§ 1502. Appointment of trustee

1. The court may appoint a trustee or successor or successors or co-trustee or co-trustees whenever there is no trustee able to act or all or one of the trustees is unable to act and a successor or co-trustee in his or their place is necessary in order to execute the trust or execute any power created by a will or lifetime trust instrument creating a trust, the execution of which has devolved upon the court or upon the supreme court.

2. The court shall not appoint a trustee, successor or co-trustee if the appointment would contravene the express terms of the will or lifetime trust instrument or if a trustee may be or has been named in the will or lifetime trust instrument as successor, substitute or co-trustee and is not disqualified to act.

3. Until a successor or co-trustee is appointed the remaining trustee or trustees may execute the trust.

4. A trustee, successor or co-trustee may be appointed upon the application of any person interested and upon notice to such persons as the court may designate.

5. The court may appoint a successor trustee for any purposes deemed necessary to complete administration or distribution of a trust which has terminated by the occurrence of the event measuring its duration when there is no person in office able to execute it.

6. A successor trustee shall be subject to the same duties, as to accounting and trust administration, as are imposed by law on trustees and, in addition to the reasonable expenses incurred in the course of trust administration, shall be entitled to commissions as may be fixed by any court having jurisdiction to pass upon the trustee's final account, which shall in no case exceed the commissions allowable by law to trustees.