

1 Trust , a national not-for-profit corporation. Currently there are individual sub-
2 accounts totaling tens of millions of dollars.

3 7. Petitioner [GUARDIAN] the mother and guardian ad litem of beneficiary
4 [BENEFICIARY] shall serve as the Beneficiary Advocate. All distributions
5 requested by the Beneficiary Advocate are reviewed by the California Charities
6 Pooled Trust for appropriateness and compliance with benefit laws.

7 8. Pursuant to Probate Code §2643, the petitioner requests that that the Court
8 authorize the Charities Pooled Trust , receive an initial \$1,500.00 set up fee, and
9 periodic payments on account at the rate of 1.5% of the funds in the individual
10 sub-account, with \$1,000.00 annual minimum, without further order.

11 9. Payment is reasonable in this particular case because the cost of administrative
12 services for the pooled trust is a fraction of those associated with a professional
13 conservator or traditional Trustee. Additionally, the cost of trustee accountings is
14 prohibitively expensive for smaller accounts like this one. Therefore, the fees for
15 the administration of the pooled trust are a great value to the beneficiary.

16
17 10. The names, addresses and relationships of all persons entitled to notice are as
18 follows:

19 [BENEFICIARY], Primary Beneficiary
20 **BENE ADDRESS**

21 [BENEFICIARY]
22 *GUARDIAN ADDRESS*

23 California Charities Pooled Trust

24
25
26 Department of Health Services, Remainder Beneficiary
MS 4720, P.O. Box 997425, Sacramento, CA 95899-7425

27
28 Department of Mental Health, Remainder Beneficiary
1600 9th Street, Sacramento, CA 95814

1 Department of Developmental Disabilities, Remainder Beneficiary
2 1600 9th Street, Sacramento, CA 95814

3 WHEREFORE, Petitioner pray that the following orders be granted:

- 4 A. All amounts held as net proceeds of the underlying legal action herein
5 ([BENEFICIARY LASTNAME] v. **DEF NAME**, [County] County
6 Superior Court Case # **CASE NUMBER** be placed into the California
7 Charities Pooled Trust in a sub-account for [BENEFICIARY]. That the
8 funds, being in a Special Needs Trust, are not to be considered an “available
9 resource” in regards to his eligibility for public benefits.
- 10 B. An Order authorizing the Board of the California Charities Pooled Trust in
11 limited circumstances may make the following reformations to the Trust:
- 12 1. To conform the provisions of the Trust to any rules or
13 regulations that are issued by any governing body or agency relating
14 to the intent and purposes of the Trust as well as to meet the
15 requirements of any new laws, rules or regulations applicable to the
16 trust;
 - 17 2. To continue to meet the purposes of the Trust;
 - 18 3. To clarify the construction and administration of the
19 Trust;
 - 20 4. To comply with the specific requirements of state and/or
21 federal law which may be applicable to the Beneficiary;
 - 22 5. To comply with Internal Revenue Service, other
23 government agency requests and/or the requirements of state laws as
24 may be necessary from time to time; or
 - 25 6. To qualify as a support organization under Section
26 509(a)(3) of the Internal Revenue Code. [See: Exhibit B, Section
27 2.03(h)]
- 28 C. An Order authorizing the Trustee of the California Charities Pooled Trust to
invest [BENEFICIARY]’s individual trust account in mutual funds and in
government bonds maturing in greater than five years.
- D. An Order waiving the requirement of the Trustee of the California Charities
Pooled Trust to provide the Court with Accounts and Reports pursuant to

1 Probate Code Section 1060 et seq, and 2620 et seq.

2 E. An Order authorizing the California Charities Pooled Trust Board to remove
3 and replace a Corporate Trustee without court order.

4 F. An Order waiving the posting of a bond by the California Charities Pooled
5 Trust

6 G. An Order authorizing Trustee a \$2,250.00 set up fee, and ongoing fees at the
7 rate of 1.5% with a \$1,500.00 annual minimum.

8 H. The Court authorize and direct the Trustee to pay to [Your Firm] for legal
9 services and costs in connection with drafting this petition, and establishing a
10 sub-account for [BENEFICIARY] with the California Charities Pooled Trust ,
11 in an amount approved by the court, and set forth in the declaration of
12 [ATTORNEY], to be filed prior to the hearing.

13 I. For any such other relief the Court believes is appropriate.
14

15
16 Dated: _____
17 [BENEFICIARY]
18 Petitioner
19

20
21 Dated: _____
22 [FIRM]
23 By: [Attorney]
24 Attorneys for Petitioner
25
26
27
28

VERIFICATION

I, [BENEFICIARY], the undersigned, and petitioner herein, declare that I have read the foregoing

SUPPLEMENT TO PETITION FOR ORDER AUTHORIZING ESTABLISHMENT OF POOLED SPECIAL NEEDS TRUST SUB-ACCOUNT; FOR PERMISSION TO INVEST IN MUTUAL FUNDS AND GOVERNMENT BONDS WITH MATURITY DATES GREATER THAN FIVE YEARS; FOR ORDER AUTHORIZING TRUSTEE'S FEES TO BE PAID ON ACCOUNT AND FOR APPROVAL OF ATTORNEYS' FEES Probate Code §§ 3602(a), 3604(a)(b), 3611(c) and Probate Code §2643; CA Rule of Court 7.903; and 42 U.S.C. § 1396p(d)(4)(C)

ES and know its contents, which are true and correct to my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true and correct.

I declare under penalty of perjury under the laws of the state of [State] that the foregoing is true and correct.

Executed at _____, [State] this ____ day of August, 2006.

[BENEFICIARY]