

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 _____.

**ORDER REMOVING ACCEPTING THE
RESIGNATION OF TRUSTEE, ALLOWING
ACCOUNTS, DISCHARGING TRUSTEE, AND
APPOINTING SUCCESSOR TRUSTEE PURSUANT
TO MINN. STAT § 501C.0202**

The Petition To [Remove][Accepting Resignation] of Trustee, Discharge and Release of Trustee, Allowing Accounts, and Appointing Successor Trustee Pursuant to Minn. Stat. § 501C.0202, 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. 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.

5. _____ is the duly appointed, qualified and acting 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 appointed trustee by the Court.

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

7. The Trustee:
- has died.
 - has resigned.
 - was or is being removed.
 - Other: _____.
8. (Check appropriate box) The Petitioner has requested 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.
9. The Trustee has filed accountings of the Trust dated _____ with the Court.
10. The Petitioner has petitioned the Court for an order to (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 for the reason set forth above.
 - Allow the Trustee's accounts.
 - 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
 - Appoint _____ as Trustee of the Trust.
11. The Court finds [insert additional findings]:
12. The Court finds that the Petitioner's request is proper and should be approved.
13. No objections to the Petition have been filed.
14. 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.

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 Trustee's accounts dated _____ are allowed.

3. (Check appropriate box)
 The resignation of _____ as Trustee of the Trust is accepted.
 _____ is removed as Trustee of the Trust
4. _____ is 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.
5. The Court now appoints _____ as Successor Trustee of the Trust.
6. The Trust is not under continuing court jurisdiction pursuant to Minn. Stat. § 501C.0205.

Date: _____

BY THE COURT:

(COURT SEAL)

Judge of District Court