

STATE OF MINNESOTA
COUNTY OF _____

_____ JUDICIAL DISTRICT
DISTRICT COURT
CIVIL DIVISION

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 _____.

**ORDER TERMINATING TRUST,
DISCHARGING AND RELEASING TRUSTEE,
AND APPROVAL OF FINAL ACCOUNT
AND DECREE**

The Petition To _____, signed by _____ dated _____ came before this
Court on _____, 20____. The Court, having heard and considered the Petition, determines the following:

1. This Court has jurisdiction in this proceeding in rem in personam. Venue in this County is proper.
2. The Petition is complete.
3. The Petitioner has declared or affirmed that the representations contained in the Petition are true and complete to the best of Petitioner's knowledge and belief.
4. Any notice required by Minnesota law has been given and proved, and any time for notice has expired.
5. The Court itself represents all persons in interest who are minors or otherwise incompetent or unascertained or not in being or unknown to the Trustee or outside of Minnesota.
6. No objections to the Petition have been filed with the Court.
7. The Petitioner has declared or affirmed that the representations contained in the Petition are true and complete to the best of Petitioner's knowledge and belief.
8. 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.

9. Petitioner is the duly appointed, qualified and acting Trustee of the Trust. *His/her/its appointment as Trustee was
 not confirmed by the Court.
or
 confirmed by an order of this Court pursuant to Minn. Stat. § 501.33, § 501B.22, or 501C.0205 which is on file with the Court.

but has been

released by an Order of the Court dated _____ pursuant to Minn. Stat. § 501.351 or § 501B.16.

10. The Trustees' final account dated _____ covering the continuous administration of the Trust from _____ through _____ has been filed with this Court. The final account contains:

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 per cent 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.

11. The Trust should be terminated because:

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

13. The Court finds [insert additional findings].

14. The only persons in being known to the Petitioners as having or who may claim to have an interest in the Trust are:

[LIST OF TRUSTEES AND QUALIFIED BENEFICIARIES]

The Court finds that 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.

15. The Trustee has requested the Court allow the Final Account.

16. The Trustee has requested an Order of this Court approving payment from the Trust of ****his/her/its** reasonable attorneys' fees and expenses incurred in connection with this proceeding.
17. The Petitioner, as Trustee, has requested from the Court an order terminating the Trust, discharging and releasing _____ as Trustee, from any and all liability in connection with Trustee's administration of the Trust and from any and all liability in connection with the distribution and termination of the Trust.
18. The Court finds that the Petitioner's request is proper and should be approved.
19. No objections to the Petition have been filed.

The Court represents [or has appointed a representative to represent] all persons in interest who are minors or incapacitated, or unborn, unascertained or whose identity or address is unknown and not reasonably ascertainable, and has determined that all other persons with an interest in the trust are represented under sections 501C.0301 to 501C.0304.

IT IS ORDERED:

1. The Petition is granted.
2. The Final Account is approved.
3. [SEE APPENDIX FOR SELECTED ORDER LANGUAGE TERMINATING TRUST AND OTHER OPTIONS]
4. All acts of the Trustee in administering the trust up to and including _____ (date) are approved and confirmed in all respects as shown in the annual accounts and the Final Account.
5. The sum of \$ _____ constitutes reasonable attorneys' fees and expenses to be paid to the law firm of [NAME OF LAW FIRM] for legal services rendered to the Trustees in connection with this matter.
6. _____ is discharged as Trustee of the Trust.

Date: _____

BY THE COURT:

(COURT SEAL)

Judge of District Court

Recommended by:

Referee _____