

Instructions for Completion

DECLARATION OF THIRD PARTY TRUST UNDER THE MIDWEST SPECIAL NEEDS TRUST MASTER TRUST

The Declaration of Third Party Trust establishes a Trust Account for the beneficiary under the Midwest Special Needs Trust Master Trust. Funds and/or other assets used to establish the Third Party Trust cannot be those of the beneficiary or his/her spouse. The Trust Account is revocable unless the Donor(s) waives the right to revoke by completing Schedule B.

The Declaration of Third Party Trust is a legal document. It is advised that legal and professional guidance be secured prior to establishing a Trust Account for a beneficiary.

In order to establish a Trust Account under the Midwest Special Needs Trust Master Trust, the following documents must be completed:

Declaration of Third Party Trust

Donor and Life Beneficiary

Donor Name. The Donor is the person who contributes the funds or other assets to establish the Trust Account. The Donor for a Third Party Trust may be anyone other than the beneficiary or the spouse of the beneficiary.

Life Beneficiary. The Life Beneficiary is the person for whom the Trust Account is established.

Paragraph 5. Co-trustees and Successor Co-trustees

MSNT is the Trustee for all Trust Accounts established within the Master Trust. MSNT can serve as the sole trustee for the Trust Account.

The Donor may serve as Co-trustee or may name others to serve as the Co-trustee. Up to two persons may be named Co-trustee. The beneficiary cannot be Co-trustee.

The Co-trustee is responsible for working with the beneficiary to assure that requests for funds from the Trust Account are prudent, reasonable, and will not jeopardize other benefits received by the beneficiary. The Co-trustee should be an individual who is knowledgeable about the needs and circumstances of the beneficiary. MSNT requires that the Co-trustee approve, in writing, requests for the distribution of funds from the Trust Account. Co-trustees are also responsible for reviewing and verifying the accuracy of the Trust Account bank statement.

Successor Co-trustees may be named in Paragraph 5.3. Successor Co-trustees take over co-trustee responsibilities when the Co-trustees are no longer willing or able to serve.

Paragraph 6. Revocation or Withdrawal

The Third Party Trust Account is revocable unless the Donor takes action to make the Trust Account irrevocable. If the Donor chooses a revocable trust, a completed *Internal Revenue Service Form W-9* must accompany the application forms. Donors are responsible for filing and paying federal and state taxes on the income earned by revocable trusts.

If the Donor chooses to make the Trust Account irrevocable, the Donor must complete **Schedule B, Waiver of Right to Revoke**.

Paragraph 7. Termination of Trust Account

Paragraph 7 sets forth the procedures for termination of the Trust Account. At the death of the Life Beneficiary, the portion of the proceeds distributed to Residual Beneficiaries is governed by whether or not the Trust Account was used for the benefit of the Beneficiary. If the Trust Account was used for the benefit of the Beneficiary, a minimum of 25% of the amount remaining will be retained by the Trustee and distributed to the Charitable Trust. The Donor may choose a larger percentage of the proceeds to be distributed to the Charitable Trust (see Paragraph 7.2).

Residual Beneficiaries are named in Paragraph 7.3.

Advisor

Provide contact information for legal counsel or other advisors who assisted the Donor to establish the Trust Account.

Liens and Claims Certificate

Professional Advisors are required to certify that monies used to establish the Account are free and clear of all liens and claims.

Schedules

Schedule A. Property Transferred to the Trust

Indicate the amount of the Initial Contribution on Schedule A. Additional contributions may be made at any time to the Trust Account.

Securities or other Assets to be held in the Trust Account are to be listed on Schedule A as well.

Schedule B. Waiver of Right to Revoke

Complete Schedule B if the Donor desires to make the Trust Account irrevocable. The Trustee will secure a Taxpayer ID for the Trust Account. The Trustee of the Master Trust will take responsibility for filing federal and state tax returns and paying taxes owed on all irrevocable Trust Accounts. Tax return preparation fees and taxes will be paid out of the Trust Account.

Schedule C. Investment Agreement

Items 1 and 2.

Indicate by checking who will manage the investment of funds in the Trust Account:

- The Trustee of the Trust (Item 1).
- The Donor of the Trust Account (Item 2).

Indicate by initialing 2.a whether or not Successor Co-trustees shall have the authority to amend the investments of the Trust Account. If 2.a is left blank, the Successor Co-trustee will not have the authority to amend the investments.

If 2.a is left blank, the Donor must initial 2.b.

Item 3.

Complete this Item only if the Donor selected Item 2 (to make all investment decisions for the funds in the Trust Account). The Donor must select an investment from the Investment Portfolios offered by the financial institution that provides custodial services for the Trust.

Item 5.

If assets, other than cash, are contributed to the Trust Account, the Donor must complete Item 5.

Item 6.

The Donor must initial Item 6 in the appropriate space to indicate whether or not he/she is an investment advisor.

Schedule D. Standby Trust

Successor Trust (Standby Trust) assures that the funds set aside for the beneficiary will always be used for his/her benefit, regardless of changing circumstances. If the Co-trustee (other than the Donor) petitions the Trustee to close the Trust Account of a Life Beneficiary a new supplemental special needs trust must be established for the Life Beneficiary with the same terms and conditions as those of existing Trust. If the Donor chooses to have the option of a Successor Trust complete Schedule D.

Midwest Special Needs Trust Administrative Fees

This document sets forth fees charged by MSNT for administration of Trust Accounts.

Complete the *Form for Calculation of Enrollment Fee*. Some Donors who establish trust accounts of \$10,000 or less may be eligible for a discounted enrollment fee. Indicate how the enrollment fee is to be paid (separate check or deduct from initial deposit).

Beneficiary Background Information

This form provides important demographic and service information on the beneficiary. Please complete all items as requested.

If the trust is established by a court order, provide a copy of the court order along with the trust documents.

Verification of benefits is required. Include a copy of the most recent benefits notice from the Social Security Administration, Medicaid and/or Medicare.

When the required documentation is received by MSNT, an authorized agent will sign the documents and a copy of the documents will be sent to the donor and advisors, if any.