

**NOTICE AND ORDER  
FOR HEARING  
PURSUANT TO MINN.  
STAT. § 501C.0203**

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

Court File No.: 27-TR-CV-18-108  
In the Matter of the Trust Created  
under Agreement By and Between  
Milan E. McCarthy and Mary L.  
McCarthy, Trustors, and Kathleen  
M. Reichert and U.S. Bank Na-  
tional Association, Trustees, dated  
February 5, 2003 for Nicholas A.  
Reichert

IT IS ORDERED AND NOTICE  
IS GIVEN that a Petition to Remove  
U.S. Bank National Association as  
Trustee, for Appointment of Suc-  
cessor Trustee, and for Modifica-  
tion of Trust Pursuant to Minneso-  
ta Statutes section 501C.0202,  
signed by Kathleen M. Reichert  
dated September 10, 2018, has  
been filed with the Court. The Pe-  
tition requests an order for the fol-  
lowing relief:

1. Removing U.S. Bank, Nation-  
al Association as Trustee and dis-  
charging U.S. Bank from any and  
all liability in connection with the  
administration of the Trust. Such  
action shall be effective upon the  
filing with this Court of an acknowl-  
edgment of receipt of the assets  
of the Trust by KATHLEEN M. RE-  
ICHERT.

2. Appointing ANTHONY RE-  
ICHERT as Successor Trustee of  
the Trust and if ANTHONY RE-  
ICHERT is unable or unwilling to  
serve as Trustee then he may ap-  
point a corporate Trustee, in the  
event KATHLEEN M. REICHERT  
is unable or unwilling to serve as  
Trustee.

3. Allowing NICHOLAS A. RE-  
ICHERT to elect to be co-Trustee at  
the age of twenty-one (21).

4. Determining that this Trust is  
not subject to continuing jurisdic-  
tion of the Court pursuant to Minn.  
Stat. § 501B.0205.

5. Modifying Article VI, Para-  
graph 4 to read:

Definitions.

a. "Child" as used herein, in-  
cludes only the children of the Trus-  
tors as names above.

b. "Issue" of a person, as used  
herein, means all persona who are  
descended from the person re-  
ferred to, either by legitimate birth  
to or legal adoption by such person  
or any of such person's legitimately  
born or legally adopted descen-  
dants. An issue in gestation at the  
time of an event who is later born  
alive is 'living' or 'surviving' at the  
time of such event.

c. "Grandchild" as used herein,  
includes only the issue of the sec-  
ond generation of the Trustors who  
are legitimately born to or legally  
adopted by a child of the Trustors.

d. "Generation-skipping tax"  
means any tax imposed under  
Chapter 13 of the U.S. Internal  
Revenue Code of 1986, including  
the GST, and any applicable state  
statute.

e. "Inclusion ratio" shall have  
the meaning as applied under the  
generation skipping tax provisions  
of Chapter 13 of the U.S. Internal  
Revenue Code.

f. "Independent Trustee" as  
used herein, means any trustee  
other than (i) a transferor of prop-  
erty to the trust, including a person  
whose qualified disclaimer resulted  
in property passing to the trust; or  
(ii) a beneficiary of the trust who is,  
or in the future may be, eligible to  
receive income or principal pursu-  
ant to the terms of the trust; or (iii)  
a person who is a related or subordi-  
nate party under Internal Revenue  
Code section 672(c) as to any per-  
son described under (i) or (ii) above.  
A person is described in (ii) of this  
Paragraph even if he or she has a  
remote contingent interest in the  
trust, but is not described in (ii) of  
this Paragraph if the person's only  
interest is as a potential appointee  
under a non-fiduciary power of ap-  
pointment held by another person,  
the exercise of which will take ef-  
fect only in the future, such as a  
testamentary power held by a living  
person.

6. Modifying Article X, Paragraph  
1 to read, "Trustee Succession. If  
KATHLEEN M. REICHERT is, at any  
time, unwilling or unable to serve as  
trustee, then ANTHONY REICHERT  
shall be appointed as successor  
trustee. If ANTHONY REICHERT  
is, at any time, unwilling or unable  
to serve as trustee, ANTHONY RE-  
ICHERT may appoint a successor  
co-trustee, subject to Paragraph 2  
of this Article X. In the event both  
KATHLEEN M. REICHERT and AN-  
THONY REICHERT are unwilling or  
unable to serve as trustee, NICHOLAS  
A. REICHERT, at any time after  
attaining the age of twenty-one (21)  
years, shall serve as trustee."

7. Modifying Article X, Para-  
graph 2 to read, "Addition, Remov-  
al or Replacement of Trustees. The  
individual trustee or trustees, if any,  
shall have the power, at any time, in  
writing, to add, remove, or replace  
any trustee then serving. Notwith-  
standing the foregoing, if any indi-  
vidual trustee then serving is the  
natural parent of NICHOLAS A.  
REICHERT, such parent shall have  
the sole power to add, remove,  
or replace any trustee hereunder,  
without the consent of any other  
individual trustee. If any trustee so  
added or replaced by the individual  
trustee or trustees is a corporate  
trustee, the successor corporate  
trustee appointed shall be a nation-  
al banking association having trust  
powers subject to state or federal  
banking supervision."

8. Modifying Article X, Para-  
graph 3 to read, "Grandchild as  
Trustee. NICHOLAS A. REICHERT,  
at any time after attaining the age of  
twenty-one (21) years may, in writ-  
ing, elect to serve as co-trustee,  
subject to the power of the natural  
parent trustee of NICHOLAS A. RE-  
ICHERT to add, remove or replace  
any trustee as provided in Para-  
graph 2 of this Article X. Further,  
if NICHOLAS A. REICHERT is the  
sole eligible trustee, he shall have  
the sole power to add, remove,  
or replace any trustee hereunder,  
without the consent of any other  
individual trustee, as provided in  
Paragraph 2 of this Article X."

9. Inserting Article XI into the  
Trust, appended to the Petition as  
Exhibit A.

10. Establishing that all actions  
of the co-Trustees with respect to  
investments including the retention,  
exchange, disposition, or change in  
form of trust assets during the pe-  
riod from the Trust's creation to the  
date of the court's order. The Trust-  
ees are authorized and instructed  
to retain as assets of the Trust all  
properties, or any part thereof, held  
as assets so long as the retention  
appears desirable and for and in  
the best interests of the Trust and  
the beneficiaries thereof, with no  
other or further duties than would  
apply to other trust investments.

11. Authorizing U.S. Bank to  
transfer custody of the trust assets  
to KATHLEEN M. REICHERT as  
Trustee for the benefit of NICHOLAS  
A. REICHERT, and

12. Granting such other relief as  
may be proper.

13. Any objections to the Pe-  
tition must be filed with the Court  
prior to or at the hearing. If no ob-  
jections are filed the Petition may  
be granted.

The Court represents all per-  
sons 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 inter-  
est in the Trust are represent-  
ed under sections 501C.0301 to  
501C.0304.

IT IS ORDERED, that the Peti-  
tion will be heard on December 12,  
2018, at 2:15 PM by this Court at  
300 South 6th Street, C-459 Gov-  
ernment Center, Minneapolis, Min-  
nesota 55487.

1. Notice shall be given to all  
persons named in the Petition as  
having or as claiming an interest in  
the Trust.

2. Notice shall be given by:

a. In Rem Jurisdiction:

Mailing a copy of this Notice and  
Order for Hearing to all persons  
named in the Petition as having or  
who may claim to have an interest  
in the Trust, at their last known ad-  
dresses by U.S. Postal Service at  
least 15 days prior to the hearing  
date, and Publishing this Notice  
and Order for Hearing one time at  
least 20 days prior to the hearing  
date in a legal newspaper of Hen-  
nepin County, Minnesota.

Dated: September 18, 2018

BY THE COURT

Elizabeth Cutter  
Judge of District Court  
Attorney for Petitioner  
Sally Forbes Friedman  
Bernick Lifson, P.A.  
5500 Wayzata Boulevard, Suite  
1200  
Minneapolis, MN 55416  
Telephone: (763) 546-1200  
Fax: (763) 546-1003  
sfriedman@bernicklifson.com  
Attorney License No.: 232932

Published in the  
Sun Sailor  
November 15, 2018  
877587