**PETITION TO APPOINT SUCCESSOR TRUSTEE**

IN RE (Name of Trust):

TRUSTEE (if any):

CASE NO.:

DATE:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Applicable Law:**  F.S. §§ 736.0201-736.0207 (Judicial Proceedings in Florida Trust Code); F.S. §736.0201(4)(b) (judicial proceedings to appoint or remove a trustee permitted)

**CHECKLIST**

**Name of Trust:**

**Settlor(s):**

(if deceased, provide copy(ies) of death certificate(s). See F.S. §731.103(1), Fla. Prob. R. 5.171(a))

**Petition for Construction of a Testamentary Trust within a Probate Estate: Yes / No**

(If yes, the proceeding shall be governed by the Florida Probate Rules. See F.S. § 736.0201(5))

**Governing Law / Place of Administration of Trust: Florida / Foreign Trust (Other)**

(If other, see F.S. § 736.0205 (“Over the objection of a party, the court shall not entertain proceedings under s. 736.0201 of a trust registered, or having its principal place of administration, in another state unless all interested parties could not be bound by litigation in the courts of the state where the trust is registered or has it’s principal place of administration.”))

**Location of Trust Provision(s) Regarding Successor Trustee(s):**

**Jurisdiction and Venue**

|  |  |  |
| --- | --- | --- |
| \_\_\_\_ | Jurisdiction over Trustee and Beneficiary (F.S. § 736.0202) | |
| \_\_\_\_ | Subject Matter Jurisdiction of Circuit Court (F.S. § 736.0203) | |
| \_\_\_\_ | Venue (F.S. § 736.0204) | |
|  | \_\_\_\_ | County where venue is proper under Ch. 47, *Fla. Stat.* |
|  | \_\_\_\_ | County where beneficiary suing/being sued resides or has place of business |
|  | \_\_\_\_ | County of trust’s principal place of administration |

**Reason For Petition**

|  |  |
| --- | --- |
| \_\_\_\_ | Death or Resignation of All Nominated Trustees  (attach death certificates and resignations, as required to support petition) |
| \_\_\_\_ | Other Explain: |

**COMMENTS:**

Under F.S. § 736.0111(4)(d), (5) (“Nonjudicial settlement agreements”) all “interested persons” may resolve a trust administration by means of a nonjudicial settlement agreement regarding the “resignation or appointment of a trustee…” and any interested person may request the court to approve or disprove a nonjudicial settlement agreement.