524.1009 Succession to fiduciary accounts and appointments — merger.

1. If a party to a plan of merger was authorized to act in a fiduciary capacity and if the resulting bank is similarly authorized, the resulting bank shall be automatically substituted by reason of the merger as fiduciary of all accounts held in that capacity by such party to the plan of merger, without further action and without any order or decree of any court or public officer, and shall have all the rights and be subject to all the obligations of such party as fiduciary.

2. No designation, nomination, or appointment as fiduciary of a party to a plan of merger shall lapse by reason of the merger. The resulting bank, if authorized to act in a fiduciary capacity, shall be entitled to act as fiduciary pursuant to each designation, nomination, or appointment to the same extent as the party to the plan of merger so named could have acted in the absence of the merger.

3. The relinquishing bank shall provide, at least twenty days preceding the effective date for the succession of the fiduciary accounts, notice of the pending succession, as required by chapter 633, 633A, 633B, or any other applicable chapter, to all persons shown in the records of the relinquishing bank to have a beneficial interest in the fiduciary accounts or entitled to notice or an accounting under the terms of the will, trust instrument, or other governing instrument of the fiduciary account, chapter 633, 633A, or 633B, or other applicable statute under which the relinquishing bank has been operating as a fiduciary. In order to account for unknown or prospective appointments, the relinquishing bank shall publish a notice of the succession to fiduciary accounts in a newspaper published in the county of the principal place of business of the relinquishing bank, and the notice must be published on the relinquishing bank's internet site for at least twenty days preceding the effective date of the merger. For any fiduciary accounts that are employee benefit plans, the relinquishing bank may satisfy this subsection by sending the required notice to the plan sponsors.

4. Any person with an interest in an account held in a fiduciary capacity by a party to a plan of merger may, within sixty days after the mailing and publication of the notice, apply to the district court in the county in which the notice is published for the appointment of a new fiduciary to replace the resulting bank on the ground that the merger will adversely affect the administration of the fiduciary account. The court shall have the discretion to appoint a new fiduciary to replace the resulting bank if it should find, upon hearing after notice to all interested parties, that the merger will adversely affect the administration of the fiduciary account and that the appointment of a new fiduciary will be in the best interests of the beneficiaries of the fiduciary account. This provision is in addition to any other provision of law governing the removal of fiduciaries and is subject to the terms upon which the party to the plan of merger which held the fiduciary account was designated as fiduciary.

5. The resulting bank shall record a copy of the articles of merger in the county recorder's office of all counties in which the fiduciary accounts of the relinquishing bank owned real estate prior to the effective date of the merger.

95 Acts, ch 148, §92; 2022 Acts, ch 1062, §98
Referred to in §524.1418
Section amended