

**PROBATE COURT OF RICHLAND COUNTY, OHIO**

**ESTATE OF \_\_\_\_\_, DECEASED. CASE NO. \_\_\_\_\_**

**WRONGFUL DEATH TRUST FOR BENEFICIARIES UNDER THE AGE OF 25 YEARS**  
**CASE NO. \_\_\_\_\_**

Pursuant to the provisions of O.R.C. 2125.03, Kelly L. Badnell, Probate Judge of the Court of Common Pleas, Probate Division, Richland County, Ohio (Probate Judge), hereby creates this Trust for the benefit of the following beneficiaries of \_\_\_\_\_, deceased:

<b><u>NAME OF BENEFICIARY</u></b>	<b><u>DOB</u></b>	<b><u>BENEFICIARY'S PORTION</u></b>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Pursuant to an order of the Court of Common Pleas, Probate Division, Richland County, Ohio (Court), the personal representative of the decedent is depositing into the Trust the indicated portions of the amount received by such personal representative in an action for wrongful death under O.R.C. Sections 2125.01 et seq.

\_\_\_\_\_, residing at \_\_\_\_\_,  
\_\_\_\_\_, Ohio, \_\_\_\_\_, is hereby appointed as the Trustee of this Trust, conditioned upon his/her acceptance by executing this instrument and (filing bond approved by the Court) (depositing all monies pursuant to O.R.C. 2111.05 and filing Verification of Receipt and Deposit Form 22.3). The Trustee shall hold and administer the assets of this Trust in accordance with following terms and provisions:

## ARTICLE ONE

Each beneficiary's portion of this Trust shall constitute a separate trust, but the Trustee may make common investments for each of such trusts. Each trust shall be administered separately until the beneficiary of such trust attains the age of twenty-five (25) years or until such beneficiary's earlier death. Until the termination of each trust, the Trustee shall apply the net income and principal of each trust as follows:

1. The Trustee may pay to, or apply for the benefit of, the beneficiary of each trust the net income or principal of the beneficiary's trust, up to the whole thereof, as approved from time to time by the Probate Judge, pursuant to an order of the Court. The determination of the Probate Judge with respect to payments to a beneficiary from that beneficiary's trust shall be conclusive on all persons interested in that beneficiary's trust.
2. The Trustee shall not be liable to any beneficiaries or other interested parties for distributions made from Trust income or Trust principal pursuant to and order of the Court.
3. The Trustee shall not be required to see to 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 method of payment shall be conclusive and binding on all parties concerned.

## ARTICLE TWO

Any attempt to alienate any of the beneficial interests under this Trust shall be dealt with in the following manner:

If, because of any alienation or attempted alienation by any interest or right to receive payments under any trust created herein, or if, from any cause

whatsoever, such payments or any part thereof shall, or but for this provision would, at any time become payable to or pass to or for the benefit of any persons other than such beneficiary, such beneficiary's interest or right to receive such payments or such parts thereof shall cease and terminate during such period. Notwithstanding any forfeiture of a beneficiary as aforesaid, the Trustee may continue to pay to, or apply for the benefit of, such beneficiary the net income or principal of such beneficiary's trust, up to the whole thereof, as approved from time to time by the Probate Judge, pursuant to an order of the Court, in the Probate Judge's uncontrolled discretion, but without any obligation of the Probate Judge to do so. If such a forfeiture exists when the beneficiary attains the age of twenty-five (25) years, or the beneficiary shall die prior to attaining the age of twenty-five (25) years, then all such forfeitures shall cease and terminate, and the Trust Estate shall be distributed pursuant to the provisions of Article Three.

### **ARTICLE THREE**

- A. When a beneficiary attains the age of twenty-five (25) years, then the remaining accumulated income and principal in that beneficiary's trust shall be distributed to that beneficiary.
- B. If a beneficiary shall die prior to attaining the age of twenty-five (25) years, then the remaining accumulated income and principal of that beneficiary's trust shall be distributed to that beneficiary's estate.

### **ARTICLE FOUR**

The Trustee shall have such powers, authority, and discretion as may be granted by law or pursuant to an order of the Court.

### **ARTICLE FIVE**

Unless otherwise approved by the Probate Judge, one trustee fee shall be charged by the Trustee for his/her services as the Trustee against all of the trust proportionately as if they were only one trust. The Trustee shall receive the compensation stipulated in the Court rules (presently Local Rule 74.1) which are in effect and applicable at the time such compensation may become payable.

## **ARTICLE SIX**

Any Trustee may resign upon providing the Probate Judge with sixty (60) days prior written notice. The Probate Judge may remove or cause the removal of any Trustee hereunder. Upon the resignation or removal of the Trustee, the Probate Judge may appoint the successor Trustee. Upon delivery to the successor Trustee of all assets in the Trustee's possession and an accounting of the Trustee's actions, and upon approval of such accounting by the Probate Judge, the resigning or removed Trustee shall be completely discharged of his/her fiduciary liabilities hereunder. Upon his/her acceptance, the successor Trustee shall be vested with all of the duties and all of the power, authority and discretion granted to the predecessor Trustee.

## **ARTICLE SEVEN**

If at any time, the Trustee shall determine that it would be impractical to continue the administration of this Trust, the Trustee may, with the consent of the Probate Judge, terminate this Trust and distribute the assets to or for the benefit of the beneficiaries in accordance with an order of the Court.

## **ARTICLE EIGHT**

Whenever words are used herein in any gender, they shall be construed as though they were used in the gender appropriate to the circumstances; and whenever words are used herein in the singular or plural form they shall be construed as though they were used in the form appropriate to the circumstances.

## **ARTICLE NINE**

The Trustee shall provide accounts, pursuant to Court rules, to the Court and to all adult beneficiaries and as further directed by the Probate Judge.

**ARTICLE ELEVEN**

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

**ARTICLE TWELVE**

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

IN WITNESS WHEREOF, the Probate Judge and the Trustee have executed this instrument  
in duplicate as of the \_\_\_\_\_ day of \_\_\_\_\_, 2006, at Mansfield, Ohio.

\_\_\_\_\_  
PROBATE JUDGE KELLY L. BADNELL

\_\_\_\_\_  
TRUSTEE

In lieu of posting bond, the Trustee is directed to deposit all trust money pursuant to O.R.C.  
2111.05 and file Verification of Receipt and Deposit Form 22.3.

\_\_\_\_\_  
PROBATE JUDGE KELLY L. BADNELL