

# INSTRUCTIONS

## Objection (Probate)

Sometimes a person wants to object to something in a probate case. For example, they may want to object to:

- The appointment of a Personal Representative,
- The probate of a Will, or
- The final accounting or failure to submit a final accounting.

Forms you may need to object something in a Probate case:

- *Objection (Probate)*, PRO1002
- *Affidavit of Mailing (Objection)*, PRO1003

### Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the MN Courts Self Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

## General Information about Probate

Visit the [Probate, Wills, and Estates Help Topic](#) for more detailed information about probate, the difference between informal and formal probate, and read some Frequently Asked Questions (FAQs) about the process.

If you are not sure whether to object to something in a probate case, you should talk with an attorney. The information in these Instructions is not meant to be legal advice, but is a general guide to explain the legal process and steps for objecting in a probate case.

If you do not understand any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

**You can use these forms object to something in a probate case if:**

- You are an interested person as defined by Minnesota law [Minn. Stat. § 524.1-201(33)].
- The estate is going through an informal probate or formal probate court case.

If you are objecting to something in a probate case, a judge or referee will hold a hearing.



Filing the *Objection* only tells the judge that you are objecting to something. The way to let the judge know what you want to happen instead is to file a petition. For example, if you are objecting to the INFORMAL appointment of a personal representative or to the INFORMAL probate of a Will, a petition for formal appointment of a personal representative (and if there is a Will, formal probate of the WILL) must be filed to keep the case moving forward.

You can find the definition of “formal probate” online at <http://mncourts.gov/Help-Topics/Probate-Wills-and-Estates.aspx>.

### Step 1

#### Fill Out the *Objection (Probate)* (PRO1002)

The *Objection (Probate)* form (PRO1002) is available online at <http://mncourts.gov/GetForms.aspx?c=31&f=601>.

The top part of the first page is where you will find the case *caption*. It looks like this:

<p><b>State of Minnesota</b></p> <p>County <span style="float: right; border: 1px solid black; border-radius: 50%; padding: 2px 10px;">1</span></p> <hr/> <p>In Re the Estate of</p> <p>Decedent (Deceased Person) <span style="float: right; border: 1px solid black; border-radius: 50%; padding: 2px 10px;">3</span></p>	<p style="text-align: right;"><b>District Court</b></p> <p>Judicial District: <span style="float: right; border: 1px solid black; border-radius: 50%; padding: 2px 10px;">2</span></p> <p>Court File Number: _____</p> <p>Case Type: Probate</p> <p style="text-align: center;"><b>Objection (Probate)</b></p>
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1. List the county where the Probate case was filed.
2. List the Judicial District and the Court File Number for the case.
3. Write in the full name of the person who died (first, middle, and last).

Fill out the rest of the form:

My name is: 4

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1. I am an interested person as defined by Minnesota law because I am: 5

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2. The following has been filed in this case:

6  An **application** dated a, or

A **petition** dated b.

3. I object to the following (*check all that apply*):

Appointment of a as Personal Representative.

7  The probate of Decedent's Will. b

Other: c

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4. I object for the following reasons: 8

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4. Print or type your name.
5. Minn. Stat. § 524.1-201(33) defines *interested person*. See <https://www.revisor.mn.gov/statutes/cite/524.1-201>. Explain why you are an *interested person*.
6. How did this probate case start?
  - a. If it is an INFORMAL probate case, check “a” and list the date of the application.
  - b. If it is a FORMAL probate case, check “b” and list the date of the petition.
7. Check the box(es) to show what you are objecting to. If you choose “Other,” be sure to include enough detail so that it is clear what you are objecting to.

- a. If you are objecting to the appointment of the Personal Representative, check the first box, and include the name of the person appointed or nominated as the Personal Representative.
- b. Check this box if you are objecting to the probate of Decedent's Will.
- c. If you are objecting to something else, check this box, and then explain what you are objecting to (for example, "I object to the final accounting.").

8. Explain why you are objecting.

The next section is where you tell the court what you are asking for.

**9** **I ask the court for the following:**

1. Schedule a hearing on this Objection.
2. Check all that apply:
  - Deny the requested appointment of, or terminating the informal appointment of, **a** \_\_\_\_\_ as Personal Representative of the Estate.
  - b**  Deny the probate of Decedent's Will.
  - c**  Other: \_\_\_\_\_
3. Grant other relief that is proper.

9. This section is similar to paragraph 6 above, except here, you are asking the court to do something.

- a. If you have objected to the appointment of the Personal Representative, then check this first box and include the name of the person appointed or nominated.
- b. Check this box if you have objected to the probate of Decedent's Will.
- c. If you have objected to something else, then use this section to explain what you want the court to order.

I declare under penalty of perjury that everything I have stated in this document is true and correct.  
Minn. Stat. § 358.116.

\_\_\_\_\_ **10** \_\_\_\_\_  
Dated Signature of Person Objecting

Attorney for Petitioner:  
**OR**  
 Self-Represented: **11**

Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Attorney License No.: \_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: \_\_\_\_\_

If you are represented by an attorney, then the attorney will fill out the rest of the form. If you are representing yourself, then you will need to finalize the form.

10. Date the form and sign your name. When you sign the *Objection*, you are signing under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).
11. Fill out the box: check “Self-Represented,” and then print your name, address, email, and telephone number (leave “firm” and “attorney license number” blank).

## Step 2

### Make Copies

Make a copy of all the forms you have filled out for each of the following:

- Your records,
- The person appointed or nominated as Personal Representative, and
- Each *interested person*, including those listed in the *Application* or *Petition*.

## Step 3

### File the *Objection (Probate)*

### Get the *Notice of Hearing* from the Court

File the original *Objection* (and any other papers you have completed). There will be a [filing fee](#) due when you file. You can make checks payable to “District Court.”

If you cannot afford to pay the filing fee, you can ask for a fee waiver by completing the forms in the [In Forma Pauperis/IFP](#) packet of forms. If a judge does not sign the fee waiver order, then you must pay the filing fee before Court Administration can process your forms.

The Court will give you a *Notice of Hearing* form that includes the hearing date.

## Step 4

### Serve the Personal Representative and all Interested Persons

#### File the *Affidavit of Mailing* (PRO1003)

You need to arrange to have the *Notice of Hearing* and a copy of your *Objection* served on the following individuals (or their attorneys, if they are represented):

- The person appointed or nominated as the Personal Representative, and
- All interested persons, including all those listed in the *Application* or *Petition*.

Service can be done by regular first class U.S. Mail; you can mail the papers yourself, or you can have another adult mail for you. The person who mails copies of your papers to the individuals listed above should fill out an *Affidavit of Mailing* (PRO1003), and sign it under penalty of perjury.

**IMPORTANT!** The completed *Affidavit of Mailing* (PRO1003) needs to be filed with court administration before the hearing date.