

PC-1.6

Resignation

formerly SW-57

R.I.G.L. 33-18-4



This action must be advertised.

Removal

formerly SW-56

R.I.G.L. 33-18-2



This action must be advertised.



Section A - Resignation

This form accommodates an Executor, Administrator, or Guardian who resigns the trust to the probate court having jurisdiction of the estate. The court may accept the resignation and, upon petition appoint a successor.

The Attorney:

- Ensures that the Fiduciary has settled accounts with the court before the resignation is accepted. (Usually the accounting and the resignation is done simultaneously.)
- **After the accounting and resignation**, files a petition to appoint a successor Fiduciary.

The Probate Clerk:

- Dates files and the resignation is docketed for hearing.
- Advertises Notice of the filing of Resignation once a week for fourteen days to include 3 insertions.

Section B - Removal

This form allows the Probate Court, upon petition, and after a hearing, to remove the Executor, Administrator or Guardian from office and appoint another person. This form is used whenever an Executor, Administrator or Guardian for any cause becomes incapable of executing his/her trust or neglects to perform his/her duties.

The Attorney:

- Presents Petition for Removal.

The Probate Clerk:

- Dates files and the matter is docketed for hearing.
- Advertises Notice of the filing of same once a week for fourteen days to include 3 insertions.
- Issues **Form PC-5.1 General Citation**. (The signature of the party of interest must be notarized.)

STATE OF RHODE ISLAND

County of _____

Estate of _____

DATE FILED _____
Court Use Only

PROBATE COURT OF THE

No. _____

Date _____

RESIGNATION PETITION (Refer to Section A)

REMOVAL PETITION (Refer to Section B)

SECTION A

The undersigned respectfully resigns as _____
Title of Fiduciary

Signature of Fiduciary

Decree

Upon hearing it is hereby ordered and decreed:

Date

Probate Judge

SECTION B

RESPECTFULLY REPRESENTS your petitioner that _____
Name of Fiduciary

who on _____ duly qualified as fiduciary:

Date

(Check one): has become incapable of executing said trust

has wasted said estate

has neglected and refused to do the duties thereof

other reason _____

WHEREFORE your petitioner, being a party in interest requests that said fiduciary may be removed and that the following person(s) may be appointed to complete said trust:

Name of Nominee Relationship to Deceased

Name of Co-Nominee (if any) Relationship to Deceased

No. Street

No. Street

City/Town State ZIP

City/Town State ZIP

The undersigned petitioner makes affidavit and says that the above facts are true as to the best of his/her knowledge and belief.

Signature of Petitioner

Sc.

Date

Subscribed and sworn to before me as to the truth of all of the above facts by the petitioner.

Notary Public (Please Print)

Notary Public Signature

DECREE

Upon hearing, it is hereby ordered and decreed:

It appearing that said Fiduciary has _____
Reason for Removal Name of Current Fiduciary

is forewith removed and _____ of _____ is appointed to succeed.
Name of Proposed Fiduciary City/Town

Bkond fixed at \$ _____ with _____ surety _____ without surety
Type

Entered as an order and decree of the Court on

Date

Probate Judge