

STATE OF VERMONT

SUPERIOR COURT

PROBATE DIVISION

Unit

Unit

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

In re the TRUST of

Decedent

For the Benefit of \_\_\_\_\_

PETITION TO COMMENCE A TRUST PROCEEDING

The undersigned petitioner represents that the decedent:

- ☐ Late of \_\_\_\_\_, left a Will dated \_\_\_\_\_, which was admitted to probate in \_\_\_\_\_, with a trust established under the terms of said Will; OR
☐ Resident of \_\_\_\_\_, executed an inter vivos trust agreement dated \_\_\_\_\_, establishing a trust of which the current trustee(s) is/are \_\_\_\_\_.

The undersigned petitioner requests in respect of the trust so established (check items that apply):

- A. ☐ Appointment of Trustee. That the court appoint \_\_\_\_\_ of \_\_\_\_\_ by appointed by the court;
B. ☐ Appointment of Successor Trustee. That the court appoint \_\_\_\_\_ of \_\_\_\_\_, as successor trustee;
C. ☐ Approval of Nonjudicial Settlement. That the court approve a nonjudicial settlement, pursuant to 14 V.S.A. § 111 (e);
D. ☐ Order for other Relief. That the court:
☐ Modify or terminate a noncharitable irrevocable trust by consent of the settlor and all of the beneficiaries of the trust, pursuant to 14A V.S.A. § 411.
☐ Modify or terminate a trust because of unanticipated circumstances or inability to administer a trust effectively, pursuant to 14A V.S.A. §412.
☐ Apply cy pres to modify or terminate a trust with a charitable purpose, pursuant to 14A V.S.A. § 413.
☐ Reform the terms of a trust to conform the terms to the settlor’s intention, correcting a mistake of law or fact, pursuant to 14A V.S.A. § 415.

Compel a former trustee or other person to deliver trust property to the current trustee pursuant to 14A V.S.A. § 812.

Redress the following breach of trust committed by a former trustee, pursuant to 14A V.S.A. § 812:

\_\_\_\_\_

\_\_\_\_\_

Approve the trustee's report of the trust property, liabilities, receipts, and disbursements, including the source and amount of the trustee's compensation, a listing of the trust assets, and if feasible, their respective market values, pursuant to 14A V.S.A. § 803 (c).

Take the following action:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E.  Trustee for Absent Person. Appoint a trustee of the estate of \_\_\_\_\_, an absent person for whose estate a trustee is necessary, pursuant to 14 V.S.A. § 2306;

Filed with this petition is:

- Supporting documentation and a summary of the petitioner's basis for this/these request(s) are attached.
- An inter vivos trust is at issue and certified copies of the trust agreement and the amendments thereto are attached.
- Form 111 is attached listing the persons interested in the trust estate.
- The entry fee listed in 32 V.S.A. § 1434 is attached.

WHEREFORE, I request that the court commence a trust proceeding in this matter. The facts set forth in this petition and its attachments are true to the best of my knowledge, information and belief, subject to the requirements and sanctions of Vermont Rule of Probate Procedure II.

Date: \_\_\_\_\_

Petitioner Signature: \_\_\_\_\_

Petitioner name	
Mailing Address	
City, State, Zip	
Telephone	Email