

PTMG TRUST NOMINATION LANGUAGE

The choice of language used to nominate a trustee is, of course, entirely in the discretion of the client and counsel. We are frequently asked by counsel, however, to supply sample language. It is in that spirit that we provide the following.

Identification of Trustee

"Patricia A. Alexander, dba, Private Trust Management Group, a California licensed Professional Fiduciary."

Comment: Since we are private, not corporate fiduciaries, a licensed professional fiduciary must be named individually.

Power of Appointment

"In the event that Patricia A. Alexander is unwilling or unable to act or to continue to act as successor Trustee, then Patricia A. Alexander of Private Trust Management Group, Pasadena, California, shall have the right to appoint a successor Trustee in writing, who shall commence serving as successor Trustee upon execution of a written consent to serve. Copies of the appointment and consent to serve shall be delivered to any surviving Trustor within ten (10) days of execution. In the event that Patricia A. Alexander is not willing or able to appoint a successor trustee, any beneficiary provided for in the Declaration may secure, at the joint expense of all then existing trusts provided for in this Declaration, the appointment of a successor Trustee by a court of competent jurisdiction."

Comment: In case of the incapacity, retirement or resignation of an individual, private fiduciary, the office of trustee may become vacant. To avoid having to go to court to seek the appointment of another successor trustee later on, many of the attorneys and families we work with often grant us the power to select our successor. We suggest the language above.

Compensation of Trustee

Any individual serving as trustee hereunder shall be entitled to reasonable compensation. If the trustee is a corporate or licensed professional fiduciary, such trustee shall be entitled to reasonable compensation for services rendered in accordance with its standard schedule of trustees, as existing from time to time.

Comment: Many trust documents distinguish between individual and corporate trustees and the compensation which each may seek. Very often, the trust document fails to distinguish between unlicensed individual trustees and licensed professional trustees who are held to the same standard as corporate trustees and must perform at the same level. This language is designed to eliminate this potential confusion and clarify the compensation standard.