

DESIGNATION OF SUCCESSOR TRUSTEE(S)

1.6. **Successor Trustees.** In the event that I am no longer serving as trustee for any reason, or due to my resignation, incapacity or death, the remaining initial trustee(s), if any, may continue to serve as trustee(s) of this trust until their resignation, incapacity, or death. Should there no initial trustee(s) acting, the vacancy in the trusteeship shall be filled by the following successor trustees who shall serve in the manner set forth on Page 3, Paragraph 1.7:

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

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

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

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

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

] **1. SEQUENTIAL ORDER.** 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 my 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 I appoint a sole trustee, followed by another sole trustee *(only "one" nominee entered above)*, the next nominee(s) shall serve as my 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.** 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.** The vacancy shall be filled by Successor Trustee Number 1, 2 and 3, who shall all serve together as cotrustees. If I 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.** 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.

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. **Trustor's Right to Remove Trustees.** While I am living, I may remove any individual or corporate trustee at any time, with or without cause, and I may appoint another trustee. That trustee may be an individual or corporate trustee (such as a bank or trust company).

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

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

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

(End of Article One)

ARTICLE TWO

DISTRIBUTIONS AFTER DEATH OF TRUSTOR

2.1. **Taxes, Debts, and Expenses.** After the death of the trustor, the trustee shall pay out of the trust principal all death taxes, debts, and expenses (as defined in Article Nine of this instrument) becoming due or payable by reason of the death of the trustor. The trustee shall then deal with the trust (including the principal thereof and all net income in the hands of the trustee and all income then accrued but uncollected) as set forth below.

2.2. **Time of Payment of Gifts and Division of Trust.** The trustee shall pay the gifts and effect any necessary division of the trust provided for in this article within a reasonable time following the death of the trustor but may, in the trustee's discretion, postpone any distribution or division for a period not exceeding six (6) months following the trustor's death.

2.3. **Termination of Trust and Power to make Further Gifts By Will** (*General Power of Appointment of the Trustor*). The trust shall terminate upon the death of the trustor. Upon the death of the trustor, all property subject to the trust (including the principal thereof and all net income then held by the trustee and all income then accrued but not collected by the trustee) after any payment of taxes, debts, and expenses pursuant to the preceding paragraph shall be paid over and delivered to the entity or entities, person or persons, and upon any trust, terms and conditions, or to or in favor of the estate of the trustor, as the trustor may direct by will, provided only that no exercise of this power of appointment shall be effective unless it refers to this trust instrument and expressly indicates an intention to exercise this power of appointment. The trustee may rely upon any instrument admitted to probate as the last will of the trustor in carrying out the terms of the power of appointment and shall not be liable for any good faith act in reliance upon that will even if for any reason it is later determined to be invalid with respect to its purported exercise of this power of appointment. If the trustee receives no notice of the existence of a will of the trustor within forty-five (45) days after the death of the trustor, the trustee may distribute the trust assets and income as though this power of appointment had not been exercised and shall in that event be conclusively presumed to have acted in good faith even if a valid will is thereafter discovered. For purposes of exercising this power of appointment the trustor may make a handwritten will or formal will, or written directive. ***The will should contain words to this effect: "I hereby exercise my power of appointment and direct the trustee of my living trust dated _____ to make the following gifts to the following persons"***. A handwritten will should be entirely in the handwriting of the trustor (no printing), signed and dated. Such a handwritten will (holographic will) need not be witnessed or notarized.

2.4. **Final Distribution Where No Contrary Instruction By Will is Found.** Where there is no will directing a different distribution, or in default of the power of appointment, or to the extent that an attempt to exercise the power was ineffectual, the entire remaining principal and all net income then held by the trustee and all income then accrued but not collected by the trustee, after any payment of taxes, debts, and expenses pursuant to the preceding subparagraph, shall be distributed pursuant to the following paragraphs.

Article Two, Paragraph 2.5.

Distribution of Trust After Death of Trustor

2.5. Distribution of Trust. The entire remaining principal and all net income then held by the trustee and all income then accrued but not collected by the trustee, after any payment of taxes, debts, and expenses, and after distributing any gift(s), specified on Attachment(s) 2.5., shall be divided into the following shares or amounts and distributed. The trustee shall specially administer a gift pursuant to the attached supplemental page(s) if the trustor has so indicated in the box following a gift. Any pecuniary gifts listed shall be paid first, and a gift of a fractional share shall be distributed from the remainder of trust assets after payment of the pecuniary gifts. A single gift below designated to more than one beneficiary shall pass to the survivor(s) of them:

Total Administration and Gifting Pages Attached
[] Pages
[] Initials

1. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
2. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
3. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
4. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
5. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
6. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
7. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
8. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
9. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*
10. To _____, _____ .
Name of beneficiary(s) *Dollar amount or percentage*

Initial or place an "X" in Box for Special Administration, and attach supplemental administration page(s) as necessary

Date _____

Signature of Trustor

<p>THE ABOVE GIFTS SHALL BE ADMINISTERED AS FOLLOWS:</p> <p>[] YES [] NO Distributed outright and free of trust.</p> <p>[] YES [] NO Administered in trust until age [] (PARA.2.8.)</p> <p>SHOULD THE BENEFICIARY PREDECEASE THE DISTRIBUTION OF THE TRUST:</p> <p>[] YES [] NO The gift shall pass to the issue of the beneficiary by right of representation (per stirpes). If none then-</p> <p>[] YES [] NO The gift shall pass to the other named beneficiaries</p> <p>[] in equal shares [] proportionately.</p>	
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Article Two, Paragraph 2.5.

Special Administration of Gifts After Death of Trustor

2.5. ADMINISTRATION OF GIFTS. The trustee shall administer the following gift(s) to the person(s) or entities named in Paragraph 2.5. on the preceding page pursuant to the terms and conditions directed for each gift below:

Gift number 2.5. _____ **for** _____.
(Enter 1 -10) (Enter name of beneficiary)

Gift number 2.5. _____ **for** _____.
(Enter 1 -10) (Enter name of beneficiary)

Gift number 2.5. _____ **for** _____.
(Enter 1 -10) (Enter name of beneficiary)

Gift number 2.5. _____ **for** _____.
(Enter 1 -10) (Enter name of beneficiary)

Gift number 2.5. _____ **for** _____.
(Enter 1 -10) (Enter name of beneficiary)

Gift number 2.5. _____ **for** _____.
(Enter 1 -10) (Enter name of beneficiary)

THE ABOVE GIFT(S) SHALL BE ADMINISTERED AS FOLLOWS:

- YES** **NO** Distributed outright and free of trust.
- YES** **NO** Administered in trust until age [] *(PARA.2.8.)*
- YES** **NO** Distributed in "Multiple Distributions" pursuant to Paragraph 2.9. The Shares shall be distributed in the following proportions and at the following ages: Sprinkling Trust **YES** **NO** *(PARA. 2.10)*

Enter percentage or fraction. If less than four stages enter "X" in unused boxes.

- First Share at Age [] Portion []
- Second Share at Age [] Portion []
- Third Share at Age [] Portion []
- Balance at Age []

- YES** **NO** Administered as a "Life Estate" pursuant to Paragraph [] *(enter paragraph 2.11-14)*
- YES** **NO** Administered in a "Special Needs" trust as set forth in paragraph 2.15.

SHOULD THE BENEFICIARY PREDECEASE THE DISTRIBUTION OF THE TRUST:

- YES** **NO** The gift shall pass to the issue of the beneficiary by right of representation (per stirpes). **If none then-**
- YES** **NO** The gift shall pass to the other named beneficiaries [] in equal shares [] proportionately. **If none then-**
- YES** **NO** The gift shall pass to the following persons in the amounts stated: _____

- YES** **NO** The gift shall lapse.

Date _____

Signature of Trustor

Article Two, Paragraph 2.5.

ATTACHMENT 2.5.

**Gifts of Real Estate, Personal Property or Other Items
To Be Distributed After Death of Trustor**

2.5. **DISTRIBUTION OF TRUST.** The trustee shall distribute the following gifts to the persons or entities named below pursuant to the terms and conditions directed for each gift:

This is Gift Number <input type="text"/> of a Total of [<input type="text"/>] Gifts [<input type="text"/>] Initial
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TO: _____ _____ <i>(Name of Beneficiary(s))</i> THE FOLLOWING GIFT(S): _____ _____ _____ _____ <i>(Description of gift)</i>

THE ABOVE GIFT SHALL BE ADMINISTERED AS FOLLOWS:

- YES NO Distributed outright and free of trust.
- YES NO Administered in trust until age [] (PARA.2.8.)
- YES NO Distributed in "Multiple Distributions" pursuant to Paragraph 2.9. The Shares shall be distributed in the following proportions and at the following ages:

Enter percentage or fraction. If less than four stages enter "X" in unused boxes.
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- Sprinkling Trust YES NO (PARA. 2.10)
- First Share at Age [] Portion []
- Second Share at Age [] Portion []
- Third Share at Age [] Portion []
- Balance at Age []

- YES NO Administered as a "Life Estate" pursuant to Paragraph [] (enter paragraph 2.11-14)
- YES NO Administered in a "Special Needs" trust as set forth in paragraph 2.15.

SHOULD THE BENEFICIARY PREDECEASE THE DISTRIBUTION OF THE TRUST:

- YES NO The gift shall pass to the issue of the beneficiary by right of representation (per stirpes). **If none then-**
- YES NO The gift shall pass to the other named beneficiaries [] in equal shares [] proportionately. **If none then-**
- YES NO The gift shall pass to the following persons in the amounts stated: _____

- YES NO The gift shall lapse.

Date _____
Signature of Trustor _____

