

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 \_\_\_\_\_, Settlers, and  
\_\_\_\_\_, Trustee, dated \_\_\_\_\_

ORDER TERMINATING TRUST  
AND DISCHARGING TRUSTEE

The Petition to Terminate Trust and Discharge Trustee signed by \_\_\_\_\_ and \_\_\_\_\_ dated \_\_\_\_\_ came before this Court on \_\_\_\_\_. The Court, having heard and considered the Petition, determines the following:

1. This Court has jurisdiction and venue in this County is proper. This Court has jurisdiction of the Trust as a proceeding in rem.
2. The Trust instrument consists of an agreement by and between \_\_\_\_\_ and \_\_\_\_\_, Settlers, and \_\_\_\_\_, Trustee, dated \_\_\_\_\_ (the "Trust").
3. The Petition is complete.
4. 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.
5. Any notice required by Minnesota law has been given and proved, and any time for notice has expired.
6. The Court itself represents all persons in interest who are minors or otherwise incompetent or unascertained or not in being or unknown to the Trustee or outside of Minnesota.
7. No objections to the Petition have been filed with the Court. A joinder to the Petition has been filed by \_\_\_\_\_, the charitable remainder beneficiary of the Trust.
8. 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.

A true and correct copy of the instrument is on file with this Court and is made a part of this Petition.

9. [Optional: By way of merger and name change \_\_\_\_\_ is now \_\_\_\_\_.]
10. The Trustee's appointment as Trustee has not been confirmed by the Court.
11. The Court finds that 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. The Court finds that 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 continue 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.

12. The Court finds that using the Beneficiaries' ages and the \_\_\_\_\_(date) Section 7520 Rate of \_\_\_\_% the actuarial value of the parties interest in the Trust are as follows:

Income Beneficiaries (\_\_\_\_\_): \_\_\_\_\_  
Remainder Beneficiary (\_\_\_\_\_): \_\_\_\_\_

13. The only persons in being known to the Petitioners as having or who may claim to have an interest in the Trust are:

The Court finds that none of these persons is 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.

14. The Petitioner has requested the Court allow the Final Account.

15. The Petitioner has requested an Order of this Court approving payment from the Trust of the Petitioner's and Trustee's reasonable attorney's fees and expenses incurred in connection with this proceeding.

16. The Petitioner has requested the Court for an order terminating the Trust discharging \_\_\_\_\_ as Trustee.

17. The Court finds that the Petitioner's request is proper and should be approved.

18. 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 Court determines the Trust should be terminated. The Court directs the Trustees to terminate the Trust and to distribute the assets of the Trust in the following fractions as follows: (a) \_\_\_\_\_ to \_\_\_\_\_ and \_\_\_\_\_, the income beneficiaries, and (b) \_\_\_\_\_ to \_\_\_\_\_, the remainder beneficiary.

3. The sum of \$\_\_\_\_\_ constitutes reasonable attorneys' fees to be paid by the Trust to \_\_\_\_\_, attorney at law, for legal services rendered to the Petitioner in connection with this matter along with any costs expenses incurred in this matter.

4. The reasonable Trustee fees and costs incurred by \_\_\_\_\_ are approved and may be paid by the Trustee out of the Trust assets.

5. \_\_\_\_\_ is discharged as Trustee of the Trust.

Date: \_\_\_\_\_

**BY THE COURT:**

(COURT SEAL)

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

Recommended by:

\_\_\_\_\_  
Referee

**SAMPLE  
DOCUMENT**