

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

Court File No. \_\_\_\_\_

In the Matter of the Trust Created under Agreement By  
and Between \_\_\_\_\_ and \_\_\_\_\_, Settlor, and  
\_\_\_\_\_, Trustee, dated \_\_\_\_\_

PETITION TO TERMINATE TRUST  
AND DISCHARGE TRUSTEE

We, \_\_\_\_\_ and \_\_\_\_\_, state:

1. We are the income beneficiaries of the Trust (defined below) and therefore are interested persons in the Trust.
2. The Trust instrument consists of an agreement by and between \_\_\_\_\_ and \_\_\_\_\_, Settlor, and \_\_\_\_\_, Trustee, dated \_\_\_\_\_ (the "Trust").  
  
A true and correct copy of the instrument is on file with this Court and is made a part of this Petition.
3. \_\_\_\_\_ is the Trustee of the Trust. The Trustee's appointment was by being named as Trustee in an agreement by and between \_\_\_\_\_ and \_\_\_\_\_, Settlor, and \_\_\_\_\_, Trustee, dated \_\_\_\_\_.
4. [Optional Addition: By way of merger and name change \_\_\_\_\_ is now \_\_\_\_\_]
5. The Trustee's appointment as Trustee has not been confirmed by the Court.
6. Trustee \_\_\_\_\_, who has custody of part or all of the Trust assets, resides or has a place of business in this County, and therefore this Court has jurisdiction over this matter and the venue is proper.
7. This Petition is brought pursuant to Minn. Stat. § 501C.0202. No court proceedings relative to this Trust have been filed in any other county in Minnesota.
8. The Trust does not specifically authorize the Trustees to terminate the Trust in the event it becomes unduly burdensome or uneconomical to continue to administer. In the opinion of the Settlor and the Trustee, given the size of the Trust, the income generated by the Trust assets, and the expense and time of administering the Trust, the Trust has become unduly burdensome and uneconomical to administer and therefore the Trust should be terminated and the assets of the Trust should be distributed to \_\_\_\_\_ and \_\_\_\_\_, the current income beneficiaries of the Trust and \_\_\_\_\_, the charitable remainder beneficiary based on each parties' actuarial interest in the Trust.
9. Both Income Beneficiaries are \_\_\_\_\_ years old. [Alternative: Income Beneficiary is \_\_\_\_\_ years old and Income Beneficiary \_\_\_\_\_ is \_\_\_\_\_ years old.]
10. According to a recent Internal Revenue Service Letter Ruling a reasonable method to terminate a charitable remainder trust with net income with make up provisions is by using the actuarial value of each beneficiaries' interest using the interest rate of the lesser of (a) the trust's payout rate and (b) the Internal Revenue Code Section 7520 Rate issued by the Internal Revenue Service for the month the trust is terminated. The Trust's payout rate is

\_\_\_\_\_%.

11. We request an Order of this Court approving payment from the Trust of reasonable Trustee and attorney's fees and expenses incurred in connection with this proceeding and the administration of the Trust.
12. We request that the Court authorize the termination of the Trust and discharge \_\_\_\_\_, as Trustee of the Trust.
13. The only persons in being known to the Petitioners as having or who may claim to have an interest in the Trust are:

(List Interested Persons)

None of these persons are under any legal disability, except those designated as minors, and 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.

14. We request that the Court represent the interested parties who are minors, incapacitated, and those who are unborn, unascertained or unknown pursuant to Minn. Stat. § 501C.0305.

**WHEREFORE**, the Petitioner requests the Court enter an order:

1. Determining that given the size of the Trust, the income generated by the Trust assets, and the expense and time of administering the Trust, that the Trust is unduly burdensome or uneconomical to administer and directing the Trustee to terminate the Trust and direct the Trustee to distribute the assets of the Trust in the proportions as follows: (a) to \_\_\_\_\_ and \_\_\_\_\_, the income beneficiaries, an amount equal to their life expectancies using the Section 7520 Rate for the month in which the Trust is Terminated and (b) the balance of the Trust assets to \_\_\_\_\_, the remainder beneficiary.
2. Discharging \_\_\_\_\_ as Trustee, being effective upon the filing of this Court's Order;
3. Approving payment from the Trust of the Petitioner's reasonable Trustee fees and costs and attorney's fees and expenses incurred in connection with this proceeding and the administration of the Trust; and
4. 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: \_\_\_\_\_

\_\_\_\_\_, Petitioner

\_\_\_\_\_, Petitioner

SAMPLE DOCUMENT

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| Attorney for Petitioner<br>Name<br>Firm<br>Street/suite<br>City, MN ZIP<br>Attorney License No.<br>Tel: _____ FAX: _____<br>Email: _____ |
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**ACKNOWLEDGEMENT REQUIRED BY  
MINN. STAT. § 549.211**

I, the attorney for the Trustee, acknowledge that pursuant to Minn. Stat. § 549.211 costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this matter if the Court should find that the attorney for the Trustee acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the Court.

\_\_\_\_\_  
Name  
Firm  
Address

SAMPLE DOCUMENT