

STATE OF MINNESOTA

____ JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

COUNTY OF _____

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
 SUBSTITUTE CHARITABLE BENEFICIARY
 CHANGE PURPOSE OF TRUST

I, _____, state:

1. The Trust instrument consists of:

- the Last Will of _____, dated _____.
or
 an agreement by and between _____, Settlor, and _____, Trustee, dated
_____.

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

2. _____ is the Trustee of the Trust. The Trustee's appointment was by:

- being named as Trustee in the Last Will of _____, dated _____.
or
 being named as Trustee in an agreement by and between _____, Settlor, and _____ and
_____, Trustees, dated _____.
or
 being named as a successor or additional Trustee by _____ who had authority to
appoint successor or additional Trustees under the terms of the Trust.
or
 being named successor trustee by the Court.

3. The Trustee's appointment as Trustee

- not confirmed by the Court.
or
 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.
and
 released by an Order of the Court dated _____ pursuant to Minn. Stat. § 501.351 or
501C.0202.

4. Jurisdiction (Check appropriate boxes)

- The Will was admitted for probate in this County,

- Trustee _____, who has custody of part or all of the Trust assets, resides or has a place of business in this County,
- Trust assets include real estate which is located in this County,
- There has been a prior court proceeding in this Court,

and therefore this Court has jurisdiction over this matter and the venue is proper.

5. No court proceedings relative to this Trust have been filed in any other county in Minnesota.
6. **Alt 1 Substitute of Charitable Beneficiary:** The designated charitable beneficiary of the Trust, [NAME 1], has failed because [STATE REASON FOR FAILURE]. In the opinion of the Trustee, the substitution of [NAME 2] as the charitable beneficiary of the Trust will, as nearly as possible, accomplish the general purposes of the Trust and the object and intention of the Donor.

Alt 2 Change of Circumstances: The charitable purpose of the Trust is to [STATE OBJECT OF TRUST]; however, because of [STATE CHANGED CIRCUMSTANCES] it is not possible to achieve such purpose. Therefore, it is impracticable, inexpedient or impossible to comply with the terms of the Trust, within the meaning of Minn. Stat. § 501B.31, subd. 2. In the opinion of the Trustee, substitution of [DESCRIBE NEW OBJECT] as the charitable purpose of the Trust will, as nearly as possible, accomplish the general purposes of the Trust and the object and intention of the Donor.

NOTE to Drafter: donor must have a broad charitable intent, not have been concerned with one specific objective and a single method and nothing else. Does emergence exist to justify court applying cy pres: impossibility, impracticality, or inexpediency?

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

[Name/address of charity]

Minnesota Attorney General
Charities Division
1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101

OPTIONAL: 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 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.

WHEREFORE, the Petitioner requests the Court enter an order:

1. Fixing a time and place to hear this Petition.
2. **Alt 1:** The Trustee requests an order of the Court substituting [NAME] as the charitable beneficiary of the Trust.
Alt 2: The Trustee requests an Order of the Court construing the terms of the Trust as follows: [STATE CONSTRUCTION].
3. Determining that this Trust is not subject to continuing jurisdiction of the Court pursuant to Minn. Stat. § 501B.23.

4. Granting such other relief as may be proper.

Under penalties for perjury, I declare or affirm that I have read this document and I know or believe its representations are true and complete.

Date: _____

Petitioner

Attorney for Petitioner
Name
Address
City, State ZIP
Telephone:
Attorney License No.:

FAX: