RE: Trust situs question/An observation

From: Neff, Michael (MNEFF@jbhanauer.com)

To: BenjyMartin@

Date: Tuesday, December 2, 2008, 1:29 PM PST

Hi Ben,

Our trust department reviewed the original documentation when the situs was transferred from Illinois to Florida, here is their response.

Our legal department reviewed the document and yes, the situs is Florida. Just as we suspected, since the process on how the situs could be changed is silent, the beneficiary would have to petition the court as they did in the documentation you provided us.

RBC Trust Company is comfortable with the situs staying in Florida. We are not making a recommendation to change the situs.

The Uniform Trust Code you mentioned does require the income beneficiary to consent, ie sign a document consenting to the change in situs, from the brief research I did, this section looks like a unique provision to the code in PA. The code is a template that many of the states have made changes to.

The trust department also feels that the annuities are growing tax deferred but I have not received the article you mentioned. Please forward me the article or a link to it so I can address your question more intelligently.

Regards,

Mike.

From: Benjy Martin [mailto:benjy.martin@yahoo.com]
Sent: Tuesday, December 02, 2008 11:11 AM
To: Neff, Michael
Cc: Michelle; suzanne etahiri
Subject: Trust situs question/An observation