

DESIGNATION OF SUCCESSOR TRUSTEE(S)

(Standard Provision for common successors)

1.6. **Successor Trustees.** This paragraph shall apply where we have appointed ourselves as the initial cotrustees of this trust or only one of us is to serve as initial trustee. Should either of us resign, become incapacitated, die or otherwise fail to act, the remaining spouse (if appointed) shall serve as sole trustee. If the remaining spouse is not appointed, or should fail to act or cease to serve as trustee for any reason, the vacancy in the trusteeship shall be filled by the following successor trustees. Each trustee shall serve in the manner set forth on Page 3, Paragraph 1.7:

_____ <i>(Enter name of successor trustee Number 1)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of successor trustee Number 2)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of successor trustee Number 3)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of successor trustee Number 4)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

--	--	--

DESIGNATION OF SUCCESSOR TRUSTEE(S)

(Non-Standard)

1.6. **Successor Trustees.** Should either initial trustee (or the sole initial trustee), become incapacitated, die, or otherwise fail or cease to act as trustee before the natural termination of the trust, then that vacancy shall be filled in the following designated manner:

(a) **Filling the HUSBAND'S Vacancy in the Trusteeship.** Where the husband, or his initial appointee, fails to act or ceases to serve, then the successor trustees named below shall fill the vacancy in the order named. Each trustee shall serve as set forth on Page 3, Paragraph 1.7:

_____ <i>(Enter name of Husband's successor trustee Number 1)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of Husband's successor trustee Number 2)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of Husband's successor trustee Number 3)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of Husband's successor trustee Number 4)</i>
_____ <i>(Enter street address)</i>
_____ <i>(Enter City, State and Zip Code)</i>

Article One, Paragraph 1.6. (b) *(continued)*

(b) **Filling the WIFE'S Vacancy in the Trusteeship.** Where the wife, or her initial appointee, fails to act, or ceases to serve, then the successor trustees named below shall fill the vacancy in the order named. Each trustee shall serve as set forth on Page 3, Paragraph 1.7:

_____ <i>(Enter name of Wife's successor trustee Number 1)</i> _____ <i>(Enter street address)</i> _____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of Wife's successor trustee Number 2)</i> _____ <i>(Enter street address)</i> _____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of Wife's successor trustee Number 3)</i> _____ <i>(Enter street address)</i> _____ <i>(Enter City, State and Zip Code)</i>

_____ <i>(Enter name of Wife's successor trustee Number 4)</i> _____ <i>(Enter street address)</i> _____ <i>(Enter City, State and Zip Code)</i>

1.7. **Order in Which Designated Successor Trustees Serve.** Our designated successor trustee(s) shall serve in the following order: *(Initial Appropriate Box)*

] **1. SEQUENTIAL ORDER.** Where we have designated the same successor trustees, standard provision, the vacancy shall be filled first by Successor Trustee Number 1. If this successor fails to act, or ceases to serve, the vacancy shall be filled in turn by each designated successor, each serving alone as the sole successor trustee.

] **2. SOLE TRUSTEE FOLLOWED BY COTRUSTEES.** The first nominee named shall act as the sole successor trustee. In the event that our first nominee should fail to act or ceases to serve, the vacancy shall be filled by the next] *(enter number of nominee(s))* nominees who shall each serve together as a cotrustee. If any successor cotrustee fails to act, or ceases to serve, the vacancy shall be filled by the next designated successor(s) in the order named, if any, and if no person is nominated to serve, the vacancy need not be filled. The remaining nominee may serve alone. In the event that we appoint a sole trustee, followed by another sole trustee *(only "one" nominee entered above)*, the next] nominee(s) shall serve as our successor trustee(s). Any further vacancy shall be filled by the remaining appointee(s), if any, who shall serve together.

] **3. TWO PERSONS AS COTRUSTEES.** Where we have designated the same successor trustees, standard provision, the vacancy shall be filled first by both Successor Trustee Number 1 and Successor Trustee Number 2, who shall serve together as cotrustees. *(choose)*] **If either cotrustee fails**] **If both cotrustees fail** to act, or cease(s) to serve, the vacancy shall be filled by: *(choose one of the following)*
] Successor trustee Number 3, then Successor Trustee Number 4, if named.
] Successor trustee Number 3 and Number 4, who shall both serve as cotrustees. Any further vacancy need not be filled. The remaining trustee may act alone.

] **4. THREE PERSONS AS COTRUSTEES.** Where we have designated the same successor trustees, standard provision, the vacancy shall be filled by Successor Trustee Number 1, 2 and 3, who shall all serve together as cotrustees. If we have designated a fourth successor trustee, that trustee shall fill the first vacancy if any successor fails to act, or ceases to serve. Any further vacancy need not be filled. The remaining successor trustee(s) may serve alone. All decisions of the trustees shall be by a majority vote of the trustees.

] **5. FOUR PERSONS AS COTRUSTEES.** Where we have designated the same successor trustees, standard provision, the vacancy shall be filled by Successor Trustee Number 1, 2, 3, and 4 who shall all serve together as cotrustees. If any successor

fails to act, or ceases to serve, the vacancy need not be filled. The remaining successor trustee(s) may serve alone. All decisions of the trustees shall be by a majority vote of the trustees.

6. ROTATING SUCCESSOR TRUSTEES. We have each designated different persons as the successors to each spouse (non standard). The successor trustee named by each spouse shall serve as a cotrustee with the successor trustee designated by the other spouse. In the event that any successor trustee should fail to act, or cease to serve as cotrustee, that vacancy shall be filled by the next person designated to fill that vacancy. Should there be no further person designated to fill a vacancy, then that vacancy may remain unfilled. The remaining successor trustee may serve alone.

YES **NO** We desire that the successor trustees not assume the trusteeship of the trust until neither spouse is acting as a trustee. *Where we have indicated "NO", the first named successor shall serve as a cotrustee with the acting trustee/spouse, in the event that one spouse is unable to act as trustee. When the remaining spouse is unable to serve that vacancy shall be filled by the rotating nominee of that spouse.*

1.8. **Final Successor.** If at any time there is no trustee acting, and there is no person or institution designated as provided in this article who qualifies as a successor trustee, the majority of the adult beneficiaries of the trust who are then entitled to receive present income, acting together, shall appoint the successor trustee. The guardians of any minor beneficiaries may act if there are no adult beneficiaries at that time. If they fail to act or agree, then the successor trustee shall be appointed by a court of competent jurisdiction.

1.9. **Trustors' Right to Remove Trustees.** While we are both living, we may remove any individual or corporate trustee at any time, with or without cause, and we may appoint another trustee. That trustee may be an individual or corporate trustee (such as a bank or trust company). After the death of the first spouse, if a "non-standard" appointment of trustees was chosen by us, and there is an individual trustee who is serving as the successor trustee of an irrevocable trust (established to hold assets of the first of us to die who has been designated as trustee by the first spouse to die) that trustee may not be removed by the survivor of us without good cause. However, the surviving spouse may remove any other trustee or a corporate trustee with or without cause, and shall appoint another in that trustee's place.

1.10. **Trustees Rights and Duties.** Our successor trustees shall be entitled to reasonable compensation. The trustees shall assume the trusteeship, resign and give notices as we have directed in Article Eight of this trust.

1.11. **Requirement of Bond.** Bond shall be waived or required of any trustee (other than a spouse) named in this trust for any purpose as we have designated herein: *(initial choice)*

Bond shall be required **yes** **no** (waived)

(End of Article One)