

# Morgan Lewis

**Sara A. Wells**

Partner

+1.617.341.7720

sara.wells@morganlewis.com

March 23, 2020

Via E-Mail (pmarshall@town.arlington.ma.us) and Regular Mail

Phyllis Marshall

Mount Pleasant Cemetery

70 Medford Street

Arlington, MA 02474

Dear Phyllis:

I am writing to you as the Mount Pleasant Cemetery is a beneficiary of the Marian D.H. Sylvester Trust dated June 24, 1965, as amended on July 13, 1965 ("Marian's Trust"). I am attaching a copy of the Trust and its Amendment for your records.

In case you are not familiar with this trust, I wanted to give you some background. Marian D.H. Sylvester died in May 1967, leaving one daughter, Elizabeth H.S. Robinson. In Marian's Trust, after several specific bequests, the remaining assets were held for Elizabeth's benefit (after a small monthly income distribution to Marian's half-sister, Deborah C. Tripp, ended with her death in 1972). Upon Elizabeth's death in 2000, the remaining assets were held for the benefit of Elizabeth's son, Clayton Robinson. Clayton also served as the Trustee.

Clayton died on March 10, 2020 without any descendants, naming his cousin, Deborah Lakso Lincoln, as his Personal Representative, and I am assisting her with the administration of his Estate. Upon Clayton's death, Marian's Trust held assets with a value of approximately \$5.5 million. Now that Clayton has died, a successor Trustee of Marian's Trust needs to be appointed so that the trust assets can be distributed to the successor beneficiaries.



Article Sixth of Marian's Trust states that, upon Clayton's death, the trust assets will be distributed as follows:

- 75% will be divided amongst various individuals; and
- 25% will be distributed in various amounts to multiple charities, including 4% thereof to the Mount Pleasant Cemetery, "for the care of the Donor's grandfather's lot known as the Paul Francesco Dodge Lot" (so 1% of the total Trust assets).

Article Eleventh of Marian's Trust names Old Colony Trust Company (now Bank of America) as the successor Trustee to Clayton, but given that this trust is now terminating, they would like to decline to serve. Thus, under the Massachusetts Uniform Trust Code, the beneficiaries may appoint a successor Trustee. Given that Debbie, Clayton's Personal Representative, is handling the other Robinson family affairs, she has offered to serve as Trustee to file any final income tax returns and distribute the assets to the beneficiaries.

**Morgan, Lewis & Bockius LLP**

One Federal Street  
Boston, MA 02110-1726  
United States

 +1.617.341.7700  
 +1.617.341.7701

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In order for Debbie to be able to terminate Marian's Trust, I am enclosing a Trustee Appointment for you to sign as a beneficiary and return to me in the enclosed envelope. Note that we must receive this document from all beneficiaries for Debbie to be appointed, otherwise she will have to petition the Probate Court to be appointed (which will likely take a lengthy amount of time given the closures).

Once we receive this document from all beneficiaries, we will follow-up with next steps regarding your distributions. If you have any questions, please don't hesitate to call or email.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sara A. Wells".

Sara A. Wells

SAW/dml

Enc.