

ARTICLE 3 TRUSTEE PROVISIONS

3.1 Appointment of Successor Trustee. Upon the death, resignation or incapacity of either JOHN DOE or MARY DOE, the other shall act as sole trustee. Upon the death, resignation or incapacity of both JOHN DOE and MARY DOE, WILLIAM DOE [Child] shall act as successor trustee. In the event WILLIAM DOE [Child] fails for any reason to act as successor trustee, HARRY DOE [Brother] shall act as successor trustee. Notwithstanding anything contained herein to the contrary, any child of Settlers named herein as successor trustee must have attained age twenty-five (25) in order to act as successor trustee.

3.2 Definition of Incapacity. The incapacity of a trustee hereunder shall be determined by the written opinions of two licensed physicians, one of whom is such trustee's treating physician, stating that such trustee is unable to perform the duties of trustee due to incapacity. The named successor trustees are given authority by this document, which shall serve as a form of medical authorization, to consult with medical providers for the trustee. Any named trustee waives the confidentiality privilege between medical providers and patient and authorizes those health care providers to disclose a trustee's medical condition, and mental and physical capacity to manage and participate in decisions about business affairs or asset management. Settlers' intent is to qualify an agent to have access to Settlers' medical files and information in conformity with federal and state privacy laws, specifically, the Health Insurance Portability and Accountability Act of 1996 ("HIPPA").

3.3 Power to Appoint Trustee to Fill Vacancy. If a vacancy in the office of the trustee occurs for any reason at any time, then a majority in interest of all of the adult beneficiaries entitled or authorized in the trustee's discretion to receive currently the income from any trust created hereunder, exclusive of any special needs trust, shall have the right to nominate a successor trustee (whether corporate or individual and whether designated to act as co-trustees or sole trustee) to fill the vacancy in the office of the trustee, except that a beneficiary may not appoint himself or herself, or a spouse or child of such beneficiary.

3.4 Resignation. Any trustee shall have the right to resign this trusteeship at any time by written notice directed to the Settlers or the survivor of them, or if both of them are then deceased to the persons entitled by law to receive a trustee's account.

3.5 Successor Trustee. No successor trustee shall be personally liable for any act or omission of any predecessor. No successor trustee shall be liable to any beneficiary for the trustee's acts or omissions, except in cases of willful misconduct, bad faith or gross negligence. The previous sentence shall not apply to a trustee who regularly conducts business as a trustee.

3.6 Bond. No bond shall be required of any individual trustee named in paragraph 3.1. Any individual designated as a successor trustee pursuant to the provisions of this Article, shall be required to post a bond in the amount, if any, determined by the individual or individuals exercising the power to designate a successor trustee.

3.7 Trustee's Compensation. Trustees are entitled to reasonable compensation for services as such and to reimbursement for any expenses incurred in the performance of the trustee's duties.

3.8 Co-Trustees. Co-trustees who are unable to reach a unanimous decision may act by majority decision. If a vacancy occurs in a co-trusteeship, the remaining co-trustee(s) may act for the trust.