

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

The Petition by [Trustee] [Beneficiary] to Sell, Mortgage or Lease Real Property Pursuant to Minn. Stat.  § 501B.46(a)  § 501C.0202(14), signed by \_\_\_\_\_ dated \_\_\_\_\_, came before this Court on \_\_\_\_\_. 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.
1. The Petition is complete.
2. The Petitioner have declared or affirmed that the representations contained in the Petition are true and complete to the best of their knowledge and belief.
3. 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 \_\_\_\_\_, Trustee, dated \_\_\_\_\_.
4.  The appointment of the Trustees was confirmed by the Court in an Order dated \_\_\_\_\_ and the Trustee is under continuing Court supervision.  
 The appointment of the Trustee was not confirmed by the Court, and the Trustee is not under continuing Court supervision.
5. The Trust contains real property legally described as follows (the "Property"):  

[Insert Legal Description]
6. The terms of the Trust do not allow the Trustees to  
 sell,  
 mortgage, or  
 lease  
the Property.

7. The Trustees have petitioned the Court for approval to

- sell,
  - mortgage, or
  - lease
- the Property.

8. The Court finds that

- 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):

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

10. The Court finds the terms of the transaction set forth in the Petition are appropriate and in the best interests of the Trust and the Trust beneficiaries.

11. 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 Trustee may sell, mortgage or lease the Property under the following terms and conditions:
3. The sum of \$ \_\_\_\_\_ constitutes reasonable attorneys' fees and expenses to be paid to the law firm of \_\_\_\_\_ for legal services rendered to the Trustee in connection with this matter and the distribution of the Trust.

Dated: \_\_\_\_\_

BY THE COURT:

(COURT SEAL)

\_\_\_\_\_  
Judge of District Court