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[Your Firm Contact Information]

Attorneys for Plaintiff, JOHN DOE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF [COUNTY] COURTHOUSE**

JOHN DOE, by and through his Guardian ad
Litem, JANE DOE,

Plaintiff,

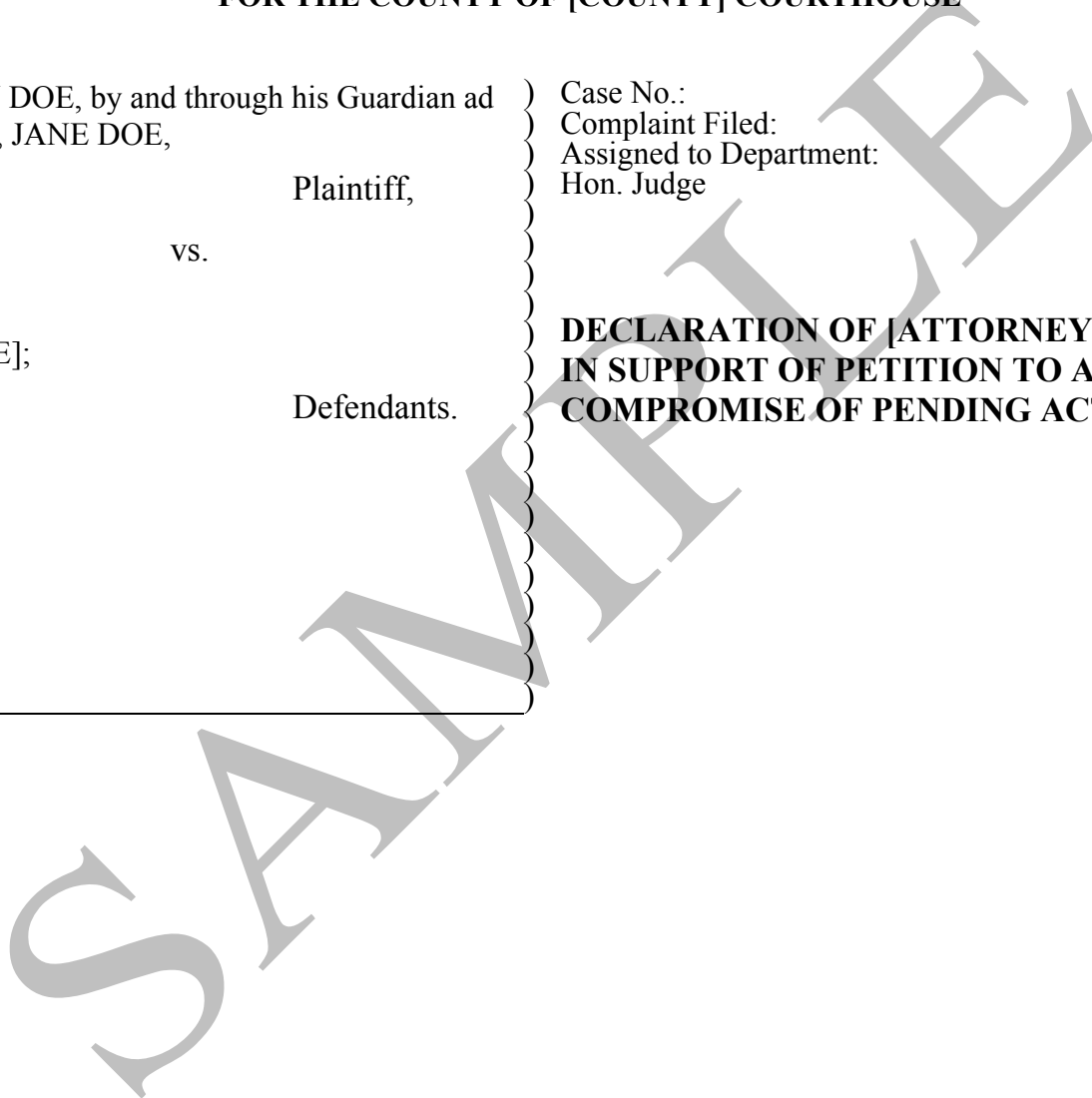
vs.

[CASE];

Defendants.

Case No.:
Complaint Filed:
Assigned to Department:
Hon. Judge

**DECLARATION OF [ATTORNEY NAME]
IN SUPPORT OF PETITION TO APPROVE
COMPROMISE OF PENDING ACTION**



1
2 I, [ATTORNEY NAME], declare:

3 1. I am an attorney licensed to practice in all courts in California. Attached as Exhibit A is
4 a true and correct copy of my bio. I am the California program counsel for the Charities Pooled Trust.
5 This is the pooled trust program in which Plaintiff JOHN DOE may enroll in to help protect his needs-
6 based public benefits. As such, if called upon as a witness, I can and will competently testify to the
7 following from my own personal knowledge.

8 2. The Charities Pooled Trust is a type of trust authorized under federal law at 42 U.S.C.
9 §1396p(d)(4)(C) as a safe harbor trust for persons with disabilities to hold assets while retaining
10 eligibility for needs based public benefits such as Supplemental Security Income (SSI) and Medi-Cal.
11 The Charities Pooled Trust will then make disbursements on behalf of JOHN DOE. JOHN DOE that
12 will enhance his quality of life while allowing him to receive a monthly check from SSI and health care
13 coverage from Medi-Cal.

14 3. In order to qualify as a safe harbor special needs pooled trust, the following conditions
15 must be met:

- 16
- 17 • The trust contains the assets of individuals who are disabled;
 - 18 • The trust is established and managed by a nonprofit association;
 - 19 • The trust maintains separate accounts for each beneficiary but pools the assets by an asset
20 allocation model for aggregate investing and management discount purposes;
 - 21 • The separate account is established solely for the benefit of the disabled individual;
 - 22 • The separate account is established by the disabled individual's parent, grandparent, legal
23 guardian, the disabled individual himself or herself, or a court; and
 - 24 • To the extent that amounts remaining in the individual's account on the individual's death
25 are not retained by the trust, the trust pays to the state from such remaining amount in the
26 account an amount equal to the total amount of medical assistance paid on behalf of the
27 individual under Medi-Cal

28 4. The California Charities Pooled Trust complies with all of the legal requirements. The
Charities Pooled Trust was established and managed by a nonprofit association, which is a Florida non-
profit corporation and a tax exempt charitable organization. All customers enrolled in Charities Pooled
Trust are totally and permanently disabled based on the Social Security Administration definition. All
customers utilize government benefits such as Medi-Cal and SSI. A separate account is established

1 solely for the benefit of each person with a disability. If the court grants this petition, the account will
2 be established by an acceptable party, and there is a Medi-Cal payback as required by the statute.

3 5. The Charities Pooled Trust maintains a professional management team including
4 nationally recognized financial service institutions and professional trustees. The trust has successfully
5 provided services for hundreds of clients. The trust currently has tens of millions of dollars nationally
6 under management. Some funds are held by Wells Fargo Bank and some by Morgan Stanley Smith
7 Barney based on referral source preference.

8 6. The assets held inside the Charities Pooled Trust are managed for the beneficiaries in
9 asset allocation models developed by Wells Fargo Bank & Morgan Stanley Smith Barney. Asset
10 management fees are assessed based on aggregate funds held collectively regardless of asset model
11 placement. In other words, the more funds held by the national brokerage firm the lower the
12 management costs to the trust beneficiaries.

13 7. The Charities Pooled Trust has retained Fremont Bank in Northern California to serve as
14 trustee of all of its court supervised cases. Fremont Bank's trust department has experience in managing
15 special needs trusts in California.

16
17
18 I declare under the penalty of perjury under the laws of the State of California, that the
19 foregoing is true and correct.

20
21 Dated: November 8, 2010

22
23 By: _____
[ATTORNEY NAME]