

STATE OF MINNESOTA
COUNTY OF _____

_____ JUDICIAL DISTRICT
DISTRICT COURT
PROBATE 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 _____.

**PETITION TO [REMOVE
 ACCEPT THE RESIGNATION
OF TRUSTEE, ALLOW ACCOUNTS
DISCHARGE OF TRUSTEE, AND FOR
APPOINTMENT OF SUCCESSOR
TRUSTEE PURSUANT
TO MINN. STAT § 501C.0202**

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. I am sole beneficiary of the Trust. [Alternative: We are all of the beneficiaries of the Trust.]

3. _____ 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.

4. 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.

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

- in rem jurisdiction.
- in personam jurisdiction.

6. 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: _____.

7. No court proceedings relative to this Trust have been filed in any other county in Minnesota.

8. The Trustee of the Trust has:

- resigned.
- died.
- been or is being removed as trustee.
- Other: _____.

9. Allow the Trustee's Accounts dated _____.

10. The Petitioner requests the Court for the following (Check appropriate boxes and modify discharge/release language as appropriate):

- Accept the resignation of _____ as Trustee of the Trust.
- Remove _____ as Trustee of the Trust.
- Discharge and release [Name of Trustee] and its officers, directors, and employees from any and all liability in connection with its administration of the Trust and from any and all liability in connection with the distributions of the Trust which will be effective upon the filing with the Court of an acknowledgment of receipt of the assets of the Trust by the Successor Trustee.
- Appoint _____ as Successor Trustee of the Trust.

11. The Petitioner is not seeking court supervision of the Trust by this Petition. This Petition is brought pursuant to (select appropriate subdivisions) Minn. Stat. §§ 501C.0202, [Subd. 9]; [Subd. 10.]

12. Under Minn. Stat. § 501C.0202(9), this Court may remove a Trustee in certain circumstances. Minn. Stat. § 501C.0202(9) provides as follows:

(9) to remove a trustee for cause; or if the court finds that removal of the trustee best serves the interests of all of the beneficiaries, is not inconsistent with a material purpose of the trust, and one or more of the following elements is found:

- (1) the trustee has committed a serious breach of trust;
- (2) lack of cooperation among co-trustees substantially impairs the administration of the trust;
- (3) the court determines that removal of the trustee best serves the interests of the beneficiaries because of unfitness, unwillingness, or persistent failure of the trustee to administer the trust effectively; or

(4) there has been a substantial change of circumstances; or removal is requested by all of the qualified beneficiaries, the court finds that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust, and a suitable cotrustee or successor trustee is available.

13. (Check appropriate box) The Petitioner desires that the Court remove the trustee because:

the Trustee has committed a serious breach of trust as follows:

_____.

there is a lack of cooperation among the co-trustees which substantially impairs the administration of the trust.

the trustee is unfit, or there is an unwillingness or persistent failure of the trustee to administer the trust effectively.

there has been a substantial change of circumstances, to wit,

_____.

removal of the trustee is requested by all of the qualified beneficiaries and the removal of the trustee best serves the interest of all of the beneficiaries and is not inconsistent with a material purpose of the trust and a suitable cotrustee or successor trustee is available.

14. In the opinion of the Petitioner, it is in the best interest of the beneficiaries of the Trust that _____ be removed as Trustee of the Trust.

15. The Petitioner desires to have the Court appoint a successor trustee because the Trust does not provide provisions for a successor Trustee nor does the Trust authorize the current acting Trustee, nor anyone else, to appoint a successor trustee.

16. To the extent that having a corporate trustee of the Trust is a material purpose of the Trust, Petitioner is requesting that _____ be appointed as Successor Trustee of the Trust. The Court has authority to appoint a successor trustee pursuant to Minn. Stat. § 501C.0202(10).

17. Petitioner requests that the Court represent the interested parties who are minors, incapacitated, and those who are unborn, unascertained or unknown pursuant to Minn. Stat. § 501C.0305.

18. 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.

WHEREFORE, the Petitioner requests the Court enter an order:

1. (Check appropriate box)

Removing _____ as trustee.

Accepting the resignation of _____ as Trustee of the Trust.

2. Allowing Trustee's accounts filed _____, 20__ as filed with the Court.

3. 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;
4. Appointing _____ as Successor Trustee of the Trust.
5. Determining that this Trust is not subject to continuing jurisdiction of the Court pursuant to Minn. Stat. § 501C.0205.
6. Granting such other relief as may be proper.

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

Date: _____

Petitioner

Attorney for Petitioner Name Address City, State ZIP Telephone: FAX: Attorney License No.:
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NOTE: Attach Acknowledgement. See Form T-68