

STATE OF VERMONT

SUPERIOR COURT

PROBATE DIVISION

Unit [ ] 1↓

Unit

Docket No. \_\_\_\_\_

In re TRUST OF

Decedent [ ]

For the BENEFIT OF \_\_\_\_\_

PETITION TO REMOVE AND REPLACE TRUSTEE PURSUANT TO 14A V.S.A. §706

Part I. Request for Removal and Replacement of Trustee

The undersigned petitioner represents as follows:

That \_\_\_\_\_, late of, or resident of \_\_\_\_\_ executed: (choose one)

- ☐ A Will dated \_\_\_\_\_, with a trust under the terms of the Will.
☐ An inter vivos trust agreement dated \_\_\_\_\_ of which the current trustee is \_\_\_\_\_.

The undersigned petitioner moves the court to remove and replace the current trustee taking into consideration the following factor(s): (check as many as apply)

- ☐ Removal would substantially improve or benefit the administration of the trust.
☐ The relationship between the grantor and the trustee as it existed at the time the trust was created.
☐ Changes in the nature of the trustee since the creation of the trust.
☐ The relationship between the trustee and the beneficiaries.
☐ The responsiveness of the trustee to the beneficiaries.
☐ The experience and skill level of the trustee.
☐ The investment performance of the trustee.
☐ The charges for services performed by the trustee.
☐ Any other relevant factors pertaining to the administration of the trust.

The petitioner further represents:

- ☐ That \_\_\_\_\_ of \_\_\_\_\_ was named or appointed trustee in the above-described trust;

- That \_\_\_\_\_ has agreed to resign as trustee;
- That the trust instrument **provides** for the appointment of a successor trustee, and the petitioner(s) request that the court appoint a successor trustee, and said petitioner recommends that \_\_\_\_\_ of \_\_\_\_\_ be appointed by the court;
- That the trust instrument **does not provide** for the appointment of a successor trustee, and the petitioner(s) requests that the court appoint a successor trustee, and said petitioner recommends that \_\_\_\_\_ of \_\_\_\_\_ be appointed by the court;
- That \_\_\_\_\_ has not agreed to resign as trustee;
- That the trust instrument **provides** for the removal and appointment of a successor Trustee, and the petitioner(s) requests that the court appoint a successor trustee, and said petitioner recommends that \_\_\_\_\_ of \_\_\_\_\_ be appointed by the court;
- That the trust instrument **does not provide** for the removal and appointment of a successor trustee, and the petitioner(s) request that the court remove the current trustee(s) and appoint a successor trustee, and said petitioner recommends that \_\_\_\_\_ of \_\_\_\_\_ be appointed by the court.

And that supporting documentation and a detailed summary of the petitioner’s basis for requesting the removal and replacement of trustee, as well as any additional relief being requested, are attached. If an inter vivos trust is at issue, a certified copy of the trust instrument and amendments is also attached.

Petition is being filed by:

- Settlor
- Co-trustee
- Beneficiary

A list of the interested persons, as defined in 14A V.S.A. § 103(3), and the entry fee listed in 32 V.S.A. § 1434 are attached.

Dated \_\_\_\_\_ Signed \_\_\_\_\_, Petitioner

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Dated \_\_\_\_\_ Signed \_\_\_\_\_, Petitioner

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Dated \_\_\_\_\_ Signed \_\_\_\_\_, Petitioner

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

**Part II. Acceptance of the Appointment as Trustee or Co-Trustee**

I accept appointment as Trustee or Co-Trustee.

Dated \_\_\_\_\_ Signed By: \_\_\_\_\_, Appointee, or

Duly Authorized Agent for \_\_\_\_\_