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How to Complete a Resignation of Trustee

Stepping Down as Trustee of a California Trust (Probate Code Section 15640)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR RESIGNATION OF TRUSTEE.

About this form. A trustee who no longer wants to (or can) serve may resign, but California only allows it in certain ways: as the trust document permits, with the consent of the person who can revoke the trust (for a revocable trust), with the consent of the adult current beneficiaries (for an irrevocable trust), or by court order. This form records the resignation in writing, so banks, title companies, and the successor trustee can rely on it.

1. **Read your trust's resignation section**
   Many trusts explain how a trustee resigns (notice, who to tell, how much time). Note the article or section number for item 2.
2. **Fill in the trust and your details**
   Use the trust's exact name and date, the settlors, and the effective date of your resignation.
3. **Mark how you are resigning**
   Choose the method that applies. For a revocable trust, the person who can revoke it signs the Consent section. For an irrevocable trust, attach the beneficiaries' signed consents.
4. **Name the successor trustee**
   Write who will take over and how they are appointed. The successor should sign an Acceptance of Trusteeship.
5. **Sign in front of a notary**
   Do **not** sign ahead of time. Each signer brings a current government-issued photo ID. We come to your home or office, and can notarize the successor's Acceptance at the same visit.
6. **Hand over the trust records**
   Deliver trust property, account information, and records to the successor trustee, and keep a copy of everything you signed.

Good to Know

- If the trust owns real estate, the successor may also need a new deed or a recorded document showing the change. Ask a title company.
- Banks usually want a new Certification of Trust signed by the successor trustee.
- If no successor is named, or beneficiaries will not consent, a court may need to appoint one. Talk to an attorney.

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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

RESIGNATION OF TRUSTEE

(California Probate Code Section 15640)

THE TRUST

_____ _____

(exact name of trust) (date of trust)

_____

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

1. Resignation. I, the undersigned,

_____

(full name of resigning trustee)

am a currently acting trustee of the trust named above, and I resign as trustee, effective

_____

(effective date or "upon acceptance by the successor trustee")

2. Method of resignation (California Probate Code Section 15640) (mark one):

☐ As permitted by the terms of the trust instrument, at Article/Section: _____ (article / section number)

☐ The trust is **revocable**, and the person holding the power to revoke it consents below.

☐ The trust is **irrevocable**, and all adult beneficiaries currently receiving or entitled to receive income or principal consent in writing; their signed consents are attached.

☐ By court order dated _____ (copy attached).

3. Successor trustee. The successor trustee who will serve after my resignation (if known):

_____ _____

(name of successor trustee) (how appointed, e.g., "named in Section 4.2 of the trust")

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4. Transfer and accounting. I will deliver the trust property and records in my possession to the successor trustee and cooperate in the transition. I understand that my resignation does not release me from liability for my acts or omissions as trustee before it takes effect (Probate Code Section 15640(b)).

Resigning trustee

(signature of resigning trustee)	(printed name)	(date)

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

CONSENT TO RESIGNATION (complete if the trust is revocable — the person(s) holding the power to revoke the trust)

I/We, holding the power to revoke the trust named above, consent to this resignation.

(signature of person holding power to revoke)	(printed name)	(date)
(signature of second person, if any)	(printed name)	(date)

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CERTIFICATE OF ACKNOWLEDGMENT

Notary acknowledgment of the signature(s) on this Resignation of Trustee.

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 _____