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Surrogate

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ATTORNEYS FOR PLAINTIFFS, BRENDA RIBAR AND KENNETH RIBAR

In the Matter of the

ESTATE OF LEONARD MANKO,

Deceased.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: PROBATE PART
MIDDLESEX COUNTY
DOCKET NO.: 207760

CIVIL ACTION

**ORDER AUTHORIZING
REFORMATION OF
TESTAMENTARY TRUST**

THIS MATTER having been opened to the Court by the Law Offices of Donald D. Vanarelli, Esq., attorneys for the plaintiffs, Brenda Ribar and Kenneth Ribar, upon notice to all interested parties, and the Court having considered the Verified Complaint and supporting documents, upon application to authorize the reformation of a testamentary trust established under the Last Will and Testament and Codicil of Leonard Manko, deceased; and good cause having been shown; and

WHEREAS, Michael Manko is an individual who is "disabled" as defined by the Social Security Act and under the age of sixty-five (65) years; and,

WHEREAS, Michael Manko will require extensive medical care for his entire lifetime; and

WHEREAS, Michael Manko is the recipient of needs-based governmental benefits such as services from the Division of Developmental Disabilities ("DDD")

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and the like which are based upon the income and resources of the recipient,
and,

WHEREAS, Michael Manko has a net estate comprised of an inheritance from his late father, Leonard Manko, as well as non-probate assets of which he was designated the beneficiary by his late father. The net inheritance is valued at approximately \$250,000.00, and is currently held in probate, by the Executor of Leonard Manko's estate, or is otherwise inaccessible to Michael Manko due to his disability; and,

WHEREAS, the State of New Jersey's Medicaid authority, the Division of Medical Assistance and Health Services ("DMAHS"), and the DDD has been notified of the within application. The State of New Jersey, through DMAHS, as well as the DDD, have been provided with a copy of the proposed trust instrument for review; and,

WHEREAS, by use of the proposed trust instrument, Michael Manko can maintain eligibility for needs-based governmental benefits while maintaining the net inheritance as a fund to provide for the supplemental care and special needs of Michael Manko in accordance with federal and state law.

WHEREAS, Karol Manko is an individual who is "disabled" as defined by the Social Security Act and under the age of sixty-five (65) years; and,

WHEREAS, Karol Manko will require extensive medical care for his lifetime; and

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WHEREAS, Karol Manko may, in the future, be the recipient of needs-based governmental benefits such as Medicaid and the like which are based upon the income and resources of the recipient; and,

WHEREAS, Karol Manko has a net estate comprised of an inheritance from his late father, Leonard Manko, as well as non-probate assets of which he was designated the beneficiary by his late father. The net inheritance is valued at approximately \$250,000.00, and is currently held in probate, by the Executor of Leonard Manko's estate; and,

WHEREAS, by use of the proposed trust, the trustees will have the ability to protect Karol Manko's inheritance in the event that he becomes eligible for needs-based governmental benefits; and

WHEREAS, the State of New Jersey through DMAHS and the DDD, has been notified of the within application. The State of New Jersey, through DMAHS, as well as the DDD, have been provided with a copy of the proposed trust instrument for review;

NOW, THEREFORE, IT IS on this 16th day of June, 2006;

ORDERED as follows:

1. The testamentary trust is hereby reformed to establish a "Testamentary Trust for the Benefit of Michael Manko and Karol Manko, Established Under the Last Will and Testament and Codicil of Leonard Manko, As Amended by Court Order," pursuant to N.J.A.C. 10:71-4.11(a) and (d) and

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HCFA Transmittal No. 64, §3259.1(A)(1). The testamentary trust shall be reformed as shown in Exhibit F annexed to plaintiffs' Verified Complaint.

2. The Executor of the Estate of Leonard Manko is hereby authorized to fund the aforementioned trust with Michael Manko and Karol Manko's inheritance, presently in probate.

3. Neither Michael Manko nor Karol Manko shall have authority or control over the inheritance from their father, Leonard Manko. This inheritance is currently held in probate, by the Executor of Leonard Manko's estate, or is otherwise inaccessible to both Michael and Karol Manko due to their disabilities. The inheritance shall remain in probate and/or inaccessible as described above during the payment of all liens, fees, costs and expenses and the funding of the trust. Thereafter, the inheritance shall be held under the authority and control of the trustee(s) of the aforementioned "Testamentary Trust for the Benefit of Michael Manko and Karol Manko, Established Under the Last Will and Testament and Codicil of Leonard Manko, As Amended by Court Order."

4. All disbursements from the Special Needs Trust shall be governed by the terms of the aforementioned trust, annexed to plaintiffs' Verified Complaint as Exhibit F.

5. A copy of this Order shall be served upon all interested parties and counsel of record within seven (7) days of receipt of this Order.

I hereby Certify that the foregoing is a true copy of the original on file in my office.

Kevin J. Hoagland

KEVIN J. HOAGLAND, Surrogate

Alexander P. Waugh, Jr.
Alexander P. Waugh, Jr. J.S.C.

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