

## **INFORMATION ABOUT PROBATE PROCEEDINGS IN MINNESOTA**

- The information on probate proceedings that is contained on the Judicial Branch website is not intended to be a manual or a comprehensive instruction guide. Complete information about informal and formal probate may be found in Minnesota Chapters 524 and 525, the Trust and Probate Court Rules, or from an attorney experienced in probate practice. Court staff are not allowed to give legal advice or advise someone on how to handle a particular estate. If you need legal answers, you should seek an attorney to advise you.
- Probate is the legal process of settling your estate in court after you die. Probating an estate begins by filing an application or petition with the Court Administrator's Office. Types of probate proceedings include: formal, informal, determination of descent, summary, special administration, ancillary, and subsequent administrations.
- Not all estates are required to be probated or brought before the court. The value of the estate and the type of assets will affect a decision on how to proceed. An example of a non-court probate procedure that may be used is an Affidavit for Collection of Personal Property.
- Most counties in Minnesota have a person who is able to provide some information to you regarding the informal probate proceeding and procedures for their county. This person is called the Probate Registrar and can be reached by contacting the Court Administrator's Office.
- Informal probate is designed for estates in which there is no need for court supervision nor a judicial decision or interpretation of a legal problem. To qualify for the informal probate process, an estate must be free of legal disputes, uncertainties or complex administrative requirements. The Probate Registrar may deny an application for informal probate and the estate then will proceed through formal court proceedings in which the judge will preside over the case.