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How to Resign as Trustee of a New York Trust

Resignation of Trustee — New York

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

About this form. Use this form to **step down as trustee**. Most trust agreements explain how a trustee may resign, who must be notified, and whether the resignation takes effect immediately or only when a successor accepts. Follow your trust agreement; if it does not allow resignation, court approval may be needed.

1. **Check the trust agreement**
   Find the article on resignation and note who must receive notice (often co-trustees, the successor trustee and adult beneficiaries).

2. **Fill in the trust details and effective date**
   Copy the exact trust name and date, and choose an effective date that allows time to transfer assets.

3. **Sign before a notary**
   Sign with a current government-issued photo ID. A notarized resignation is what banks and title companies expect.

4. **Deliver notices**
   Deliver a copy to each required person and log it in Section 4. The successor can sign the receipt at the end.

After You Resign

- Transfer trust property and records promptly, and keep copies of everything you deliver.
- Your successor will usually sign an Acceptance of Appointment as Trustee and a new Certification of Trust. Both forms are on our website.
- Resigning does not end your responsibility for actions taken while you served. Keep your records.

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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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RESIGNATION OF TRUSTEE

New York — Trustee's Written Resignation

I, _____, residing at _____,
currently serving as _____ of the trust named below, resign as trustee.
trustee / co-trustee / successor trustee

1. The Trust

Name of Trust: _____

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

2. Resignation

This resignation is made under Article / Section _____ of the trust agreement.

It is effective on _____,
or on the date a successor trustee accepts, if the trust agreement so requires.

Successor or remaining trustee (if known): _____

3. Transition

I will deliver to the successor or remaining trustee all trust property in my possession or control, together with the trust's books, records, account statements and tax information, and I will sign any documents reasonably needed to transfer title. I will provide an accounting of my administration as required by the trust agreement or New York law.

4. Notice

I am delivering this resignation to the persons required by the trust agreement, including the following:

Delivered to (name / institution)	Method (in person, mail, email, fax)	Date

_____ _____

Signature of resigning 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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Receipt by Successor or Remaining Trustee (optional)

I received a copy of this resignation on the date shown below.

Signature

Date received

Printed name

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