

Sample

then such provision shall be deemed to be written, construed, and enforced as so limited.

13. MISCELLANEOUS PROVISIONS.

A. Paragraph Titles and Gender. The titles given to the paragraphs of this Trust are inserted for reference purposes only and are not to be considered as forming a part of this Trust in interpreting its provisions. All words used in this Trust in any gender shall extend to and include all genders, and any singular words shall include the plural expression, and vice versa, specifically including "child" and "children", when the context or facts so require, and any pronouns shall be taken to refer to the person or persons intended regardless of gender or number.

B. Thirty Day Survival Requirement. For the purposes of determining the appropriate distributions under this Trust, no person or organization shall be deemed to have survived Grantor, unless such person or entity is also surviving (or in existence) on the thirtieth day after the date of the Grantor's death.

C. Common Disaster. If Grantor and Grantor's spouse die under circumstances such that there is no clear or convincing evidence as to the order of their deaths, or if it is difficult or impractical to determine which person survived the death of the other person, it shall, for the purpose of distribution of Grantor's life insurance, property passing under any will or other contracts, if any, and property passing under this Trust, be conclusively presumed that Grantor predeceased the death of Grantor's spouse, and notwithstanding any other provision of this Trust, Grantor's spouse (or Grantor's spouse's estate as the case may be) shall receive the distribution to which Grantor's spouse would otherwise be entitled to receive without regard to a survivorship requirement, if any.

D. Liability of Fiduciary. No fiduciary who is a natural person shall, in the absence of fraudulent conduct or bad faith, be liable individually to any beneficiary of Grantor's trust estate, and Grantor's trust estate shall indemnify such natural person from any and all claims or expenses in connection with or arising out of that fiduciary's good faith actions or nonactions of the fiduciary, except for such actions or nonactions which constitute fraudulent conduct or bad faith. No successor trustee shall be obliged to inquire into or be in any way accountable for the previous administration of the trust property.

E. Spouse. Grantor is married to _____ and all references in this Trust to "Grantor's spouse" are references to _____.

F. Children. The names of Grantor's children are: _____. All references in this Trust to "Grantor's child" or "Grantor's children" include the above child or children, and any other children born to or adopted by the Grantor after the signing of this Trust.

Grantor

Trustee

STATE OF _____
COUNTY OF _____

On this ___ day of _____, 20___, before me personally appeared _____, known to me to be the person described in and who executed the foregoing instrument as Trustee and acknowledged that he/she executed the same (in his/her authorized capacity) as his/her free act and deed.