

Email from Amy Glenn of Butzel Long Regarding our Petitioning of the Oakland County Probate Court to Change the Spending Policy of the Booth, CCC, and Flint Trusts

From: Glenn, Amy [<mailto:glenn@butzel.com>]

Sent: Friday, October 19, 2012 5:28 PM

To: Thomas Post

Subject: RE: Christ Church Cranbrook Trusts

Tom:

Why do we need to go to Oakland County Probate Court to change the trusts?

- Irrevocable trusts do not always contain a power to amend and trust instruments do not always anticipate the changes that may occur with the passage of time.
- The legislature and legal experts have long recognized a need for amendments to trusts in order for trusts to be administered in the manner intended by the settlor of the trust.
- A procedure has been created in the Probate Court to allow for modifications to trusts such as the Booth, CCC and Flint trusts.
- Under this procedure, approval by the Probate Court is a relatively simple process. Usually, the process is not adversarial because the Trustees and beneficiaries of the Trust agree with the required changes.
- The role of the Probate Court is to oversee the process of modification and to consider the positions of the Trustee and the beneficiary if one of them raises an objection.

What is the process for reforming the trusts in Probate Court?

- A petition is filed with the probate court for each trust asking the Court to approve the changes the Trustees are proposing.
- A notice of a hearing date is given to all of the interested parties of the trust.
- The Trustees and the beneficiaries can choose to attend the hearing.
- At the hearing, the Probate Court will provide interested persons with an opportunity to support the proposed changes or to identify concerns with such changes.
- At the hearing and after listening to the views of the Trustees and beneficiaries, the judge will decide if such changes are permissible. Where all parties are in agreement and the amendment is consistent with the settlor's original intentions, the Probate Court usually enters an order approving the amendment.

Regards,

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