

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-18-42

In The Matter of the Dale W. Iversen

Supplemental Needs Trust and

the Ebba D. Kral Revocable Trust

Agreement dated July 7, 2004

Bojay Iversen

Petitioner,

v.

Stephen Salmon, Jr., individually

and as trustee, Deron Puro, Jeffrey

Salmon, and Christine Swanson.

Respondents.

IT IS ORDERED AND NOTICE

IS GIVEN that a Petition to Contest

Trust, Require Accounting, Remove

Trustee, Appoint Successor Trustee,

Impose a Constructive Trust,

and Require Return of Trust Assets

Pursuant to Minnesota Statutes

sections 501C.0202, signed by

Bojay Iversen dated April 9, 2018,

has been filed with the Court. The

Petition requests an order relating

to the Ebba D. Kral Revocable

Trust Agreement ("Kral Trust") and

the Dale W. Iversen Supplemental

Needs Trust ("Iversen Trust") dated

July 7, 2004, for the following relief:

1. Finding that Petitioner and his

siblings each have a recognizable

interest in the income and principal

of the Trusts or in assets held or

previously held in the Trusts;

2. Granting the Petition;

3. Finding that the transfer of

Mr. Iversen's property to the Trust

is invalid, that the Trust is invalid, or

that the Trust requires modification

to properly reflect the beneficiaries

of Mr. Iversen's property and/or the

Trust's obligations to maintain the

property for Mr. Iversen and his

children;

4. Requiring Respondent Stephen

Salmon, Jr. to provide a full and

complete accounting of the

Ebba D. Kral Revocable Trust

Agreement dated July 7, 2004 and

the Dale W. Iversen Supplemental

Needs Trust;

5. Requiring Respondents to

provide a full and complete ac-

counting of all inter vivos transfers

of Dale Iversen's assets since Jan-

uary 1, 2004;

6. Requiring Respondent Stephen

Salmon, Jr. to provide a full and

complete accounting of all

actions taken by Stephen Salmon,

Jr. as a trustee of the Ebba D. Kral

Revocable Trust Agreement dated

July 7, 2004 and the Dale W. Iversen

Supplemental Needs Trust;

7. Removing Respondent Stephen

Salmon, Jr. as trustee;

8. Imposing a constructive trust

to safeguard all assets of Dale

Iversen or distributions from the

Trusts, until the claims herein are

resolved;

9. Appointing a successor trustee;

10. Requiring Respondents to

return to the constructive trust all

assets improperly distributed from

the Trusts that reflect the value of

assets that were owned by Dale

Iversen and constructively held for

his benefit;

11. Directing that Dale Iversen's

property, or the value of such prop-

erty if sold or destroyed, be distrib-

uted to his children;

12. Awarding damages to Mr.

Iversen's children or estate and/or

Ms. Kral's estate equal to three

times the amount of compensatory

damages resulting from financial

exploitation;

13. Requiring Respondent Stephen

Salmon, Jr. to pay Petitioner's

costs, attorneys' fees, disburse-

ments, and expenses incurred

herein; and

14. Awarding such other and

further relief as it deems just and

proper.

Any objections to the Petition

must be filed with the Court prior

to or at the hearing. If no objec-

tions are filed, the Petition may be

granted.

The Court represents, or has ap-

pointed a representative to repre-

sent, all persons in interest who are

minors or incapacitated, or unborn,

unascertained or whose identity or

address is unknown and not rea-

sonably ascertainable, and has de-

termined that all other persons with

an interest in the trust are repre-

sented under sections 501C.0301

to 501C.0304.

IT IS ORDERED, that the Peti-

tion will be heard on May 16, 2018,

at 2:15 (p.m.) by this Court at 300

South Sixth Street C-556, Minne-

apolis, Minnesota.

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 as re-

quired for In Rem jurisdiction, pur-

suant to Minnesota Statute section

501C.0203 subd. 1, by 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 address

by U.S. Postal Service at least 15

days prior to the hearing date, and

by publishing this Notice and Or-

der for Hearing one time at least

20 days prior to the hearing date

in a legal newspaper of Hennepin

County, Minnesota.

Dated: April 10, 2018

BY THE COURT

By: /s/ Elizabeth Cutter

Judge of District Court

Attorney for Petitioner

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Published in the

Edina Sun Current

April 19, 2018

804029