# The Marital Trust

Our Trustee shall administer the Marital Trust as provided in this Article.

## Trustee of the Marital Trust

The surviving Trustor may serve as sole Trustee of the Marital Trust. The surviving Trustor may remove and replace the Trustee of the Marital Trust at any time, with or without cause. Notwithstanding any other provision in this instrument, the surviving Trustor may appoint any individual or corporate fiduciary to serve as Trustee of the Marital Trust.

## The Surviving Trustor’s Right to Amend

Except as otherwise provided in this Article, the surviving Trustor also has the absolute right to amend the Marital Trust’s terms by restating them in full. The restated Marital Trust must be in writing and signed by the surviving Trustor and the Trustee of the restated Marital Trust.

If the surviving Trustor does not disclaim assets allocated to the Marital Trust (and no Credit Shelter Trust is created), then the Marital Trust may continue to be referred to as the {{ trust\_name }} dated {{ trust\_date }}, and may use the surviving Trustor’s social security number as its Taxpayer Identification Number.

The right to amend by restatement may be exercised only by the surviving Trustor.

## Distribution of Income

Notwithstanding any other provision in this instrument, our Trustee shall distribute all of the net income of the Marital Trust, including net income generated by property held as a separate share of the Marital Trust that was previously the deceased Trustor’s property, to the surviving Trustor at least quarter-annually. Nothing contained in this instrument may limit the right of the surviving Trustor to receive the Marital Trust’s entire net income.

## Distributions of Principal

Notwithstanding any other provision in this instrument, our Trustee shall distribute as much of the principal of the Marital Trust, including property held as a separate share of the Marital Trust that was previously the deceased Trustor’s property, to the surviving Trustor as he or she directs for any reason.

Our Trustee may also distribute as much of the principal of the Marital Trust to the surviving Trustor as our Trustee determines necessary or advisable for any purpose.

## Unproductive Property

At the direction of the surviving Trustor, our Trustee shall convert any unproductive property held in the Marital Trust to productive property.

## Trust Distributions during the Incapacity of the Surviving Trustor

During any time the surviving Trustor is incapacitated, our Trustee shall administer the Marital Trust according to the provisions of Section 4.03.

## General Power of Appointment

Notwithstanding any other provision in this instrument, the surviving Trustor may appoint all or any portion of the principal and undistributed income remaining in the Marital Trust, including property and undistributed income generated by the property held as a separate share of the Marital Trust that was previously the deceased Trustor’s property, at the surviving Trustor’s death among one or more persons or entities, including the creditors of the surviving Trustor’s estate. The surviving Trustor has the exclusive right to exercise this general power of appointment.

## Administration following the Surviving Trustor’s Death

The Marital Trust becomes irrevocable upon the death of the surviving Trustor, and our Trustee shall administer the Marital Trust consistent with the provisions of Article Five for administration following the death of the first of us to die.

Upon completion of the administrative tasks, our Trustee shall administer the unappointed balance or remainder of the Marital Trust as provided in Article Ten.