

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENTS TO COURT OF CHANCERY RULES, SECTION XII,  
RULE 101 AND RULE 104.

This 36<sup>th</sup> day of Oct, 2012, IT IS HEREBY ORDERED that Court of Chancery  
Rules, Section XII, Rule 101 shall be amended effective Dec 1, 2012.

**Rule 101. Appendix of exhibits to consent petition.**

**Rule 101 shall be amended as follows:**

(a) The party submitting the consent petition shall file contemporaneously an appendix of exhibits containing all documents relevant to the Court's review of the petition, including but not limited to:

- (1) The current trust instrument;
- (2) The terms of any proposed modification of the trust's governing instrument;
- (3) A blacklined version of the proposed modified trust instrument ~~or other appropriate document~~ indicating plainly in what respect the proposed modified trust instrument differs from the current trust instrument;

(4) A clean version showing how the proposed modified trust instrument will read if the consent petition is granted;

- (5) Any orders relating to the trust instrument;
- (6) A family tree or other document showing the relationship to the trustor of those having a beneficial interest in the trust; and

(7) Consents or statements of non-objection to the relief sought in the petition from all whose interest in the trust is affected by the petition, which may include, but shall not be limited to, consents from:

(i) Trustees and other fiduciaries, unless they have otherwise signified their consent or non-objection to the petition by acting as a petitioner or accepting a fiduciary position;

(ii) Trust beneficiaries, who will generally be those with a present interest in the trust and those whose interest in the trust would vest, without regard to the exercise or non-exercise of a power of appointment, if the present interest in the trust terminated on the date the petition is filed;

(iii) The trustor of the trust, if living; and

(iv) All other persons having an interest in the trust according to the express terms of the trust instrument (such as, but not limited to, holders of powers and persons having other rights, held in a nonfiduciary capacity, relating to trust property).

**Rule 101 in its entirety shall now provide:**

(a) The party submitting the consent petition shall file contemporaneously an appendix of exhibits containing all documents relevant to the Court's review of the petition, including but not limited to:

- (1) The current trust instrument;
- (2) The terms of any proposed modification of the trust's governing instrument;
- (3) A blacklined version of the proposed modified trust instrument indicating plainly in what respect the proposed modified trust instrument differs from the current trust instrument;
- (4) A clean version showing how the proposed modified trust instrument will read if the consent petition is granted;
- (5) Any orders relating to the trust instrument;
- (6) A family tree or other document showing the relationship to the trustor of those having a beneficial interest in the trust; and
- (7) Consents or statements of non-objection to the relief sought in the petition from all whose interest in the trust is affected by the petition, which may include, but shall not be limited to, consents from:
  - (i) Trustees and other fiduciaries, unless they have otherwise signified their consent or non-objection to the petition by acting as a petitioner or accepting a fiduciary position;
  - (ii) Trust beneficiaries, who will generally be those with a present interest in the trust and those whose interest in the trust would vest, without regard to the exercise or non-exercise of a power of appointment, if the present interest in the trust terminated on the date the petition is filed;
  - (iii) The trustor of the trust, if living; and
  - (iv) All other persons having an interest in the trust according to the express terms of the trust instrument (such as, but not limited to, holders of powers and persons having other rights, held in a nonfiduciary capacity, relating to trust property).

IT IS FURTHER ORDERED that the Court of Chancery Rule 104 shall be amended by substituting in its entirety the following language for existing Section XII, Rule 104, effective

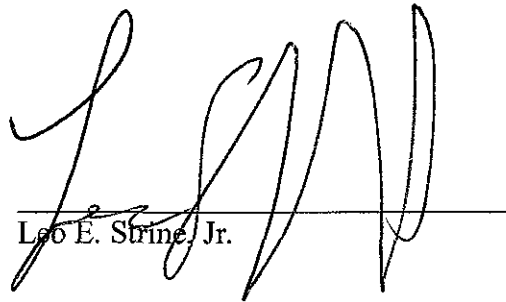
December 1, 2012.

**Rule 104. Consent petition proposed orders and application of rules.**

(a) The party submitting the consent petition shall file contemporaneously a separate order for each request sought in the consent petition. Proposed orders for multiple individuals, beneficiaries, or other interested parties are not permissible and a separate proposed order for each individual, beneficiary, or interested party must be submitted with the consent petition. The initial filing fee for a consent petition will include the cost of filing one proposed order. If more than one proposed order is submitted with a consent petition, an additional fee equal to the fee charged for filing one proposed order shall be charged for each additional proposed order submitted.

(b) Rules 100 through 104 of Section XII shall apply to any matter before the Court of Chancery in which the relief sought includes a modification of a trust, whether by means of a consent petition, civil action, court approved settlement or otherwise. For purposes of this rule, "modification of a trust" shall not include the severance or division of a trust, the merger of a trust, a distribution from a trust, or the appointment of a fiduciary of a trust if, by the terms of the

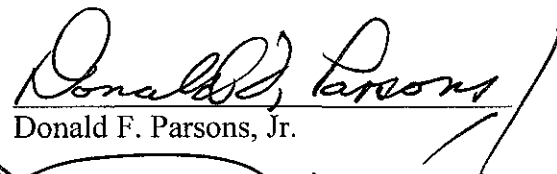
trust instrument or applicable law, such action is permissible without court intervention, unless the parties seek court approval of such action.



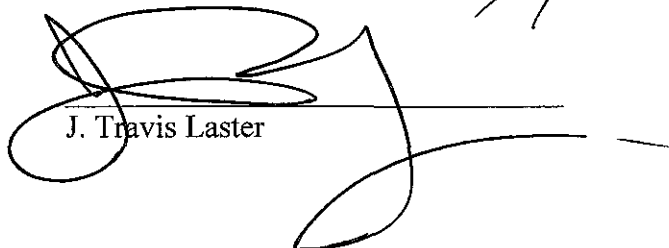
Leo E. Strine, Jr.

Respectfully advised,

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John W. Noble



Donald F. Parsons, Jr.



J. Travis Laster

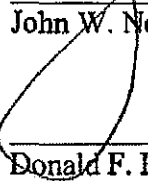
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Sam Glasscock, III

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Leo E. Strine, Jr.

Respectfully advised,

  
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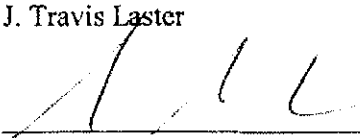
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Respectfully advised,

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John W. Noble

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J. Travis Laster

  
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Sam Glasscock, III