

ESTATE OF PHYLLIS H. BURBANK

Submitted On Briefs September 27, 2007
Decided November 8, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER, and MEAD, JJ.

MEMORANDUM OF DECISION

Harold Burbank II appeals from a judgment entered in the Waldo County Probate Court (*Longley, J.*) appointing his father, Harold Burbank I, as successor trustee of the testamentary trust created by Phyllis H. Burbank. Contrary to Harold Burbank II's contention, the Probate Court's appointment of Harold Burbank I, the son of Phyllis Burbank, as successor trustee of Phyllis Burbank's testamentary trust was made pursuant to the terms of her will; was consistent with 18-B M.R.S. § 704(3)(C) (2006); and was neither error nor an abuse of the court's discretion. *See Estate of Hardy*, 609 A.2d 1162, 1163 (Me. 1992); *Estate of Utterback*, 521 A.2d 1184, 1189 (Me. 1987); *Manson v. Moulton*, 135 Me. 264, 266, 194 A. 892, 892-83 (1937).

The entry is:

Judgment affirmed.

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