PROBATE COURT OF STARK COUNTY, OHIO

CURT WERREN, JUDGE

IN THE MATTER OF ____

CASE NO. _____________________

THE ___________________________________ TRUST

[*Ohio Revised Code* § 2111.182]

Pursuant to the provisions of R.C. Chapter 2111 and the inherent power of the court, Judge Curt Werren (the "Probate Judge") of the Probate Division of the Stark County Court of Common Pleas (the "Court") hereby **ORDERS** this Trust for the sole benefit of the minor named ____ (the "Beneficiary"), whose date of birth is __________________________________.

____, is appointed as Trustee of this Trust. Trustee has been approved by a parent or guardian of the Beneficiary unless such appointment was otherwise ordered by the Court

The purpose of this Trust is to manage and administer the Trust assets for the exclusive benefit of the Beneficiary and to distribute the remaining Trust assets to the Beneficiary upon attaining the age of 25 years. This Trust is designed to serve as a supplement to or a substitute for a guardianship of the Beneficiary's estate, which would otherwise terminate by law when the Beneficiary attains the age of 18 years. The intent of this Trust is to hold the Trust assets for a longer period so the Beneficiary can gain more financial maturity before having unrestricted access to the Trust assets.

The Trustee shall hold and administer the assets of this Trust in accordance with the following terms and provisions.

ARTICLE ONE

1.1. The Trust shall be administered until the earlier of the Beneficiary attaining twenty-five years of age or the Beneficiary's death.

1.2. Pursuant to an order of the Court, the Trustee is depositing into this Trust an amount received under R.C. 2111.182.

1.3. The Trustee may receive and transfer into this Trust only those assets the Court authorizes in advance. No person or entity may transfer or attempt to transfer any other assets from any source to this Trust without the Court's prior approval. This restriction on additions to the Trust does not apply to interest, dividends, or other forms of income, gain, or appreciation, that become part of this Trust as a result of investing the Trust assets.

1.4. Until the termination of the Trust pursuant to Article Three, the Trustee shall apply the net income and principal of the Trust as follows:

> 1.4.1. Subject to prior Court approval, the Trustee may distribute to or for the benefit of the Beneficiary as much of the net income and principal of the trust as the Trustee determines is advisable for the Beneficiary's health, education, maintenance, or support.
>
> 1.4.2. Trustee may also pay to the Beneficiary the net income or principal of the Trust pursuant to an order of the Court. The determination of the Probate Judge with respect to payments from the Beneficiary's Trust shall be conclusive and binding on all interested persons.
>
> 1.4.3. The Trustee is not permitted to pay or distribute any portion of the Trust assets or income to or for the benefit of the Beneficiary if that payment or distribution would discharge the legal obligation of support of the Beneficiary's parent or parents, unless the Court orders otherwise.
>
> 1.4.4. No portion of the principal or income of the trust assets may be assigned, anticipated, or alienated in any manner by any primary or contingent Beneficiary and will not be subject to attachment, bankruptcy proceedings, or any other legal process, or to the interference or control of creditors or others. Nothing in this Section restricts any exercise of a testamentary power of appointment granted in this trust.

1.4.5. The Trustee will at all times act in a manner that is in the best interest of the Beneficiary regarding every aspect of this Trust.

1.5. The Trustee shall not be liable to the Beneficiary or other interested parties for distributions made from Trust income or principal pursuant to an order of the Court.

1.6. The Trustee shall not be required to see the application of any funds paid or applied pursuant to an order of the Court, and the receipt of the payee shall be the full acquittance of the Trustee. The decision of the Probate Judge as to the method of payment shall be conclusive and binding on all interested parties.

1.7. When the Beneficiary reaches the age of 18 years, the Beneficiary will have a testamentary power of appointment to designate by written instrument one or more contingent beneficiaries to receive the final distributions of the entire remaining balance of trust assets, including all undistributed income, in the amounts or proportions the Beneficiary may designate. The Beneficiary will have the sole and exclusive right to exercise this testamentary power of appointment. If the Beneficiary exercises this right, the contingent Beneficiary designation will override the final distribution pattern stated in Section 3.2 of this trust. The trust will terminate upon the designated beneficiaries' receipt of the final distribution and the trustee's filing of a final account with the Court.

1.9. The Trustee must post a fiduciary bond with the Court in the manner and amount described in R.C. §2109.04. The Court may periodically increase or decrease the amount of the bond requirement as the value of the Trust assets changes.

ARTICLE TWO

2.1. Any interest in or right to receive payments under the Trust alleged to be payable to, pass to or be for the benefit of any persons other than the Beneficiary, including because of any alienation or attempted alienation by the Beneficiary, that interest or right shall cease, terminate, and be forfeit for the period during which it would have been alienated.

2.2. Notwithstanding any forfeiture of the Beneficiary, the Trustee may continue to pay to the Beneficiary or apply for their benefit such sums as approved pursuant to Article One of this

Trust Agreement. Any forfeitures remaining at the time the Trust terminates shall cease and terminate, and the Trust Estate, shall be distributed pursuant to the provisions of Article Three.

ARTICLE THREE

3.1. When the Beneficiary attains twenty-five years of age, the Trustee shall distribute the remaining accumulated income and principal in the Trust to the Beneficiary.

3.2. If the Beneficiary dies prior to attaining twenty-five years of age, then the Trustee shall distribute the remaining accumulated income and principal of the Trust to the Beneficiary's estate.

3.3. The Trust will terminate upon the Court's approval of the Trustee's final accounting.

3.4. If the Trustee determines at any time that it would be impractical to continue the administration of the Trust, the Trustee may seek approval of the Probate Judge to terminate the Trust and distribute its assets to or for the benefit of the Beneficiary in accordance with an order of the Court.

ARTICLE FOUR

4.1. The Trustee shall have such power, authority, and discretion as may be granted by law or order of the Court.

ARTICLE FIVE

5.1. The Trustee and any legal counsel providing services to the Trustee are entitled to compensation for their services at the times and in the amounts the Court may approve. Trustee and legal counsel compensation are subject to all requirements and discretion of the Court.

ARTICLE SIX

6.1. Any successor to the office of judge of the Court shall succeed to all of the power, authority, and discretion of the Probate Judge.

6.2. The Trustee serves at the will of the Probate Judge. The Probate Judge reserves the right to remove the Trustee at any time.

6.3. Any corporate successor to a duly appointed corporate Trustee shall become the successor Trustee upon written notice of its succession to the Court within thirty days.

6.4. Any Trustee may resign upon Court approval. Sixty days advance written notice of the request to resign required. If the Court grants a Trustee's resignation, the resignation shall be effective upon the appointment of a successor Trustee and the approval of a final account due within 30 days from the written notice of resignation.

6.5. Upon the resignation or removal of the Trustee, the Court may appoint a successor Trustee. Upon delivery to the successor Trustee of all assets in the Trustee's possession and approval by the Court of a final accounting of the Trustee's actions, the resigning or removed Trustee shall be completely discharged of all fiduciary liabilities. Upon acceptance, the successor Trustee shall be vested with all of the duties, power, authority, and discretion granted to the predecessor Trustee.

ARTICLE SEVEN

8.1. The Trustee shall file an inventory with the Court within three months after the effective date of this trust. The inventory must comply with the requirements of R.C. §2109.58.

8.2. The Trustee shall file accounts annually and in accordance with R.C. §2109.303 and the Local Rules of the Court. Unless directed otherwise, reports as set forth in R.C. 5808.13(C) shall not be required. The first accounting is due on or before the first anniversary of the effective date of the Trust. Subsequent accountings are due every year on or before the anniversary of the effective date of the Trust. The Trustee shall provide a copy of any accounting to the parents, guardians, or legal custodians of the minor Beneficiary, or directly to the Beneficiary after the Beneficiary reaches the age of 18 years.

ARTICLE EIGHT

9.1. The Trustee accepts this Trust and agrees to carry out all Trust provisions to be done and performed by the Trustee.

ARTICLE NINE

10.1. The Probate Judge reserves the right to amend or modify this Trust, in whole or in part, and to order partial or final distributions to or for the benefit of the Beneficiary.

10.2. The Court retains jurisdiction over this Trust throughout its entire term.

ARTICLE TEN

11.1. This Trust shall be deemed to be an Ohio Trust and shall be governed and interpreted in all respect by the laws of the State of Ohio.

____
JUDGE CURT WERREN

Accepted by the Trustee:

The Trustee certifies that he or she has read this Trust, understands it, and agrees to abide by all of the Trust's terms and conditions.

____
Signature

____
Printed Name

Approved by:

____
Signature

____
Printed Name

☐ Parent or ☐ Guardian of Minor

____
Signature

____
Printed Name

☐ Parent or ☐ Guardian of Minor