

NOTICE AND ORDER

FOR HEARING

STATE OF MINNESOTA
COUNTY OF HENNEPIN
FOURTH JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No.: 27-TR-CV-18-27

In the Matter of the Trust Created under Agreement By and Between Elmer Rosenving, Deceased, And Genevieve Rosenving, Deceased, Settlers and Trustees dated August 23rd, 2006.

IT IS ORDERED AND NOTICE IS GIVEN that:

1. A PETITION FOR APPOINTMENT OF TRUSTEE, DETERMINATION OF BENEFICIARIES, OTHER RELIEF, DISCHARGE OF TRUSTEE & TERMINATION OF TRUST WITHOUT FINAL ACCOUNT, signed by David Kesty, dated December 29, 2017 has been filed with the Court.

2. An AMENDED PETITION FOR APPOINTMENT OF TRUSTEE, DETERMINATION OF BENEFICIARIES, OTHER RELIEF, DISCHARGE OF TRUSTEE & TERMINATION OF TRUST WITHOUT FINAL ACCOUNT, signed by David Kesty, requesting that the Court waive hearing on the trust as requested by the potential heirs in their signed Waivers, has been filed with the Court.

The Petition requests an Order be issued by the Court, granting the following relief:

1. Appointing David Kesty as Trustee for the purpose of distributing the trust asset to the Estate of Elmer Rosenving;

2. Determining that the individuals listed on Exhibit 1 of the Petition are the only potential trust beneficiaries and that therefore, releasing the trust asset to the Estate of Elmer Rosenving, to be distributed in accordance with Elmer Rosenving's Will is appropriate.

3. Determining that the trust assets should be distributed in accordance with the Settlor's Wills, with each of the decedents 5 children / step-children receiving 11% and each of the 12 grandchildren / step-grandchildren receiving 3.75%, after trust administration expenses.

4. Ordering US Bank to release the funds in the Trust CD, Account Ending in 3908 to the Trustee, David Kesty.

5. After the trust asset is distributed, discharging the Trustee, David Kesty from any further duties as Trustee of the Trust any and all liability in connection with the distribution and termination of the Trust with such termination being effective upon the filing of this Court's Order; and

6. To approve the payment of attorney fees and reasonable costs and fees of the Trustee from the Trust assets.

7. Granting such other relief as may be proper.

8. Any objections to the Petition must be filed with the Court prior to the hearing. If no objections are filed, the Petition may be granted.

The Court represents 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 persons with an interest in the trust are represented under Minn. Stat. §501C.0301 to 501C.0304.

IT IS SO ORDERED:

1. That the Petition will be heard on April 25, 2018 at 2:15 p.m. by this Court at the Hennepin County Courthouse, 300 South Sixth Street, C-400, Minneapolis, Minnesota 55487.

2. Notice shall be given to all persons named in the Petition as having or who may have claim to an interest in the trust, at their last known address by U.S. Postal Service at least 15 days prior to the hearing date; and

Publishing this notice and Order for hearing at least one time at least 20 days before the hearing in a legal newspaper for Hennepin County, Minnesota.

3. That a copy of this Order shall be served by Mail on all persons interested or potentially interested in the Trust as named in the Petition.

Dated: March 19, 2018

BY THE COURT:

By: /s/ Elizabeth Cutter

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