

# Petition to Formally Close Estate



**Use these forms and instructions only if the following factors apply to your situation:**

- You are the personal representative.
- An order **formally** probating the estate was previously issued by the Court.
- You have completed the administration of the estate.
- More than four months have passed since the Court issued the Notice to Creditors.
- You have filed, or are filing with this petition, an Inventory and Final Account.

**If you are not sure that these forms and instructions apply to your situation, see a lawyer for help.**

# **PETITION TO FORMALLY CLOSE ESTATE**

## **What to do before you come to court to file anything:**

1. Complete the administration of the estate.
2. Complete and file an Inventory and Final Account.
3. Complete the Petition. It is very important that the Petition be completed thoroughly and accurately.
4. Make a copy of the completed forms for your own records.

## **What to do next:**

1. Mail or bring the completed petition to:  
Ramsey County Probate Court  
650 Courthouse  
15 West Kellogg Boulevard  
St. Paul, MN 55102
2. After the clerk's office completes and signs the Notice and Order for Hearing on Petition to Allow Final Account, Settle and Distribute Estate, a copy will be mailed to you. **You must make copies of this notice and mail a copy to each of the heirs or devisees and any unpaid creditors. The notice must be mailed at least 14 days prior to the scheduled hearing.**
3. Complete the Affidavit of Mailing in this packet and file it with the Probate Court. (Remember to have your signature notarized.)
4. You must appear at the scheduled hearing and you must be prepared to testify to the facts stated in your petition. If your petition is approved by the judge at the hearing, the Order Allowing Final Account and Order of Complete Settlement of the Estate and Decree of Distribution will be signed.
5. If you need a certified copy of the Order, you will need to ask the Court Administrator for a certified copy. There is a charge for each certified copy.
6. Court personnel are prohibited by law from giving legal advice. Therefore, it is the responsibility of the personal representative to prepare and mail all notices and otherwise comply with the law for administration of the estate and distribution of assets. Any questions regarding how to properly administer the estate need to be directed to an attorney.

## **Examples of Negative Allegations For Decedents Dying AFTER DECEMBER 31, 1995**

- Example 1** "Where only the spouse survives the application should state 'that the decedent left no surviving issue, natural or adopted, legitimate or illegitimate.'"
- Example 2** "Where only children survive, the application should state 'that the decedent left surviving no spouse; no children, natural or adopted, legitimate or illegitimate, other than herein named; and no issue of any deceased children.'"
- Example 3** "Where the spouse and children survive, the application should state 'that the decedent left surviving no children, natural or adopted, legitimate or illegitimate, other than herein named and no issue of any deceased children.'"
- Example 4** "Where only brothers or sisters of decedent survive, the application should state 'that the decedent left surviving no spouse; issue; parents; brothers or sisters; other than herein named; and no issue of deceased brothers or sisters.'"
- Example 5** "Where only grandparents survive, the application should state 'that the decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; and no paternal grandparent other than herein named; and no maternal grandparent other than herein named.'"
- Example 6** "Where the nearest surviving descendants of the paternal grandparents are first cousins; and the nearest surviving descendants of the maternal grandparents are first cousins once removed, the applications should state:  
'that the decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; grandparents; aunts or uncles; and no paternal first cousins other than herein named; and no maternal first cousins once removed other than herein named.'"

**In all cases, the petition should state either:**

- (a) That all heirs-at-law survived the decedent for 120 hours or more; or
- (b) That all the heirs-at-law survived the decedent for 120 hours or more except the following: (name or names).

**In all cases where a spouse and children survive, the petition should state either:**

- (a) That all of the issue of either the decedent or the decedent's surviving spouse are common to both of them; or
- (b) That one or more of the issue of either the decedent or the decedent's surviving spouse are not common to both of them.

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

Court File No. \_\_\_\_\_

Estate of

PETITION TO ALLOW FINAL ACCOUNT,  
SETTLE AND DISTRIBUTE ESTATE

\_\_\_\_\_,

**Decedent**

I, \_\_\_\_\_, state:

1. My address is:
2. I am an interested person as defined by Minnesota law because I am:
3. Decedent was born on \_\_\_\_\_, at \_\_\_\_\_.
4. Decedent died on \_\_\_\_\_, at \_\_\_\_\_.
5. Decedent at the time of death resided in \_\_\_\_\_ County, at (address):
6. The names and addresses of Decedent's spouse, children, heirs, devisees and other persons interested in this proceeding so far as known or ascertainable with reasonable diligence by the Petitioner are:

Name and Mailing Address	Relationship and Interest (list all)	Birthdate of Minors
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(attach separate schedule, if necessary)

7. Negative Allegation Statement (see Minn. Gen. R. Prac. 408(a)):
8. All persons identified as heirs have survived the Decedent by at least 120 hours.

9.  Decedent left no surviving spouse.  
 Decedent left no surviving issue.  
 All issue of Decedent are issue of Decedent's surviving spouse except for:
- There are issue of the surviving spouse who are not issue of the Decedent.
10. Venue for this proceeding is in this County of the State of Minnesota because:  
 The Decedent was domiciled in this County at the time of death and was the owner of property located in the State of Minnesota.  
or  
 Though not domiciled in the State of Minnesota, the Decedent was the owner of property located in this County at the time of death.
11. This Court's order dated \_\_\_\_\_ determined that: (check appropriate boxes)  
 Decedent died testate.  
Decedent's Will is comprised of the following:  
 Last will dated \_\_\_\_\_.  
 Codicil(s) dated \_\_\_\_\_.  
 Separate writing(s) under Minn. Stat. 524.2-513 dated \_\_\_\_\_.  
was probate by the Order of this Court dated \_\_\_\_\_  
or  
 Decedent died intestate.
12. No personal representative of the Decedent has been appointed in Minnesota or elsewhere whose appointment has not been terminated.
13. The Estate has been fully administered and all expenses, debts, valid charges and claims allowed have been fully paid, except (if none, so state):
14. A final account is filed and presented for consideration and approval
15. The time for presenting claims which arose prior to the death of the Decedent has expired.
16. The property on hand for distribution is as reflected in the final account and should be distributed to the following named persons in the following named proportions of parts:

WHEREFORE, I request the Court fix a time and place for a hearing on this Petition and enter an order:

1. Finding venue is proper.
2. Determining testacy as it affects any previously omitted or unnotified persons and other interested parties, if any, and confirming any previous order of testacy as it affects all interested persons.
3. Determining Decedent's heirs.
4. Construing Decedent's Will, if any.
5. Confirming the acts of the Personal Representative as shown by the Final Account and this Petition.
6. Allowing the Final Account.
7. Determining the persons entitled to distribution of the Estate and their respective interests.
8. Approving settlement of the Estate and  
 Issuing a decree of distribution assigning the Estate to the persons entitled to the Estate.  
or  
 Directing or approving the distribution of the Estate by the Personal Representative to the persons entitled to the Estate.
9. Grant such other relief as may be proper.

Under penalties for perjury, I declare or affirm that I have read this document and I know or believe its representations are true and complete.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

Attorney for Petitioner:

Name:

Firm:

Street:

City, State, ZIP:

Attorney License No.:

Telephone:

Fax:

