

DISTRICT PROBATE COURT'S ORDER FOR APPOINTMENT OF TRUSTEE

COMMONWEALTH OF KENTUCKY

___ **JUDICIAL CIRCUIT**

___ **DISTRICT COURT**

PROBATE DIVISION

ACTION NO: _____

IN RE: THE ESTATE OF _____

ORDER

The matter came before the Court on motion of _____, Executor [*or Administrator*] of the Estate of _____, for an Order appointing a member or members of the local bar to serve as Trustee/Co-Trustees of the law practice of the decedent, _____, namely _____ Law Office, owing to his/her death, and based upon the motion before the Court, the undersigned makes the following:

FINDING OF FACT

1. According to the records of the Kentucky Bar Association, decedent, _____, was licensed to practice law in the Commonwealth of Kentucky and at the time of his/her death, practiced law in _____ County, Kentucky from the _____ Law Office.
2. According to the records of the Kentucky Bar Association, decedent, _____, and _____ Law Office had a principal office address of _____.
3. At the time of his/her death, _____ had no partners or associates capable of winding down his/her law practice and ensuring that the interests of his/her clients and/or former clients are protected.
4. On information and belief, there remain funds belonging to clients or third parties on deposit in trust or fiduciary accounts held solely in the name of _____ and/or _____ Law Office. At the time of his/her death, _____ had no partners or associates capable of carry out his/her obligations to his/her clients and former clients.

5. _____, an attorney licensed to practice in the Commonwealth of Kentucky and a member in good standing of the _____ Kentucky Bar Association, has consented and indicated that he/she is willing to serve as Trustee/Co-Trustee of the Kentucky law practice of decedent, _____, namely _____ Law Office, for purposes of protecting the interests of decedent, _____'s clients and former clients and to assist Executor/Administrator in winding down decedent's law practice, including but not limited to reviewing files, completing unfinished work, notifying clients and former clients of decedent's death, assisting clients in finding other attorneys, providing access to and returning files to clients and former clients.

6. _____, an attorney licensed to practice in the Commonwealth of Kentucky and a member in good standing of the _____ Kentucky Bar Association, has consented and indicated that he/she is willing to serve as Trustee-Co-Trustee of the Kentucky law practice of decedent, _____, namely _____ Law Office, for purposes of protecting the interests of decedent, _____'s clients and former clients and to assist Executor/Administrator by provide trust accounting and by issuing to decedent's clients unused trust balances owing to those clients.

CONCLUSIONS OF LAW

7. This Court has jurisdiction of this cause, pursuant to KRS _____.

8. _____ has died and has no partners or associates, necessitating the appointment of a member or members of the _____ Kentucky Bar Association as Trustees/Co-Trustees of _____'s law practice, namely, _____ Law Office, to gain possession of _____'s client files, to secure _____'s trust and/or fiduciary accounts, to gain possession of _____'s trust and/or fiduciary accounts, including but not limited to all bank accounts, cancelled checks, deposit slips, check stubs and ledgers, and to take such actions as are necessary to protect the interests of the clients and former clients of decedent, _____.

JUDGMENT AND ORDER

THIS COURT THEREFORE ADJUDGES AND ORDERS as follows:

1. _____, an attorney licensed to practice law in the Commonwealth of Kentucky, and a member in good standing of the Kentucky Bar Association, is hereby appointed Trustee/Co-Trustee of the law practice of _____, namely the _____ Law Office.

2. As Trustee/Co-Trustee, _____ is authorized to take such actions as are necessary to obtain possession of any known client files of _____ and the _____ Law Office, and shall notify _____'s clients of his/her death

and the need to obtain new counsel. His/her duties as trustee shall include receiving calendar notices and moving for appropriate continuances in the various courts; returning files to _____'s clients and former clients, obtaining all records related to _____'s fiduciary account(s); supervising the disbursement of funds from any fiduciary accounts, with the exclusion of IOLTA/TRUST account(s) to the appropriate persons; and any other act necessary to wind down _____'s practice and protect the interests of _____'s clients until all known clients have secured other legal counsel, have chosen to pick up their files and have received all money held in trust for their benefit. As Trustee/Trustee, _____ is further authorized to take such actions as are necessary to identify _____'s fiduciary accounts, with the exception of IOLTA/TRUST account(s), and to take possession of _____'s fiduciary account(s) records, with the exception of IOLTA/TRUST accounting records. As Trustee/Co-Trustee, _____ shall take such actions as are necessary to identify the ownership of any funds held in _____'s fiduciary account(s), with the exception of IOLTA/TRUST accounts, so that clients/ beneficiaries may be reimbursed, or their funds forwarded as they may direct. As Trustee/Co-Trustee, _____ shall maintain adequate accounts of the funds held in _____'s fiduciary account(s), with the exception of IOLTA/TRUST account(s) and shall account to the Court for approval annually or at the completion of the disbursement of the funds. He/She shall be discharged as Trustee/Co-Trustee upon the completion of his/her duties, by petitioning the Court for such discharge.

3. As Trustee/Co-Trustee, _____ is hereby authorized to take such actions as are necessary to secure _____'s fiduciary accounts, excluding IOLTA/TRUST accounts, including but not limited to, executing new directives regarding signatory authority over such accounts. As Trustee/Co-Trustee, _____, is also authorized to obtain records relevant to _____ fiduciary accounts, with the exception of IOLTA/TRUST accounts, from all financial institutions where accounts in which funds of clients or fiduciary funds have been deposited by or in the name of decedent, _____, or the _____ Law Office, and to execute authorizations directing such financial institutions to release copies of all relevant records relating to such accounts to representatives of the Kentucky Bar Association.
4. All financial institutions holding deposits and accounts in the name of _____, or _____ Law Office are directed and ordered to provide Trustee/Co-Trustee, _____, with copies of ledgers and accounts pertaining to all fiduciary accounts, with the exception of IOLTA/TRUST accounts, including but not limited to all bank statements and cancelled checks, all deposit slips and all check stubs;

5. All bookkeeping and accounting organizations with custody and/or control over the accounting/bookkeeping records of _____, or _____ Law Office are directed and ordered to provide Co-Trustee, _____, with copies of ledgers and accounts pertaining to all fiduciary accounts, with the exception of IOLTA/TRUST accounts, including but not limited to all bank statements and cancelled checks, all deposit slips and all check stubs;
6. _____, an attorney licensed to practice law in the Commonwealth of Kentucky, and a member in good standing of the Kentucky Bar Association, is hereby appointed Trustee/Co-Trustee of the law practice of _____, namely the _____ Law Office.
7. As Trustee/Co-Trustee, _____ is authorized to take such actions as are necessary to obtain possession of any known client files of _____ and the _____ Law Office, and shall notify _____'s clients of his/her death and the need to obtain new counsel. His/her duties as trustee shall include receiving calendar notices and moving for appropriate continuances in the various courts; returning files to _____'s clients and former clients, obtaining all records related to _____'s fiduciary accounts(s); supervising the disbursement of funds from any fiduciary accounts, with the exclusion of IOLTA/TRUST account(s) to the appropriate persons; and any other act necessary to wind down _____'s practice and protect the interests of _____'s clients until all known clients have secured other legal counsel, have chosen to pick up their files and have received all money held in trust for their benefit. As Trustee/Trustee, _____ is further authorized to take such actions as are necessary to identify _____'s fiduciary accounts, with the exception of IOLTA/TRUST account(s), and to take possession of _____'s fiduciary account(s) records, with the exception of IOLTA/TRUST accounting records. As Trustee/Co-Trustee, _____ shall take such actions as are necessary to identify the ownership of any funds held in _____'s fiduciary account(s), with the exception of IOLTA/TRUST accounts, so that clients/ beneficiaries may be reimbursed, or their funds forwarded as they may direct. As Trustee/Co-Trustee, _____ shall maintain adequate accounts of the funds held in _____'s fiduciary account(s), with the exception of IOLTA/TRUST account(s) and shall account to the Court for approval annually or at the completion of the disbursement of the funds. He/She shall be discharged as Trustee/Co-Trustee upon the completion of his/her duties, by petitioning the Court for such discharge.
8. As Trustee/Co-Trustee, _____ is hereby authorized to take such actions as are necessary to secure _____'s IOLTA/TRUST accounts, including but not limited to, executing new directives regarding signatory authority over such accounts. As Trustee/Co-Trustee, _____, is also authorized to obtain records relevant to

_____’s IOLTA/TRUST accounts, from all financial institutions where accounts in which funds of clients or fiduciary funds have been deposited by or in the name of decedent, _____, or the _____ Law Office, and to execute authorizations directing such financial institutions to release copies of all relevant records relating to such accounts to representatives of the Kentucky Bar Association.

9. All financial institutions holding deposits and accounts in the name of _____, or _____ Law Office are directed and ordered to provide Trustee/Co-Trustee, _____, with copies of ledgers and accounts pertaining to all IOLTA/TRUST accounts, including but not limited to all bank statements and cancelled checks, all deposit slips and all check stubs;
10. All bookkeeping and accounting organizations with custody and/or control over the accounting/bookkeeping records of _____, or _____ Law Office are directed and ordered to provide Co-Trustee, _____, with copies of ledgers and accounts pertaining to all IOLTA/TRUST accounts, including but not limited to all bank statements and cancelled checks, all deposit slips and all check stubs. Dated this the ___ day of _____, 20____.

JUDGE _____ DISTRICT COURT
PROBATE DIVISION

CLERK’S DISTRIBUTION:

_____, Executor

_____, Estate Counsel

_____, Trustee/Co-Trustee1

_____, Trustee/Co-Trustee2

CLERK’S INITIAL

DATE