

STATE OF VERMONT  
VERMONT SUPREME COURT  
OCTOBER TERM, 2025

**Order Promulgating Amendments to Rule 54(a) of the Vermont Rules of Probate Procedure**

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 54(a) of the Vermont Rules of Probate Procedure be amended as follows (new matter underlined):

**RULE 54. JUDGMENTS; COSTS**

(a) **Definition, form.** “Judgment” as used in these rules includes a decree and any order from which an appeal lies. A judgment need not contain a recital of the petition, the report of a master, or the record of prior proceedings. Appealable decrees and orders include but are not limited to those that:

(1) determine the validity of a governing instrument included but not limited to a will and codicils, a trust and amendments, a deed, and a power of attorney;

(2) interpret or construct a will and any codicils, a trust and any amendments;

(3) reform, terminate, modify or deny the reformation, termination, or modification of a trust;

(4) allow or deny a creditor’s claim;

(5) allow or deny a motion for license to sell property;

(6) allow or deny spousal elections;

(7) appoint, remove, or deny removal of a fiduciary in an estate, guardianship, or trust;

(8) determine that a person is in need of a guardianship;

(9) terminate or modify a guardianship;

(10) allow or disallow an account, fees, or administration expenses in an estate or guardianship or trust;

(11) adjudicate or otherwise affect with finality the rights or interests of a party or an interested person in the subject matter; or

(12) are appealable orders as provided by law.

**Reporter’s Notes—2026 Amendment**

This rule is modified to provide clarity regarding appealable orders from the probate division. Appealable orders from the probate division are not defined in either the civil rules or the probate rules. Rather, appealable orders are defined by case law as particular issues arise. See, e.g., In re Estate of Miriam Thomas,

2022 VT 59, 217 Vt. 368, 295 A.3d 850; In re Trustees of Marjorie T. Palmer Trust, 2018 VT 134, 209 Vt. 192, 204 A.3d 623; In re Estate of Seward, 139 Vt. 623, 433 A.2d 274 (1981); In re Estate of Webster, 117 Vt. 550, 96 A.2d 816 (1953).

Given the nature of probate proceedings, many interim orders may be final as to a particular subject matter and thus appropriate for review before a final order is issued. Palmer, 2018 VT 134, ¶ 30. Consequently, an appeal may be taken “if the order appealed from is final as to the subject matter before the court.” Seward, 139 Vt. at 624, 433 A.2d at 2740. Failure to permit appeals from these orders can result in irreparable harm. This amendment provides guidance to interested parties and to the court in probate proceedings by identifying specific orders which are final as to a particular subject matter. It is the hope that this identification will expedite probate proceedings by preventing inappropriate appeals and providing a remedy that might be lost if an appeal is not allowed until the final order.

2. That this rule is prescribed and promulgated effective **January 1, 2026**. The Reporter’s Notes are advisory.

3. That the Chief Justice is authorized to report this rule to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 6<sup>th</sup> day of October, 2025.

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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William D. Cohen, Associate Justice

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Nancy J. Waples, Associate Justice



Signed by the Vermont Supreme Court