| **PETITION FOR:** | Docket No. | **Commonwealth of Massachusetts**<br>**The Trial Court**<br>**Probate and Family Court** |
|---|---|---|
| ☐ Resignation of a Trustee<br>☐ Removal of a Trustee<br>☐ Appointment of a Successor Trustee | | |

| | |
|---|---|
| _____<br>case name | _____ **Division** |

**The Petitioner(s) (hereafter "Petitioner"), an interested person(s), makes the following statements:**

1. Petitioner is:

   Name: _____ (First Name) _____ (M.I) _____ (Last Name)

   _____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (State) _____ (Zip)

   Primary Phone #: _____

   Interest of the Petitioner in the matter (e.g. Trustee, Beneficiary, etc): _____

   click to add  click to remove

2. Identify the Trust and Settlor (e.g. ABC Trust, Trust under written instrument by Jane Smith, under the will of Jane Smith dated 1/1/12, etc.):

   _____

   Date of Trust: _____ (date) Dates of Amendments, if any: _____

   **A copy of the trust and any amendments are attached or are on file with the Court.**

   Venue for this proceeding is proper in this court because:

   _____

3. Current Trustee(s) is/are ☐ the Petitioner **AND/OR** ☐ as follows:

   Name: _____ (First Name) _____ (M.I) _____ (Last Name)

   _____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (State) _____ (Zip)

   Primary Phone #: _____

   click to add  click to remove

4. Persons interested in this trust and their representatives (Guardian, Conservator, etc.) are:

☐ as stated in the Petition dated _____ (date) ☐ **OR** as follows:

| Name | Address | Interest | Indicate if this person is: |
|---|---|---|---|
| | | | ☐ **Minor** ☐ **Incompetent** |
| | | | ☐ **Minor** ☐ **Incompetent** |
| | | | ☐ **Minor** ☐ **Incompetent** |

click to add click to remove

5. The following person(s):

_____ (Name of Trustee) of _____ (Address)

click to add click to remove

was named or appointed Trustee(s) in the above described trust; **AND**

☐ has agreed to **resign** as Trustee.

**OR**

☐ should be **removed** as Trustee for the following reasons:

- ☐ The Trustee has committed a serious breach of trust;
- ☐ There is a lack of cooperation among co-Trustees that substantially impairs the administration of the trust;
- ☐ The Trustee is unfit;
- ☐ The Trustee is unwilling or persistently fails to administer the trust effectively;
- ☐ The removal of the Trustee best serves the interests of the beneficiaries;
- ☐ A substantial change in circumstances has occurred;
- ☐ Removal is requested by all qualified beneficiaries;
- ☐ Removal best serves the interests of all the beneficiaries and is not inconsistent with a material purpose of the trust and a suitable co-Trustee or successor Trustee is available.

6. ☐ The trust instrument does not provide for the appointment of a successor Trustee, and the Petitioner requests

Name: _____ First Name _____ M.I _____ Last Name

_____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (State) _____ (Zip)

Primary Phone #: _____

click to add click to remove

to be appointed by the Court.

7. Supporting documentation an a detailed summary of the Petitioner's basis for requesting the removal as well as any additional relief being requested, are attached and incorporated herein by reference.

**Petitioner requests that the Court: (check all that apply)**

☐ **Approve the Trustee's resignation.**

☐ **Remove the Trustee.**

☐ **Appoint a successor Trustee to serve**

**If applicable, the Trustee shall serve:**

☐ **without sureties on the bond**

☐ **with sureties on the bond with the penal sum amount of $** _____

**Petitioner also requests:**

## SIGNED UNDER THE PENALTIES OF PERJURY

I certify under the penalties of perjury that the foregoing statements are true to the best of my knowledge and belief.

Date: _____

_____
Signature of Petitioner

Information on Attorney for Petitioner, if any

_____
Signature of Attorney

_____
(Print name)

_____ _____
(Address) (Apt, Unit, No. etc.)

_____ _____ _____
(City/Town) (State) (Zip)

Primary Phone #: _____

B.B.O. # _____

Email: _____

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