

**Colorado Revised Statutes:**

**Title 15: Probate, Trusts, & Fiduciaries:**

**15-1-306. Court Not Restricted:**

**TITLE 15. PROBATE, TRUSTS, AND FIDUCIARIES.**

**FIDUCIARY. ARTICLE 1. FIDUCIARY.**

**PART 3. FIDUCIARY INVESTMENTS**

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**Nothing in this part 3 shall be construed as restricting the power of a court of proper jurisdiction to permit a fiduciary to deviate from the terms of any will, agreement, or other instrument relating to the acquisition, investment, reinvestment, exchange, retention, sale, or management of estate or trust property.**

**Case Notes, Annotation:**

**A court may not order trustee to deviate from terms of trust unless, because of a change of circumstances, compliance with its terms would defeat or substantially impair the accomplishment of its underlying purposes. Matter of Will of Killin, 703 P.2d 1323 (Colo. App. 1985).**

**Deviation from the expressed intent of a testator that trust property be retained during trust administration is not warranted solely because of potential increased income to the income beneficiaries. Matter of Will of Killin, 703 P.2d 1323 (Colo. App. 1985).**