

STATE OF MINNESOTA
COUNTY OF _____

____ JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

In the Matter of the Deed dated _____ By and Between
_____, Grantor, and _____, Grantee.

Court File No. _____

[SEE APPENDIX FOR ALTERNATIVE MATTER
NAME]

**ORDER TO
SELL, MORTGAGE OR LEASE
REAL PROPERTY AND APPOINTING RECEIVER
PURSUANT TO
MINN. STAT. § 501B.47 & 501B.51**

The Petition by Owner of Interest in Real Property to Sell, Mortgage or Lease Real Property Pursuant to Minn. Stat. § 501B.47, 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.
2. The Petition is complete.
3. The Petitioners have declared or affirmed that the representations contained in the Petition are true and complete to the best of their knowledge and belief.
4. The Petitioners are owners of a possessory interest in real property legally described as follows (the "Property"):

[Insert Legal Description]

5. The possessory and future interests were created by
 a deed dated _____, by and between _____, grantor, and _____ and _____, grantees.
or
 the Last Will of _____, dated _____, which was admitted to probate in _____ County.
or
 an agreement by and between _____, Settlor, and _____, Trustee, dated _____.
6. No court proceedings relative to the Property are currently pending in any other county in Minnesota.
7. The other owners and their interest in the Property are as follows:

| Name | Interest |
|-------|----------|
| _____ | _____ |
8. There are no provisions allowing the owners to

sell,

mortgage, or
 lease
the Property.

9. The Petitioners have petitioned the Court for approval to

sell,
 mortgage, or
 lease

the Property under the following terms and conditions:

10. All of the other owners agree do not agree that the requested action is in the best interests of all the owners.

11. The consents of all parties who are in agreement with the requested action have been filed with this Court.

12. The Court finds that

if the Property were held in trust for the owners of the possessory and future interests in the Property, the retention of the Property by the trustee without the sale or mortgage would be inconsistent with the trustee's common law duty, as trustee, to administer the trust impartially as between the holders of successive interests in income and principal.

or

if the Property were owned in fee simple or absolute ownership by a single individual, the sale or mortgage of the interest would be desirable because the total investment returns, including appreciation and the value of any use of the Property by the possessory owners, is inadequate.

or

the sale or mortgage would be economically advantageous to the owners of the possessory interests in the real property and would not seriously disadvantage the owners of any interest in the Property.

13. _____ is an appropriate individual to serve as Receiver to sell, mortgage or lease the property.

14. 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 to [sell] [mortgage] [lease] is granted.

2. _____ is appointed as Receiver.

Dated: _____

BY THE COURT:

(COURT SEAL)

Judge of District Court