

**In the Matter of the Appointment of a Trustee for the Heirs of Mary LaVerne  
Gilliard.**

**C2-91-1811**

**SUPREME COURT OF MINNESOTA**

*1992 Minn. LEXIS 400*

**May 15, 1992, Filed**

**PRIOR HISTORY:** [\*1] OFFICE OF APPELLATE  
COURTS.

**DISPOSITION:** Petition of Twin City Elevator for  
further review of a decision of the court of appeals  
granted.

**JUDGES:** A.M. Keith, Chief Justice.

**OPINION BY:** A.M. Keith

**OPINION**

*ORDER*

Based upon all the files, records, and proceedings  
herein,

IT IS HEREBY ORDERED that the petition of  
Twin City Elevator for further review of a decision of the  
court of appeals is granted for the limited purpose of  
reversing that decision and directing the reinstatement of  
the judgment of dismissal entered in the Hennepin  
County District Court. *Minn. Stat. § 573.02, subd. 3*  
(1990) requires the *appointment* of a trustee prior to the  
expiration of the 3-year statute of limitations, not the  
mere filing of a petition therefor within the statutory pe-  
riod.

Dated: May 15, 1992

BY THE COURT:

A.M. Keith

Chief Justice