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How to Complete a New York Acceptance of Trustee Appointment

Acceptance of Appointment as Trustee — New York

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR FORM.

About this form. Use this form when you are **stepping in as trustee** of a trust, for example after the original trustee dies, resigns or becomes incapacitated. Banks, brokers and title companies usually ask for a signed and notarized acceptance before they will deal with a new trustee.

1. **Identify the trust**
   Copy the exact trust name and date from the trust agreement, and find the article that names you or explains how you are appointed.

2. **Explain the vacancy**
   Initial why you are taking over and attach proof, such as a certified death certificate or the prior trustee's resignation.

3. **Sign before a notary**
   Sign in front of a notary with a current government-issued photo ID. The out-of-state certificate is included if you sign outside New York.

4. **Use it with a Certification of Trust**
   Most institutions want a new Certification of Trust signed by you as the current trustee. That form is on our website.

Next Steps

- Notify the beneficiaries that you are now serving as trustee.
- Obtain a tax identification number for the trust if it is now irrevocable, and retitle trust accounts in your name as trustee.
- If the trust owns New York real estate, the title company may ask that this acceptance be recorded with the County Clerk.

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Have questions about this form? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**, 2315 Capitol Avenue, Sacramento, CA 95816. **Attorneys licensed in New York.** Main headquarters in Sacramento, California.

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

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ACCEPTANCE OF APPOINTMENT AS TRUSTEE

New York — Successor or Co-Trustee Acceptance

I, _____, residing at _____, state as follows:

1. The Trust

Name of Trust: _____

Date of trust agreement: _____ Settlor(s): _____

2. How I Was Appointed

I am named (or was appointed) as _____

successor trustee / co-trustee / sole trustee

under Article / Section _____ of the trust agreement.

The vacancy or need for a trustee arose because (initial one):

(_____) The prior trustee died. A certified copy of the death certificate is attached.

(_____) The prior trustee resigned. A copy of the resignation is attached.

(_____) The prior trustee became incapacitated as provided in the trust agreement. Supporting documents are attached.

(_____) Other: _____

Name of prior trustee (if any): _____

3. Acceptance

I accept the appointment as trustee, effective _____.

I agree to administer the Trust in good faith, in accordance with its terms and purposes, the interests of the beneficiaries, and New York law. I understand that a trustee owes fiduciary duties of loyalty and prudence to the beneficiaries, must keep trust property separate from my own property, and must keep accurate records.

_____ _____

Signature of trustee Date

_____

Printed name

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ACKNOWLEDGMENT IN NEW YORK (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment

Notary Public, State of New York; Qualified in _____ County

Registration No. _____; Commission Expires _____

(Notary stamp)

ACKNOWLEDGMENT OUTSIDE NEW YORK (Real Property Law § 309-b)

Use this certificate instead of the New York certificate if the document is signed outside New York State.

State (or District / Country) of _____)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in _____.

insert the city or other political subdivision and the state or country or other place the acknowledgment was taken

_____

Signature and office of individual taking acknowledgment

(Notary seal or stamp)

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