

SECURITIES AND EXCHANGE COMMISSION

FORM 24F-2NT

Registration of securities by certain investment companies. Declaration of election Rule 24f-2 notice.

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FILER

VAN KAMPEN MERRITT UTILITY INCOME TRUST SERIES 5

CIK: **879921** | State of Incorporation: **IL** | Fiscal Year End: **1231**
Type: **24F-2NT** | Act: **33** | File No.: **033-43176** | Film No.: **94505694**

Business Address
*ONE PARKVIEW PLAZA
C/O VAN KAMPEN MERRITT
INC
OAKBROOK TERRACE IL
60181
7086846057*

Securities and Exchange Commission
450 Fifth Street, N.W.
Washington, D.C. 20549-1004

February 28, 1994

Rule 24f-2 Notice for Van Kampen Merritt Utility Income Trust
Series 5, File No. 33-43176

Ladies/Gentlemen:

As sponsor of Van Kampen Merritt Utility Income Trust, Series 5, we are submitting the information required by Rule 24f-2 promulgated under the Investment Company Act of 1940, as amended. We have wired our payment of the fee prescribed by subsection (c) and the opinion of counsel specified in subsection (b) (1) (v) of said Rule is enclosed.

- (i) Fiscal year for which notice is filed: Year ended December 31, 1993
- (ii) Number of securities registered other than pursuant to Rule 24f-2 and remaining unsold at the beginning of the above fiscal year: 0 Units
- (iii) Number of securities registered other than pursuant to Rule 24f-2 during the above fiscal year: 0 Units
- (iv) Number of securities sold during the above fiscal year: 364,417 Units
- (v) Number of securities sold in reliance upon registration pursuant to Rule 24f-2 during the above fiscal year: 364,417 Units

(1) Aggregate sales price to the public of securities sold in reliance upon registration pursuant to Rule 24f-2:	\$ 9,001,100
(2) Less actual aggregate redemption or repurchase price of securities redeemed or repurchased during the fiscal year:	7,339,625
(3) Plus actual aggregate redemption or repurchase price of securities previously applied in filings pursuant to Section 24 (e) (1):	-0-

	1,661,475
Amount of filing fee computed at one-twenty-ninth of one percent (1/29 of 1%) of above total:	\$ -0-

Very truly yours,

Van Kampen Merritt

By: _____
Sandra A. Waterworth
Vice President

Chapman and Cutler
111 West Monroe Street
Chicago, Illinois 60603

February 9, 1994

Van Kampen Merritt Inc.
One Parkview Plaza
Oakbrook Terrace, Illinois 60181

Re: Van Kampen Merritt Utility Income Trust, Series 5

Gentlemen:

We have served as counsel for Van Kampen Merritt Inc. ("Van Kampen"), as Sponsor and Depositor of Van Kampen Merritt Utility Income Trust, Series 5 in connection with the preparation, execution and delivery of a Trust Indenture and Agreement for the above-captioned series of which Van Kampen is Depositor and Bank of New York is Trustee, pursuant to which the Depositor has delivered to and deposited Bonds listed in Schedule A to the Trust Indenture and Agreement with the Trustee and pursuant to which the Trustee has issued to or on the order of the Depositor a certificate or certificates representing an aggregate number of Units of fractional undivided interest in and ownership of the Trust created under said Trust Indenture and Agreement.

In connection therewith, we have examined such pertinent records and documents and matters of law as we have deemed necessary in order to enable us to express the opinions hereinafter set forth.

Based upon the foregoing, we are of the opinion that the certificates evidencing the Units in the Trust constitute valid and binding obligations of the Trust in accordance with the terms thereof.

Very truly yours,

CHAPMAN AND CUTLER