

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 \_\_\_\_\_.

ORDER APPROVING  
APPOINTMENT OF ASSETS  
TO DECANT A TRUST

The Petition To Approve Appointment of Assets to Decant a Trust, signed by \_\_\_\_\_ (the  
“Authorized Trustee”) dated \_\_\_\_\_ came before this Court on \_\_\_\_\_, 20\_\_\_\_. 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 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.
4. Any notice required by Minnesota law has been given and proved, and any time for notice has expired.
5. 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.

6. 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.

7. \_\_\_\_\_ is the duly appointed, qualified and acting 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 appointed trustee by the Court.

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

9. Article [number] of the Invaded Trust gives the Authorized Trustee  unlimited discretion  limited discretion to invade trust principal as follows:

[INSERT TRUSTEE DISCRETION LANGUAGE FROM THE INVADED TRUST INSTRUMENT]

10. The Trustee has requested the Court to approve the transfer of principal of the Invaded Trust to [NAME OF APPOINTED TRUST INSTRUMENT] (the "Appointed Trust"), because [insert reason]:

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.

11. The instrument exercising the power to appoint the assets of the Invaded Trust was attached to the Petition.

12. [INSERT ADDITION LANGUAGE IF NEEDED]

13. No objections to the Petition have been filed. [ALTERNATIVE: Objections have been filed and the Court has considered those objections.]

14. 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.

15. The Court finds that the Petitioner's request is proper and Petitioner's request for approval of the Authorized Trustee's exercise of the power to appoint assets from the Invaded Trust to the Appointed Trust should be granted.

[ALTERNATIVE 1: The Court finds that the Petitioner's request is proper but should be modified as follows: \_\_\_\_\_. With the modification of Petitioner's request for the approval of the Authorized Trustee's exercise of the power to appoint assets from the Invaded Trust to the Appointed Trust should be granted.]

[ALTERNATIVE 2: The Court finds that the Petitioner's request is not proper and should be denied.  
**NOTE:** if denied change title of order]

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 Trustee's appointment of assets of the Invaded Trust to the Appointed Trust is approved.
3. The Trust is not under continuing court jurisdiction pursuant to Minn. Stat. § 501C.0205.

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

**BY THE COURT:**

(COURT SEAL)

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

Recommended by:

\_\_\_\_\_  
Referee \_\_\_\_\_