

The pertinent facts underlying this Decision are outlined in this Court’s decision relating to Defendant, the Estate of Cosmo Manfredi’s (the “Estate”), Motion for Reconsideration and/or Instruction and Mr. Manfredi’s Motion for Reconsideration and/or Instruction. This Court hereby incorporates by reference its Facts and Travel section as rendered in that decision filed on

September 24, 2026. As such, this Court will outline only those additional facts that are pertinent to this Decision.

On December 1, 2025, Mr. Manfredi filed a motion to appoint a trustee to the Trust. (*See* Pl.’s Mot. for Appointment of Trustee.) The Court entered an order granting the motion and appointed Robert Craven as Trustee (“Mr. Craven”) on December 17, 2025. (*See* Dec. 17, 2025, Order.) Thereafter, Mr. Manfredi filed this motion to remove Mr. Craven as the Trustee on May 7, 2026, to which Mr. Craven objected on May 12, 2026. (*See* Pl.’s Mem. 1; *see also* Def.’s Obj. to Pl.’s Mot. to Remove Trustee (Def.’s Obj.), 1.)

The Court heard this motion on July 24, 2026 and September 4, 2026 and reserved its decision. After hearing oral arguments and reviewing the parties’ briefs, the Court now renders its Decision.

II

Standard of Review

The Superior Court has the discretion to remove a trustee. *See Petition of Statter*, 108 R.I. 326, 337, 275 A.2d 272, 277 (1971). “When friction between the trustee and beneficiary . . . impairs the proper administration of the trust or if future cooperation between the trustees is improbable or if the trustees’ continuing to act as such would be detrimental to the interest of the beneficiary, the trustee may be removed.” *Petition of Statter*, 108 R.I. at 335, 275 A.2d at 276 (citing *In re Estate of Gilmaker v. Bank of America National Trust and Savings*, 371 P.2d 321 (Cal. 1962)). However, generally, “hostility or friction between the trustee and the beneficiary are not a sufficient ground for removal of a trustee.” *Chace IV v. Chace Jr.*, No. PC-2021-00953, 2024 WL 582095, at *13 (R.I. Super. Feb. 6, 2024) (citing Loring & Rounds, *A Trustee’s Handbook* 789 (2023 ed.)).

“In deciding such cases the court’s paramount duty is to see that the trust is properly executed and that the beneficiaries are protected.” *Petition of Statter*, 108 R.I. at 335, 275 A.2d at 276 (citing Bogert, *The Law of Trusts and Trustees* (2d ed.) § 527 at 378-79). “When the ill feeling has reached the point that it interferes with the administration of the trust, the trustee may be removed even though the charges of his misconduct are either not made out or greatly exaggerated.” *Id.* (citing *May v. May*, 167 U.S. 310 (1897)). “Trustees exist for the benefit of those to whom the creator of the trust has given the trust estate.” *Petition of Statter*, 108 R.I. at 335-36, 275 A.2d at 276 (citing *Lister v. Weeks*, 46 A. 558 (N.J. Ch. 1900)). “Thus, when beneficiaries lose all confidence in the trustee and their relationship is broken beyond repair, the trustee should be removed.” *Chace IV*, 2024 WL 582095, at *13 (citing *Lister*, 46 A. at 563).

III

Analysis

A

Removing a Trustee

Mr. Manfredi argues that Mr. Craven should be removed as the Trustee because he “made no effort to determine the intent of [Mrs. Manfredi] with respect to the distribution of the real property[.]” (*See* Pl.’s Mem. 1.) In addition, it is alleged that Mr. Craven created ill will and conflict with Mr. Manfredi. (*See id.* at 3; *see also* Pl.’s Rebuttal Mem. in Resp. to Def.’s Obj. to Pl.’s Mot. to Remove Trustee (Pl.’s Rebuttal), 6.)

Mr. Craven counters that he should not be removed as Trustee because Paragraph Fifth of Mrs. Manfredi’s Last Will and Testament (“Mrs. Manfredi’s Will”) contains a pour-over clause distributing through probate before it is distributed to the Trust. (*See* Def.’s Obj. 1-2.) Mr. Craven argues in the alternative that even if Mrs. Manfredi’s real property was held in trust, the

Court does not need to look to extrinsic evidence to determine Mrs. Manfredi's intent because it can be determined from the four corners of the trust document. *See id.* at 2-3. He also avers that he should not be removed as Trustee for the alleged friction because it is one-sided, and Mr. Manfredi likely will assert friction with any trustee in order to continue farming the real property to the exclusion of the other heirs. *See id.* at 3-4; *see also* Def.'s Reply to Pl.'s Mot. to Remove Trustee (Def.'s Reply) 1-2.

In rebuttal, Mr. Manfredi argues that Mrs. Manfredi's real property did not remain in her probate estate after her will was admitted to probate because title automatically passed to the Trust as a beneficiary when the will proved pursuant to G.L. 1956 § 33-6-31. (*See* Pl.'s Rebuttal 2-3.) Mr. Manfredi asserts that the Trust is ambiguous because the Trust contains no specific terms regarding the mode of distribution. *See id.* at 3-5.

1

Mrs. Manfredi's Intent

The residuary clause of Mrs. Manfredi's Will specifies that any property it contains is devised and bequeathed to the Trustee of her Trust. (*See* Def.'s Obj. Ex. A ¶ Fifth.) The Trust, however, terminated upon the death of Mrs. Manfredi. (*See* Def.'s Obj. Ex. B ¶ Second, ¶ 3; *see also* Def.'s Obj. Ex. C ¶ Second, ¶ 3.)

The clear and unambiguous language of Paragraph Second, ¶ 3, the "Family Trust," directed that "the Trustees shall distribute said Trust share outright, in three equal shares, as follows: (a) [o]ne share to each of the sons of the Settlor, to wit: COSMO D. MANFREDI, JR., JOSEPH C. MANFREDI and RICHARD J. MANFREDI," at the time of the Family Trust's termination. (Def.'s Obj. Ex. C ¶ Second, ¶ 3; *see* Def.'s Obj. Ex. B ¶ Second, ¶ 3.) It further

states that “[t]he termination of the Family Trust shall be that time either at or after the death of the last to die of the Settlor and her said husband[.]” (Def.’s Obj. Ex. C ¶ Second, ¶ 3.)

For the reasons set forth in this Court’s decision on September 24, 2026 relating to the Estate’s Motion for Reconsideration and/or Instruction and/or Mr. Manfredi’s Motion for Reconsideration and/or Instruction, the Family Trust terminated at the time of Mrs. Manfredi’s death. Because the Family Trust terminated at the time of Mrs. Manfredi’s death, there was no obligation to distribute the Trust property to each of the Manfredi brothers. (*See* Def.’s Obj. Ex. C ¶ Second, ¶ 3; *see* Def.’s Obj. Ex. B ¶ Second, ¶ 3.) The property upon distribution will be owned by the three brothers. Additionally, because Mr. Craven is only required to distribute the Trust in three equal shares to each of the Manfredi Brothers, there is no evidence that the Trust is not properly executed. *See Petition of Statter*, 108 R.I. at 335, 275 A.2d at 276. Therefore, Mr. Craven will not be removed as Trustee for not ascertaining Mrs. Manfredi’s donative intent.

2

Friction Between Mr. Manfredi and Trustee

The Court next addresses whether Mr. Craven should be removed as Trustee for creating ill will and conflict with Mr. Manfredi. (*See* Pl.’s Mem. 3; *see also* Def.’s Obj. 3-4.) Mr. Manfredi asserts that Mr. Craven created ill will by proceeding in a manner that frustrates Mr. Manfredi’s ability to receive a portion of the real property as a farm when he recommended that the real property be sold in his commissioner’s report. *See id.* Mr. Craven asserts that the alleged friction is one-sided, and Mr. Manfredi likely will assert friction with any trustee to continue

farming the real property to the exclusion of the other heirs.¹ (*See* Def.’s Obj. 3-4.) The Court agrees with Mr. Craven. This litigant is the catalyst of friction with Mr. Craven.

Here, Mr. Manfredi’s argument that Mr. Craven has created ill will and conflict with Mr. Manfredi is insufficient to warrant Mr. Craven’s removal because “hostility or friction between the trustee and the beneficiary are not a sufficient ground for removal of a trustee.” *Chace IV*, 2024 WL 582095, at *13; *see Petition of Statter*, 108 R.I. at 335, 275 A.2d at 276. In fact, Mr. Manfredi has failed to demonstrate what ill feelings have prevented Mr. Craven from carrying out the administration of the Trust. *See Petition of Statter*, 108 R.I. at 335, 275 A.2d at 276. The Court recognizes that it has a “paramount duty . . . to see that the trust is properly executed and that the beneficiaries are protected”; however, there is no evidence in the record showing that the Trust has not been properly executed, nor that Mr. Manfredi is not protected as a beneficiary. *See id.*

Furthermore, in *Cuzzone v. Plourde*, No. 03-0524, 2005 WL 2716749 (R.I. Super. Oct. 17, 2005), the court noted an absence in Rhode Island caselaw articulating the precise quantum of proof necessary to remove a trustee. *See Cuzzone*, 2005 WL 2716749, at *3. The court looked to other jurisdictions and found that removing a trustee is an extreme form of relief and “[c]ourts should exercise their authority sparingly and only upon a showing that the trustee has failed to

¹ Mr. Manfredi then asserts that Mr. Craven’s good faith has been called into question because (1) he acted as an advocate against enlarging the Trust estate in seeking to dismiss Mr. Manfredi’s Complaint; (2) he acted as an advocate by filing a report with the Court that seeks to order a sale of the Trust property; and (3) he voted on a bill in the General Assembly that has special rights of partition. (*See* Pl.’s Rebuttal 5-7.) Mr. Craven counters that these instances are insufficient to warrant removal because Mr. Manfredi’s motion to dismiss is likely to pass as moot, the Commissioner’s Report addresses both subdivision methods and what factors may be considered to effectuate the same, and the subject legislation applies to partition actions filed after January 1, 2027. (*See* Def.’s Reply 1-2.) Here, Mr. Manfredi has failed to show how these instances that call Mr. Craven’s good faith into question has “reached the point that it interferes with the administration of the trust[.]” *See Petition of Statter*, 108 R.I. at 335, 275 A.2d at 276. Therefore, this argument is unpersuasive.

perform his duties through more than mere negligence.” *Id.* (citing *Capaldi v. Richards*, 870 A.2d 493, 496 (Del. 2005)). Mr. Craven was not required to look to Mrs. Manfredi’s donative intent. In addition, Mr. Manfredi has not established that Mr. Craven “has failed to perform his duties through more than mere negligence.” *Id.* **3-4. Therefore, Mr. Craven will not be removed as Trustee.

IV

Conclusion

For the reasons stated herein, Mr. Manfredi’s motion to remove the Trustee is **DENIED**. Counsel shall submit the appropriate order for entry.



RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE: **Manfredi v. Craven, et al.**

CASE NO: **WC-2021-0311**

COURT: **Washington County Superior Court**

DATE DECISION FILED: **September 24, 2026**

JUSTICE/MAGISTRATE: **Taft-Carter, J.**

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