

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998

***** 700.1308.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 1, 2010 *****

700.1308.amended Breach of duty; remedies; order for accounting.

Sec. 1308. (1) A violation by a fiduciary of a duty the fiduciary owes to an heir, devisee, beneficiary, protected individual, or ward for whom the person is a fiduciary is a breach of duty. To remedy a breach of duty that has occurred or may occur, the court may do any of the following:

- (a) Compel the fiduciary to perform the fiduciary's duties.
- (b) Enjoin the fiduciary from committing a breach of duty.
- (c) Compel the fiduciary to redress a breach of duty by paying money, restoring property, or other means.
- (d) Order a fiduciary to account.
- (e) Appoint a special fiduciary to take possession of the estate's, ward's, protected individual's, or trust property and administer the property.
- (f) Suspend the fiduciary.
- (g) Remove the fiduciary as provided in this act.
- (h) For a fiduciary otherwise entitled to compensation, reduce or deny compensation to the fiduciary.
- (i) Subject to other provisions of this act protecting persons dealing with a fiduciary, void an act of the fiduciary, impose a lien or a constructive trust on property, or trace property wrongfully disposed of and recover the property or its proceeds.

(2) In response to an interested person's petition or on its own motion, the court may at any time order a fiduciary of an estate under its jurisdiction to file an accounting. After due hearing on the accounting, the court shall enter an order that agrees with the law and the facts of the case.

History: 1998, Act 386, Eff. Apr. 1, 2000;—Am. 2009, Act 46, Eff. Apr. 1, 2010.

Popular name: EPIC