

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
SELL, MORTGAGE OR LEASE
REAL PROPERTY PURSUANT TO
MINN. STAT. § 501B.46(a) § 501C.0202(14)**

I, _____, state:

1. The Trust was established pursuant to:

the Last Will of _____, dated _____, which was admitted to probate in
_____ County.

or

an agreement by and between _____, Settlor, and _____ and
_____, Trustees, dated _____.

2. 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.

2. The Trust contains real property legally described as follows (the "Property"):

[Insert Legal Description]

3. The terms of the Trust do not allow the Trustees to

sell,
 mortgage, or
 lease
the Property.

4. The Trustees desire to

- sell,
- mortgage, or
- lease

the Property under the following terms and conditions:

5. In the opinion of the Trustees the action requested is desirable because:

the total investment returns, including appreciation and the value of any use of the real property by the Trust beneficiaries, are inadequate.

or

the sale or mortgage would be economically advantageous to the trust beneficiaries to whom the Trust income is distributable or may be distributable and will not seriously disadvantage any Trust beneficiary.

or

Other (state): _____.

6. (Check if applicable) Any requested lease agreement will will not extend beyond the term of the Trust.

7. In the opinion of the Trustees the requested action is in the best interests of the Trust and the Trust beneficiaries.

8. 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 QUALIFIED BENEFICIARIES]

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. Any minors or incapacitated persons are designated. A Guardian ad litem will be appointed to represent in this proceeding any minors or incapacitated persons.

9. Petitioner requests the Court represent the interested parties who are unborn, unascertained, or persons whose identity or address is unknown to the Petitioners pursuant to Minn. Stat. § 501B.50 OR 501C.0305.

WHEREFORE, the Petitioner requests the Court enter an order:

1. Authorizing the sale, mortgage or lease of the Property upon the terms and conditions set forth in this Petition.
2. Approving payment from the Trust our reasonable attorneys' fees and expenses incurred in connection with this proceeding;
3. 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: _____

Trustee

Attorney for Trustee

Name

Firm Name

Address

City, State, ZIP

Telephone: _____ Fax: _____

Attorney License No.: _____

NOTE: Attach Acknowledgement. See form T-068.

SAMPLE DOCUMENT