

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

21st JUDICIAL CIRCUIT

In the matter of	)	
Harold C. Rieken Charitable Remainder	)	
Annuity Trust	)	
	)	Feb. 20, 2015
Fairfax Jones, in his capacity as	)	
Co-Trustee,	)	13SL-PR02343
	)	
	)	Division 7
v.	)	
	)	Plaintiff,
	)	
Judith A. Snow, et al.,	)	
	)	Defendants.

For File Stamp Only
<b>FILED</b>
FEB 20 2015
JOAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY

**Order and Judgment**

Pending before the court is the Agreed Motion to Approve the Termination of the Rieken Trust and the amendment/verification filed in relation to the agreed motion. The matter is called for hearing on Feb. 3, 2015. Parties appear by counsel. Counsel for plaintiff announces that he is dismissing plaintiff's First Amended Petition to Remove Successor Co-Trustee. Counsel for defendant Judith Snow announces that he is dismissing defendant's Amended Counterclaim. The parties present no evidence and ask the court to rely on the verified facts contained in the agreed motion. Cause heard and submitted.

The court takes judicial notice of the Agreed Motion to Approve the Termination of the Rieken Trust and the amendment/verification filed in relation to the agreed motion and relies on the continuing accuracy of the facts contained therein. The court further takes judicial notice of Exhibit 1 to plaintiff's original petition which is the Harold C. Rieken Charitable Remainder Annuity Trust dated February 28, 1997 (hereinafter "Rieken Trust").

Based upon the facts contained in the record of this proceeding and the argument of counsel, the court finds as follows:

1. The court has jurisdiction over the trust under Section 456.2-202.1, RSMo.
2. Venue for this matter is proper in this court under Section 456.2-204.1(2), RSMo.
3. A trust terminates under Section 456.410.1, RSMo, if no purpose of the trust remains to be achieved.
4. Harold Rieken named three beneficiaries as life annuitants in the Rieken Trust: Harold Rieken, Doris Rieken, and Judith Snow (hereinafter "Snow"). Harold Rieken died on Sept. 9, 2012 and Doris Rieken died on June 8, 2007. Snow is the last surviving life annuitant.
5. Shriners Hospitals for Children, Humane Society of Missouri, the Salvation Army, and Lindenwood University are charitable remainder beneficiaries of the Rieken Trust.
6. Snow and the charitable remainder beneficiaries constitute all beneficiaries of the Rieken Trust.
7. The Rieken Trust provides that, upon the death of the last life annuitant, the co-trustees shall distribute the Rieken Trust's remaining assets, in equal shares, to the

charitable remainder beneficiaries.

8. Counsel informs the court that Judith Snow is 68 years old. She receives an annuity payment of approximately [REDACTED] per year as the sole surviving beneficiary of the Rieken Trust. She has agreed to accept a lump sum payment in an amount equal to the actuarial value of her interest in the Rieken Trust in lieu of future annuity payments.

9. After payment to Snow of the actuarial value of her interest in the trust, disbursement of Rieken Trust assets to the charitable remainder beneficiaries will enable each of them to combine its portion of Rieken Trust assets with its separate assets so as to maximize the growth of its assets and eliminate depletion of Rieken Trust assets occasioned by payment of further administrative fees and expenses.

10. Payment to Snow of the present value of her interest in the Rieken Trust does not defeat the purpose of Harold Rieken's trust. After payment to Snow of her present interest in the Rieken Trust, no purpose of the Rieken Trust will remain to be achieved.

11. The court has not reviewed or considered for approval the matter of any accounts of the Co-Trustees or the matter of release and discharge of the Co-Trustees from liability for acts or omissions on their part during administration of the trust.

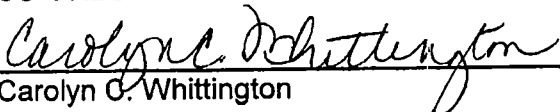
WHEREFORE, it is ORDERED, ADJUDGED, and DECREED that the Harold C. Rieken Charitable Remainder Annuity Trust dated February 28, 1997 is ordered terminated. The Co-Trustees are ordered to disburse the assets of the Rieken Trust pursuant to and in accord with terms and conditions of the agreement between Judith Snow and the charitable remainder beneficiaries, whereby Judith Snow shall receive an amount equal to the actuarial value of her life annuity interest in the trust and the charities will receive the balance of the assets allocated among the charities in accordance with the formula contained in the trust instrument.

The Co-Trustees are further authorized and directed to execute all further documents, instruments, or things necessary to effect termination of the Harold C. Rieken Charitable Remainder Annuity Trust dated February 28, 1997.

Nothing in this Order and Judgment should be construed as approval by this court of any other terms or conditions of the agreement between Judith Snow and the charitable remainder beneficiaries.

Plaintiff's First Amended Petition to Remove Successor Co-Trustee and defendant Judith Snow's amended counterclaim are ordered dismissed pursuant to announcement of counsel.

SO ORDERED:

  
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Carolyn C. Whittington  
Judge

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