

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. _____

In the Matter of the Trust Created under Agreement
By and Between _____, Settlor, and
_____, Trustee, dated _____.

PETITION TO APPROVE
APPOINTMENT OF ASSETS
TO DECANT A 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 (the "Invaded Trust") is on file with this Court and is made a part of this Petition.

2. _____ is the Trustee of the Trust and is an Authorized Trustee as defined in Minn. Stat. §502.851, subd. 1(c).

3. 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.

4. The Trustee's appointment as Trustee

has not been confirmed by the Court.

or

has been confirmed by an order of this Court pursuant to Minn. Stat. §501C.0205(a) §501.33, §501B.22 which is on file with the Court.

5. (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.

6. No court proceedings relative to this Trust have been filed in any other county in Minnesota.

7. Article [number] of the Invaded Trust gives the Authorized Trustee unlimited discretion without unlimited discretion to invade trust principal, as follows:

[INSERT TRUSTEE'S DISCRETIONARY LANGUAGE FROM THE INVADED TRUST INSTRUMENT]

8. Beneficiaries of the Invaded Trust and Appointed Trust. (Check appropriate box)

One, more than one, or all of the Current Beneficiaries of the Invaded Trust are the same as one, more than one, or all of the Successor and Remainder Beneficiaries of the Invaded Trust; or

The current beneficiaries of the Appointed Trust are the same as the current beneficiaries of the Invaded Trust, and the Successor and Remainder Beneficiaries are the same as the Successor and Remainder Beneficiaries of the Invaded Trust.

9. The Trustee requests the Court to approve the transfer of principal of the Invaded Trust to [NAME OF APPOINTED TRUST INSTRUMENT] (the "Appointed Trust"), a copy of which is attached as Exhibit A, because [insert reason]: _____ and:

A person entitled to notice has objected to the Trustee's proposed transfer of principal, and the Trustee wishes to exercise this power as proposed under Minn. Stat. 502.852, subd. 11(h).

A person entitled to notice has objected to the Trustee's proposed transfer of principal, and the Trustee wishes to exercise this power subject to the following modifications: [insert proposed changes to exercise of decanting power] (Minn. Stat. 502.852, subd. 11(h)).

All persons entitled to notice have waived the right to object to the proposed transfer of principal, and/or 60 days have passed without objection from any such person, but the Trustee intends to exercise this power with court approval

10. The instrument exercising the power to appoint the assets of the Invaded Trust is attached to this Petition.

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

(List persons having the right, pursuant to the terms of the Invaded Trust to remove or replace the Authorized Trustee exercising the power under subdivision 3 or 4 of Minn. Stat. §502.851 and all persons interested in the Invaded Trust)

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.

12. Petitioner requests an order from the Court authorizing transfer of the principal of the Invaded Trust to the Appointed Trust as set forth above.

WHEREFORE, the Petitioner requests the Court enter an order:

1. Fixing a time and place to hear this Petition.
2. Approving transfer of the principal of the Invaded Trust to the Appointed Trust as set forth in the Petition.
3. Determining that this Trust is not subject to continuing jurisdiction of the Court pursuant to Minn. Stat. §501C.0205(b).
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: FAX: Attorney License No.:
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NOTE: Attach Acknowledgement. See form T-068.

EXHIBIT A

(Attached copy of signed Exercise of Power to Appoint Assets and Notice: T-400)

**SAMPLE
DOCUMENT**