

## **Local Essay Question #2**

Trudy Travis executed a Living Trust known as The Travis Living Trust pertaining to the management and the eventual disposition of certain stock and valuable real estate located in Little Compton, Rhode Island. The Trust was executed on July 25, 1995. Paragraph Four of the instrument stated as follows: “This Trust is irrevocable and all questions relating to the validity, construction, and effect of the Agreement of Trust shall be governed by the laws of the State of Rhode Island.” The Trust designated Trudy’s daughters, Jessica Milos, as the trustee and, Amy Caldwell, as her successor. The Trust is silent with regard to a trustee vacancy or the method to be employed to fill a vacancy should one occur. The Trust sets forth a division of assets among nine (9) beneficiaries (one of whom was Trudy Travis; the other eight (8) being all the children and grandchildren of Trudy Travis). In January of 2010, Trudy Travis was placed in a nursing home by Jessica Milos and declared incompetent by Dr. D’Mat. Just prior to her move to the nursing home, in November of 2009, Trudy Travis transferred her interest in the Trust to Amy Caldwell’s husband, Jason. Additionally, Jason was designated as a trustee of the Living Trust pursuant to a document entitled “Designation of Trustee of the Travis Living Trust.” Jessica Milos served as a trustee until July of 2013 when she resigned due to dissension among members of the family. At that time, Amy Caldwell succeeded her as trustee pursuant to the terms of the trust. Amy served as trustee until her untimely death in March of 2014.

Soon after, discord in the family resulted in litigation over the much appreciated stock and real estate in Little Compton. You have been retained to represent a beneficiary, Benjamin Caldwell, who is Amy Caldwell’s son. Discuss all issues raised by this set of facts. Additionally, what rights, if any, does Benjamin Caldwell have?