

633A.2203 Termination of irrevocable trust or modification of dispositive provisions of irrevocable trust by court.

1. An irrevocable trust may be terminated or its dispositive provisions modified by the court with the consent of all of the beneficiaries if continuance of the trust on the same or different terms is not necessary to carry out a material purpose.

2. Upon termination of the trust, the court shall order the distribution of trust property in accordance with the probable intention of the settlor.

3. For purposes of [this section](#), the consent of a person who may bind a beneficiary is considered the consent of the beneficiary.

4. For the purposes of [this section](#), removal of the trustee or the addition of a provision to the trust instrument allowing a beneficiary or a group of beneficiaries to remove the trustee or to appoint a new trustee shall not be allowed as a modification under [this section](#). [This subsection](#) shall not operate to limit the scope of dispositive provisions for the purposes of [this section](#).

5. A spendthrift provision, or a provision giving the trustee discretion to distribute income or principal to a beneficiary or among beneficiaries, may help implement a material purpose of the settlor. A spendthrift provision, or a provision giving the trustee discretion to distribute income or principal to a beneficiary or among beneficiaries, is enforceable against beneficiaries and third parties that attempt to force the trustee to act or to reach trust assets. A spendthrift provision, or a provision giving the trustee discretion to distribute income or principal to a beneficiary or among beneficiaries, does not create a presumption that the settlor would not want the trust to be modified or terminated when all of the beneficiaries consent and if circumstances not anticipated by the settlor indicate that the best interests of the beneficiaries as a class will be better served if the trust is modified or terminated.

[99 Acts, ch 125, §17, 109; 2000 Acts, ch 1150, §10](#)

C2001, §633.2203

[2005 Acts, ch 38, §54](#)

CS2005, §633A.2203

[2009 Acts, ch 52, §9, 14; 2012 Acts, ch 1123, §15, 32; 2024 Acts, ch 1081, §1](#)

Referred to in [§633A.2201](#), [633A.4805](#), [633A.6301](#), [633A.6308](#)

Subsection 5 amended