

State of Minnesota

District Court

County of:

Judicial District:	_____
Court File Number:	_____
Case Type:	Probate

In Re the Estate of:

_____,
 Decedent (Deceased person)

**PETITION FOR FORMAL
 PROBATE OF WILL AND FOR
 FORMAL APPOINTMENT OF
 PERSONAL REPRESENTATIVE**

Information about the Petitioner:

1. My name is _____. My legal interest to the
 Decedent is: (Check all that apply)

- Nominated Personal Representative
- Spouse
- Child
- Other family member: _____
- Devisee (beneficiary of the Will)
- Heir
- Creditor
- Other: _____

Information about the Decedent:

2. Decedent was born on _____ in the city of _____,
 and state of _____.

3. Decedent died on _____ in the city of _____, and state
 of _____.

4. At least 120 hours, but not more than 3 years (except as allowed by Minn. Stat. § 524.3-108) have passed, since Decedent's death.

5. Domicile (address of legal residence) of Decedent at the time of death:

Street Address: _____

City, State, and Zip Code: _____

County: _____

6. Did Decedent live in MN at the time of death? Yes No

If No, did Decedent own property in MN at the time of death? Yes No

If yes, what county? _____

7. Decedent's assets and indebtedness, to the best of my knowledge, at the time of death are as follows:

Probate Assets

Homestead \$ _____

Other Real Estate \$ _____

Cash \$ _____

Securities \$ _____

Other \$ _____

Non-Probate Assets (for example: joint accounts, beneficiaries, trusts, etc.)

Joint Tenancy \$ _____

Insurance \$ _____

Other \$ _____

Approximate Indebtedness (see Instructions) \$ _____

Information about the Will and Personal Representative:

8. The Decedent left: (check all that apply)

A Will dated: _____

Codicil(s) (amendments) dated: _____

Separate writing(s) gifting personal property under Minn. Stat. § 524.2 -513 dated:

A separate writing referred to in Will but not found or attached to Will

9. The documents checked above are: (check all that apply)

Filed with this Petition.

In possession of the Court.

Has been mailed to the Court separately.

- Probated elsewhere and an authenticated copy of the Will and statement or order probating the Will are filed with this Application.
- Unavailable, but:
 - a copy of the Will is attached to the Statement of Contents of Lost, Destroyed or Otherwise Unavailable Will that accompanies this Petition.
 - Other: _____

10. To the best of my knowledge and belief, these documents have been validly executed.

11. After a reasonable diligent search, I am unaware of any document revoking the Will, and I believe this is the last Will of Decedent.

12. The Will nominates _____ as Personal Representative.

The nominated Personal Representative is willing to serve and is not disqualified.

OR

The nominated Personal Representative is unable or has declined to serve. _____ has priority to serve as Personal Representative because _____ (interest to Decedent) and is willing to serve and is not disqualified.

13. There is no Personal Representative of the Decedent appointed in Minnesota or elsewhere whose appointment has not been terminated.

14. The Will states: No Bond Minimum Bond
 \$_____ bond Unspecified

15. The Will states:
 informal/unsupervised administration
 supervised administration
 administration not specified.

16. Check one:

I have not received a demand for notice and am not aware of any demand for notice of any probate or appointment proceeding concerning the Decedent that may have been filed in Minnesota or elsewhere.

OR

Proper notice has been given to those persons or entities who have filed a demand for notice.

Information about Decedent’s family and/or interested persons:

Carefully read through the Instructions for definitions and examples of who needs to be included as an interested party below. Not including all interested persons may delay the probate.

17. Check all that apply:

- Decedent left no surviving spouse.
- Decedent left no surviving issue (generally, children by blood or adoption; for other examples, see Instructions or get legal advice).
- All issue of Decedent are issue of Decedent’s surviving spouse.
- There are issue of Decedent that are not issue of the surviving spouse.
- There are issue of the surviving spouse who are not issue of the Decedent.

18. The names and addresses of Decedent’s spouse, children, heirs, devisees, and other persons interested in this proceeding so far as known or found with reasonable diligence by the Applicant are:

Name and Mailing Address	Familial Relationship AND Legal Interest (check all that apply)	Date of Birth / Date of Death (if required; see Instructions))
	<input type="checkbox"/> Spouse <input type="checkbox"/> Child (minor or adult) <input type="checkbox"/> Other family member: _____ (relation) <input type="checkbox"/> Devisee (beneficiary of the Will) <input type="checkbox"/> Heir (next of kin who would inherit without a Will) <input type="checkbox"/> Nominated Personal Representative <input type="checkbox"/> Creditor <input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Child (minor or adult) <input type="checkbox"/> Other family member: _____ (relation) <input type="checkbox"/> Devisee (beneficiary of the Will) <input type="checkbox"/> Heir (next of kin who would inherit without a Will) <input type="checkbox"/> Nominated Personal Representative <input type="checkbox"/> Creditor <input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Child (minor or adult) <input type="checkbox"/> Other family member:	

Name and Mailing Address	Familial Relationship AND Legal Interest (check all that apply)	Date of Birth / Date of Death (if required; see Instructions))
	_____ (relation) <input type="checkbox"/> Devisee (beneficiary of the Will) <input type="checkbox"/> Heir (next of kin who would inherit without a Will) <input type="checkbox"/> Nominated Personal Representative <input type="checkbox"/> Creditor <input type="checkbox"/> Other: _____	
(Fillable Forms – can continue to add interested persons with the options at this level)	<input type="checkbox"/> Child (minor or adult) <input type="checkbox"/> Other family member: _____ (relation) <input type="checkbox"/> Devisee (beneficiary of the Will) <input type="checkbox"/> Heir (next of kin who would inherit without a Will) <input type="checkbox"/> Nominated Personal Representative <input type="checkbox"/> Creditor <input type="checkbox"/> Other: _____	

19. Have all interested persons listed as heirs lived longer than at least 120 hours after Decedent's date of death? Yes No

If No, list:

The name of the heir: _____

The heir's date of death: _____

20. Statement specifically eliminating all heirs or devisees other than listed [see Minn. Gen. R. Prac 408(a)]:

Start at (1) and check all boxes that apply moving down the list. Stop when directed.

The Decedent left:

(1) I have listed all Devisees.

(2) If Decedent has a living spouse, I have listed the spouse.

(3) If Decedent has children, I have listed them all (this includes adopted children but not step-children).

(4) If Decedent has deceased children, I have listed all of the deceased child's children.

STOP: If boxes 3 or 4 are checked you do not have to continue. If not checked, move to box 5. Be sure all names of those included above are listed as interested persons in 18.

- (5) If Decedent has no descendants, I have listed Decedent's parents.
- a. If Decedent has no living parents, I have listed all Decedent's siblings.
 - b. If Decedent has deceased siblings, I have listed all the deceased siblings' descendants (nieces, nephews, grandnieces, grandnephews, etc.)

STOP: If box 5 is checked you do not have to continue. If not checked, move to box 6. Be sure all names of those included above are listed as interested persons in 18.

- (6) If Decedent's parents have no descendants, I have listed Decedent's grandparents (both maternal and paternal).

(7) Maternal Grandparents

- a. If both of Decedent's maternal grandparents are deceased, I have listed Decedent's mother's siblings (Aunts and Uncles).
- b. If Decedent's mother has deceased siblings, I have listed all of her deceased sibling's children (1st cousins).
- c. If Decedent has no living maternal cousins, I have listed the surviving children of cousins.

(8) Paternal Grandparents

- a. If both of Decedent's paternal grandparents are deceased, I have listed Decedent's father's siblings (Aunts and Uncles).
- b. If Decedent's father has deceased siblings, I have listed all of his deceased sibling's children (1st cousins).
- c. If Decedent has no living paternal cousins, I have listed the surviving children of cousins.

- (9) Other.

STOP: If any boxes 6-9 are checked, be sure all names of those included above are listed as interested persons in 18. Attach a family tree to this Application.

Other than specifically listed above, there are no other heirs or devisees.

Based on the above, I ask the Court to schedule a hearing on this Petition and enter an order formally:

1. Finding that the Decedent is dead.

2. Finding that venue is proper.
3. Finding that the proceeding was started within the time limitation required by Minnesota law.
4. Determining Decedent's domicile at death.
5. Determining Decedent's heirs.
6. Determining Decedent's testacy status.
7. Determining the will is valid and unrevoked and should be probated.
8. Determining that _____ is entitled to appointment as Personal Representative and should be appointed.
9. Appointing _____ as Personal Representative, with _____ bond, in an unsupervised administration a supervised administration.
10. Issuing Letters Testamentary upon qualification and acceptance; and
11. Granting such other relief as may be proper.

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

Dated

Signature of Petitioner

County and state where signed

Name: _____
 Address: _____
 City/State/Zip: _____
 Telephone: _____
 Email: _____

<input type="checkbox"/> Attorney for Personal Representative: Name: _____ Firm: _____ Address: _____ _____ Attorney License No.: _____ Email: _____ Telephone: _____
--