, but not less than five hundred dollars or more than ten thousand dollars.

d. Reasonable attorney fees, as determined by the court, based on the value of the time reasonably expended by the attorney and not by the amount of the recovery on behalf of the trustee.

5. [This section](#) does not limit or change the right of beneficiaries, heirs, or creditors of a living or deceased settlor to estate or trust property to which they are otherwise entitled.

[2023 Acts, ch 124, §7, 9](#)

Section applies to estates, trusts, and conservatorships in existence on or after July 1, 2023, that were opened or created before, on, or after July 1, 2023; 2023 Acts, ch 124, §9

NEW section