

STATE OF MINNESOTA

\_\_\_\_ JUDICIAL DISTRICT  
DISTRICT COURT  
CIVIL DIVISION

COUNTY OF \_\_\_\_\_

In the Matter of the Trust Created under Article \_\_\_\_ of  
the Last Will of \_\_\_\_\_.

Court File No. \_\_\_\_\_

**ALTERNATIVE FOR INTER VIVOS TRUSTS:**  
In the Matter of the Trust Created under Agreement By  
and Between \_\_\_\_\_, Settlor, and \_\_\_\_\_,  
Trustee, dated \_\_\_\_\_.

**PETITION TO TERMINATE TRUST,  
DISCHARGE AND RELEASE TRUSTEE,  
AND APPROVE FINAL ACCOUNT**

I, \_\_\_\_\_, state:

1. The Trust instrument consists of:

- the Last Will of \_\_\_\_\_, dated \_\_\_\_\_.
- or
- an agreement by and between \_\_\_\_\_, Settlor, and \_\_\_\_\_, Trustee, dated \_\_\_\_\_.

A true and correct copy of the instrument is on file with this Court and is made a part of this Petition.

2. \_\_\_\_\_ is the Trustee of the Trust. The Trustee's appointment was by:

- being named as Trustee in the Last Will of \_\_\_\_\_, dated \_\_\_\_\_.
- or
- being named as Trustee in an agreement by and between \_\_\_\_\_, Settlor, and \_\_\_\_\_ and \_\_\_\_\_, Trustees, dated \_\_\_\_\_.
- or
- being named as a successor or additional Trustee by \_\_\_\_\_ who had authority to appoint successor or additional Trustees under the terms of the Trust.
- or
- being named successor trustee by the Court.

3. The Trustee's appointment as Trustee

- has not been confirmed by the Court.
- or
- has been confirmed by an order of this Court pursuant to Minn. Stat. § 501.33, § 501B.22 or § 501C.0202, which is on file with the Court, but was
- released from jurisdiction of the Court by an Order of this Court pursuant to Minn. Stat. § 501B.351, § 501B.24, or § 501C.0210(c)(2) which is on file with the Court.

4. Jurisdiction. The Court has jurisdiction in this matter (Select one):

- in rem jurisdiction.
- in personam jurisdiction.

5. Venue in this county is proper because (Select appropriate boxes):

- The Will was admitted for probate in this County.
- Trustee \_\_\_\_\_, who has custody of part or all of the Trust assets, resides or has a trust office in this County.
- The Trust's principal place of administration is or will be located upon approval by this Court in this County.
- Trust assets include real estate which is located in this County.
- There has been a prior court proceeding in this Court.
- Other: \_\_\_\_\_.

6. This Petition is brought pursuant to Minn. Stat. § 501C.0202(20). No court proceedings relative to this Trust have been filed in any other county in Minnesota.

7. The Trustee's Final Account dated \_\_\_\_\_ covering the continuous administration of the Trust from \_\_\_\_\_ through \_\_\_\_\_, has been filed with this Court. The Final Account contains the following:

- a. A statement of the total inventory or carrying value and of the total fair market value of the assets of the trust principal as of the beginning of the accounting period.
- b. A complete itemized inventory of the assets of the Trust principal as of the end of the accounting period, showing both the inventory or carrying value of each asset and also the fair market value of each asset as of such end of the accounting period.
- c. An itemized statement of all income transactions during the period of such account.
- d. A summary statement of all income transactions during the period of such account, including the totals of distributions of income to beneficiaries and the totals of Trustees' fees and attorneys' fees charged to income.
- e. An itemized statement of all principal transactions during the period of such account.
- f. A reconciliation of all principal transactions during the period of such account, including the totals of distributions of principal to beneficiaries and the totals of Trustees' fees and attorneys' fees charged to principal as well as the totals of liquidations and reinvestments of principal cash.
- g. A list of all assets that realized a net income less than one percent of the inventory value or acquisition cost, and an explanation of the amount of net income realized and the reasons for retaining the assets.

The account is true and correct.

8. The Trust  was  should be terminated because:

9. [SEE APPENDIX FOR SELECTED OPTIONAL PARAGRAPHS ON TERMINATION OF TRUST]

10. [SEE APPENDIX FOR SELECTED OPTIONAL PARAGRAPHS FOR TRUSTEE COMENSATION]

11. I request an Order of this Court approving payment from the Trust of reasonable attorneys' fees and expenses incurred in connection with this proceeding.

12. I request that the Court discharge \_\_\_\_\_, as Trustee of the Trust, from any and all liability for the Trustee's administration of the Trust as reported in the Trust accountings and the Final Account approved by the Court and the distribution and termination of the Trust.
13. The only persons in being known to the Petitioners as having or who may claim to have an interest in the Trust are:
- (List Trustees and Qualified Beneficiaries)

None of these persons is under any legal disability, except those designated as minors, and during the past ninety (90) days, none of these persons has served in the military service of the United States of America or if a beneficiary has served in the military service the Trustees will obtain and file with the Court an appearance and waiver for such beneficiary.

14. I request that the Court represent the interested parties who are minors, incapacitated, and those who are unborn, unascertained or unknown pursuant to Minnesota Statutes section 501C.0305.

**WHEREFORE**, the Petitioner requests the Court enter an order:

1. Settling and allowing the Final Account;
2. Confirming all allocations between income and principal
3. Confirming all distributions from the Trust;
4. Approving payment from the Trust of the Trustee's reasonable attorneys' fees and expenses incurred in connection with this proceeding;
5. Terminating the Trust;
6. Discharging \_\_\_\_\_ as Trustee of the trust and from any and all liability in connection with the administration of the Trust as shown in the annual accounts and the Final Account and from any and all liability in connection with the distribution and termination of the Trust with such termination being effective upon the filing of this Court's Order;
7. Granting such other relief as may be proper.

Under penalties for perjury, we declare or affirm that we have read this document and we know or believe its representations are true and complete.

Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

Attorney for Petitioner  
Name  
Address  
City, State ZIP  
Telephone:                      FAX:  
Attorney License No.:

NOTE: Attach Attorney Acknowledgement. See Form T-68.

SAMPLE  
DOCUMENT