

## THE RULE OF SIGNATURES

How was the Beneficiary Trust created? Your signature authorized it and granted the existence of the trust account. The SS-5 application was for the Social Security Number Account. The signature that you signed with - was it qualified or unqualified? Most likely Unqualified at that time. So the trust was formed and you didn't say anything as the Beneficiary and the trust has gone dead basically and they are construing the trust and operating the trust without you. You need to go back in and straighten all that mess up by making another reapplication and give the qualified signature on the application.

Yes, as long as I have the four elements and one method of formation, or I can prove that it has been done [SS-5 Application]. That is proof you are the Grantor because you signed and you brought that number into existence; that trust account, per your authorized signature as Grantor. Then sign the Beneficiary card as Beneficiary and signature and make copies of that and send them copies of what you did, your signature, and now you've notified them according to due process.

Recommended Beneficiary Autograph;  
(Lower case. Right Hand Justified.)

Human Name; Title Beneficiary

john-henry: doe

john-henry: doe

Authorized Representative for  
legal fiction JOHN H. DOE

Sovereign, Sui Juris, Freeman on the Land  
(street address here)

Now you have the proof of the original that you are the Beneficiary on the Social security STRAWMAN trust account.

**You never** want to give your unqualified signature in the public because it is going to be construed as the STRAWMAN. That gives them 'accommodation signature' rights (carte blanche) and access to your account. You can restrict your signature so that you have access to the account. You want to sign your human name and title as seen here: john-henry: doe, Beneficiary

Special conditions apply for that Beneficiary because now with that appointment, he's under trust. The SS account/trust is really a sub-trust, and by giving qualified human name signature with the title beneficiary, that tells them you know who you are.

Now that you have learned that you are the **Beneficiary** of the **Cestui Que Trust**. Here's what you need to know.

If you have been named as a beneficiary of a trust, you probably have many questions about what comes next. Trusts can take many forms and may be governed by unique provisions established by the creator of the trust, or "grantor."

As a trust beneficiary, you have certain rights. But to ensure that your financial and other interests are fully protected, you need some basic information about different trust structures and their management.

### Trust basics

At their most basic, trusts can be grouped into two broad categories — living trusts and testamentary trusts. A living trust is created by an individual during his or her lifetime. The grantor transfers property to a trust that is managed for the trust beneficiaries by a trustee. The grantor may act as trustee, or he or she may appoint another family member or family advisor, such as an attorney or accountant to be the trustee. A testamentary trust is established by will upon the death of an individual. Testamentary trusts can be used for many purposes; chief among them to provide for current and future beneficiaries.

In either case, it is the trustee who is charged with administering the trust in strict accordance with its terms. If this so-called fiduciary duty of the trustee is breached in some way, beneficiaries have the right to protect their interests by taking legal action against the trustee.

### Role of the trustees

Following is a brief overview of the trustee's role and responsibilities.

**Asset collection and protection** — Two of the trustee's key responsibilities are collecting assets earmarked for the trust and ensuring the protection of those assets. For instance, if real estate is included as a trust asset, the trustee is responsible for the maintenance and upkeep of the property and maintaining appropriate insurance on the property. In the case of financial assets, such as cash or securities, the trustee must maintain one or more separate accounts on behalf of trust beneficiaries.

**Investment oversight** — The trustee ensures there is a plan in place to address the needs and interests of current and future beneficiaries. Typically, trust investments are expected to generate income for beneficiaries while also retaining and

reinvesting principal. In some cases, the trustee may have the authority to make distributions of principal to beneficiaries.

**Taxes** — The trustee reports all income generated by trust assets and pays tax on any undistributed income as well as capital gains realized by the trust. In addition, the trustee informs beneficiaries of the amounts that they must report on their personal income tax returns as a result of trust distributions.

**Recordkeeping** — The trustee is responsible for documenting every transaction that takes place in the trust accounts. Prior to final settlement, the trustee must demonstrate to the beneficiaries that all assets and income have been properly administered and distributed.

Beneficiary right to action...

In addition to regular accounting of trust assets, beneficiaries have a right to request a special accounting from the trustee if there is reason to suspect a problem with the trustee's performance of his or her fiduciary role. If it is found that the trustee is in violation of his or her responsibilities or fails to provide proper documentation of trust activity, then the beneficiary has the right to take legal action, including removing the trustee and requesting a replacement. Such action is normally handled by filing a petition with the local probate court.

One of the objectives of a trustee is to keep good relationships with the beneficiaries throughout the administration process via the following:

**Record keeping:** Keeping accurate and organized records is vital for success.

**Transfers of Property:** Records should be kept whenever a property enters and exits the trust. (example: during a refinance)

**Communication:** Decision-making process for trust investments, for example.

**Account for:** Maintain account of principal and income, commissions, expenditures, gains, and losses.

A trustee has a fiduciary relationship with the beneficiaries of the trust.

Restatement (Second) of Trusts Section 171 cmt. a (a trustee "stands in a fiduciary relationship to the beneficiaries of the trust and therefore is under a duty personally to perform the responsibilities of the trusteeship except as it would be prudent, under the circumstances, to delegate to agents the making of decisions or the performance of acts of administration.").

The duties of a trustee arising out of this fiduciary relationship flow from "the special nature of the relation between trustee and beneficiary" and not from contract law. In *re Naarden Trust*, 195 Ariz. 526, 530, 990 P.2d 1085, 1089 (Ct. App. 1999); see also *Ariz. Tile, L.L.C. v. Berger*, 224 P.3d 988, 996 (Ariz. Ct. App. 2010); *Schoneberger v. Oelze*, 208 Ariz. 591, 592, 96 P.3d 1078, 1079 (App. 2004) (holding a trust beneficiary not required to arbitrate as a trust is not a written contract requiring arbitration); Restatement (Second) of Trusts Section 169 cmt. c

("Although the trustee by accepting the office of trustee subjects himself to the duties of administration, his duties are not contractual in nature.").

Being named as a **Beneficiary** of the **Cestui Que Trust** is indeed a welcome event.

See Also: **The Rule of Forms** - KEEP THE ORIGINALS. Make copies to give to them. Keep the originals except for Promissory Notes, payments and such.