

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,
AND APPOINTING SUCCESSOR
TRUSTEE PURSUANT
TO MINN. STAT § 501C.0202**

The Petition To [Remove][Accepting Resignation] of Trustee, Discharge and Release of Trustee, 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. 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.

9. The Petitioner has not requested the Court to approve the Trustee's accounts or to discharge the Trustee.

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.
- Allowance of Trustee's accounts.
- Discharge and release _____ and its officers, directors and employees, as Trustee of the Trust from any and all liability for its administration of the Trust and from distributions from the Trust effective upon the filing with this Court of an acknowledgment of receipt of the assets of the Trust by the Successor Trustee.
- 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. (Check appropriate box)
 The resignation of _____ as Trustee of the Trust is accepted.
 _____ is removed as Trustee of the Trust

and such action will be effective upon the filing with this Court of an acknowledgment of receipt of the assets of the Trust by the Successor Trustee.

4. The Court now appoints _____ as Successor Trustee of the Trust.
5. The Trust is not under continuing court jurisdiction pursuant to Minn. Stat. § 501C.0205.

Date: _____

BY THE COURT:

(COURT SEAL)

Judge of District Court