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How to Complete an Acceptance of Trusteeship

Taking Over as Successor Trustee of a California Trust (Probate Code Section 15600)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR ACCEPTANCE OF TRUSTEESHIP.

About this form. When a trustee dies, becomes incapacitated, or resigns, the **successor trustee** takes over. California lets a successor accept the role by signing a **written acceptance**. Banks, brokerages, and title companies often ask to see it, along with a Certification of Trust, before they will deal with the new trustee.

1. **Gather the trust and the reason for the change**
   Have the trust document, and the death certificate, incapacity letters, resignation, or court order showing why the prior trustee no longer serves.
2. **Fill in the trust and prior trustee**
   Use the trust's exact name and date, the settlors, and the prior trustee's name.
3. **Show how you were appointed**
   Most successors are named in the trust document. Note the article or section, or attach the appointment or court order.
4. **Sign in front of a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home or office, and can notarize your Certification of Trust at the same visit.
5. **Prepare the companion documents**
   Most institutions also want a **Certification of Trust**. If the prior trustee died and the trust owns real estate, record an **Affidavit – Death of Trustee**.
6. **Know your duties**
   Trustees owe legal duties to the beneficiaries, including notices and accountings. If the trust became irrevocable on a death, notices to beneficiaries and heirs are due within 60 days (Probate Code § 16061.7).

Good to Know

- Do not mix trust funds with your own. Open accounts in the trust's name and keep careful records.
- You may hire professionals (an attorney, accountant, or appraiser) and generally pay them from the trust.
- If you do not want to serve, you may be able to decline. Talk to an attorney before taking any action as trustee.

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Questions about this document? Talk to an attorney. Gavrilov & Brooks Law Firm has attorneys licensed in California, Nevada, and other states. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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YOUR FORM BEGINS ON THE NEXT PAGE

ACCEPTANCE OF TRUSTEESHIP BY SUCCESSOR TRUSTEE

(California Probate Code Section 15600)

THE TRUST

_____ _____
(exact name of trust) (date of trust)

_____
(name(s) of settlor(s) / trustor(s))

_____
(name(s) of prior trustee(s))

1. Vacancy. The prior trustee(s) no longer serve because of (mark all that apply):

- ☐ Death (certified death certificate available)
- ☐ Incapacity, as determined under the terms of the trust
- ☐ Resignation dated _____
- ☐ Other:

_____
(describe)

2. Appointment. I, the undersigned,

_____ _____
(full name of successor trustee) (address)

am appointed successor trustee by (mark one):

- ☐ The trust instrument, at Article/Section _____
- ☐ Written appointment by _____, as the trust allows (copy attached)
- ☐ Court order dated _____ (copy attached)

3. Acceptance. Under California Probate Code Section 15600, I accept the trusteeship of the trust named above, effective

_____
(effective date)

and agree to administer the trust according to its terms and California law. If other trustees serve with me, I will act together with them as the trust requires.

Successor trustee

_____ _____ _____
(signature of successor trustee) (printed name) (date)

_____ _____ _____
(signature of co-successor trustee, if any) (printed name) (date)

Sign in front of the notary public, who will complete the acknowledgment on the next page.

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CERTIFICATE OF ACKNOWLEDGMENT

Notary acknowledgment of the successor trustee signature(s) on this Acceptance of Trusteeship.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____

(here insert name and title of the officer)

personally appeared _____

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature _____