

# Informal Probate (With A Will)



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

- You are related to the person who died or you have a legal interest in the person's property.
- The person had a Will.
- The person has been dead for less than three years.
- No prior probate or administration proceeding was started in Minnesota.
- You want to file court papers to have someone appointed to administer the estate of the person who died.

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

## **INFORMAL PROBATE (WITH A WILL)**

### **What to do before your appointment with the Registrar:**

1. Determine if the person who died has been dead for less than three years.
2. Determine if a probate was previously started in Minnesota and if any Demands for Notice have been filed (go to [www.mncourts.gov/publicaccess](http://www.mncourts.gov/publicaccess) and perform a search).
3. Decide if you are an appropriate person to sign and submit the Application. Priority is given to the person nominated in the Will, surviving spouse who is a devisee, devisee of the decedent who is not a spouse, surviving spouse, other heirs of the decedent, any creditor after 45 days of death, or conservator after 90 days of death. NOTE: You may need to obtain signed Nomination forms for appointment of a personal representative from heirs or devisees who have an equal or greater priority to serve as personal representative.
4. Complete the Application. It is very important that the Application be completed thoroughly and accurately. You must accurately list all of the heirs, devisees and all other interested parties of the person who died.
5. Complete the following documents. (NOTE: Leave the dates and signatures blank. These will be filled in by the Registrar.):
  - Statement of Informal Probate of Will and Order of Informal Appointment of Personal Representative;
  - Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors;
  - Acceptance of Appointment and Oath by Individual (the Registrar can notarize your signature at the meeting); and
  - Letters Testamentary.
6. Make a copy of the completed forms for your records.
7. Call the Registrar at **(651) 266-8148** to arrange an appointment.

### **What to do when you come to your appointment with the Registrar:**

1. Bring the original of the following documents to your appointment with the Registrar:
  - Application for Informal Probate of Will and for Informal Appointment of Personal Representative;
  - Original Will;
  - Statement of Informal Probate of Will and Order of Informal Appointment of Personal Representative;

- Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors;
- Acceptance of Appointment and Oath by Individual; and
- Letters Testamentary.

2. The filing fee must be paid at the time of filing. A personal check will be accepted or it can be paid with a credit/debit card, VISA or Mastercard only.

3. If all of the documents are in order and approved, the Registrar will give you a copy of the completed Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors.

#### **Send Notice of the Probate and Appointment:**

1. After the Registrar completes and signs the Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors, you must make copies of it and mail a copy to each of the heirs, devisees and all other interested parties you listed in the Application.

2. These copies must be mailed to the heirs, devisees and all other interested parties before the Registrar can issue the Statement and Letters Testamentary.

3. Complete the Affidavit of Mailing in this packet and file it with the Probate Court. NOTE: Your signature needs to be notarized on the Affidavit of Mailing.

#### **Arrange for Publication:**

1. You will need to make arrangements for publication of the Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors if you are not represented by an attorney. Instructions will be given to you at your meeting with the Registrar.

2. Publication must be made once a week for two consecutive weeks in a legal newspaper in the county where commencement takes place. An Affidavit of Publication must be filed with the Probate Court before the Registrar can issue the Statement and Letters Testamentary.

3. You are responsible for paying the publication costs.

#### **What Happens Next:**

1. The Registrar will sign the Letters Testamentary after the Acceptance of Appointment and Oath by Individual, Affidavit of Mailing, and Affidavit of Publication are filed with the Probate Court.

2. You will probably need one or more certified copies of the Letters Testamentary to prove that you have the authority to administer the estate of the person who died. You will need to ask the Probate Court for a certified copy. There is a charge for each certified copy.

3. After your appointment, you will need to complete the Notice to Commissioner of Human Services Regarding Possible Claims, mail it to the Commissioner (the address is located on the Affidavit of Service of Notice to the Commissioner of Human Services Regarding Possible Claims), and complete the Affidavit of Service of Notice to the Commissioner of Human Services Regarding Possible Claims. NOTE: The Notice of Informal Appointment of Personal Representative and Notice to Creditors (Intestate) needs to be attached to the Notice to Commissioner of Human Services Regarding Possible Claims. A copy should be filed with the probate court.

4. After your appointment, the Notice to Spouse and Children and Affidavit of Mailing should be completed and mailed to any surviving spouse and/or children, if applicable. A copy should be filed with the probate court.

5. After the administration of the estate has taken place and the four-month creditor claims period has ended, you can file the Unsupervised Personal Representative's Statement to Close Estate with the Probate Court to close the file.

6. The Court does not supervise the administration of informal probate proceedings. However, it is still the responsibility of the personal representative to prepare and mail the inventory and final account and otherwise comply with the law for administration of the estate and distribution of assets.

## **Examples of Negative Allegation Statements** (for completion of #7 on the Application)

- 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 grandchildren survive, the applicant should state: “That the decedent left surviving no spouse; no children; and no grandchildren, other than herein named; and no issue of any deceased grandchildren.”
- Example 5**    Where only parents survive, the application should state: “That the decedent left surviving no spouse; no issue; and no parents, other than herein named.”
- Example 6**    Where only brothers and/or sisters survive, the application should state: “That the decedent left surviving no spouse; no issue; no parents; no brothers or sisters, other than herein named; and no issue of deceased brothers or sisters.”
- Example 7**    Where only nieces and/or nephews survive, the application should state: “That the decedent left surviving no spouse; no issue; no parents; no brothers or sisters; no nieces or nephews, other than herein named; and no issue of deceased nieces or nephews.”
- Example 8**    Where only grandparents survive, the application should state: “That the decedent left surviving no spouse; no issue; no parents; no brothers or sisters or issue thereof; and no paternal grandparent, other than herein named; and no maternal grandparent, other than herein named.”
- Example 9**    Where only aunts and/or uncles survive, the application should state: “That the decedent left surviving no spouse; no issue; no parents; no brothers or sisters or issue thereof; no grandparents; and no aunts or uncles, other than herein named.”
- Example 10**    Where only first cousins survive, the application should state: “That the decedent left surviving no spouse; no issue; no parents; no brothers or sister or issue thereof; no grandparents; no aunts or uncles; and no first cousins, other than herein named.”

STATE OF MINNESOTA

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

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

Estate of

**APPLICATION FOR INFORMAL PROBATE OF  
WILL AND FOR INFORMAL APPOINTMENT  
OF PERSONAL REPRESENTATIVE**

\_\_\_\_\_ ,

**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 (city, state) \_\_\_\_\_.

4. Decedent died on \_\_\_\_\_, at (city, state) \_\_\_\_\_  
and at least 120 hours, but not more than 3 years (except as permitted by Minn. Stat. 524.3-108), have  
elapsed since Decedent's death.

5. Decedent's domicile at the time of death was in Ramsey County, State of Minnesota, 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 ascertained with reasonable diligence by the Applicant are:

Name and  
Mailing Address

Familial Relationship AND  
Legal Interest (List all)

Birth Date  
of Minors

(Attach separate schedule, if necessary)

7. Negative Allegation Statement [see Minn. Gen. R. Prac. 408(a)]:

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8. All persons identified as heirs have survived the Decedent by at least 120 hours, except for:

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9. (Check appropriate boxes):

- Decedent left no surviving spouse.
- Decedent left no surviving issue.
- All issue of Decedent are issue of Decedent's surviving spouse.
- There are issue of the Decedent that are not issue of the surviving spouse.
- 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. I estimate the Decedent's assets and indebtedness are as follows:

**Probate Assets**

Homestead           \$ \_\_\_\_\_  
Other Real Estate   \$ \_\_\_\_\_  
Cash                   \$ \_\_\_\_\_  
Securities           \$ \_\_\_\_\_  
Other                   \$ \_\_\_\_\_

**Non-Probate Assets**

Joint Tenancy       \$ \_\_\_\_\_  
Insurance            \$ \_\_\_\_\_  
Other                   \$ \_\_\_\_\_

**Approximate Indebtedness**    \$ \_\_\_\_\_

12. There is no personal representative of the Decedent appointed in Minnesota or elsewhere whose appointment has not been terminated.

13.  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 who have filed demand for notice.

14. Decedent's Will is comprised of the following:

- Last will dated \_\_\_\_\_.
- Codicil(s) dated \_\_\_\_\_.
- Separate writing(s) under Minn. Stat. 524.2-513 dated \_\_\_\_\_.
- The will refers to a separate writing but none has been found.

15. To the best of my knowledge and belief, the Will has been validly executed.

16. Having conducted a reasonably diligent search, I am unaware of any instrument revoking the Will or of any other unrevoked testamentary instrument.

17. The documents comprising the Will:

- accompany this Application.
- are in the Court's possession.
- have been probated elsewhere and an authenticated copy of the Will and statement or order probating the same accompany this Application.

18. 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 \_\_\_\_\_ and is willing to serve and is not disqualified.

19. The Will specifies:  No Bond  Minimum bond  \$ \_\_\_\_\_ bond  Unspecified.

20. The Will specifies:  informal/unsupervised administration  administration not specified.

**WHEREFORE**, I request the Registrar informally:

1. Enter a statement probating the Will.
2. Enter an order appointing \_\_\_\_\_ as Personal Representative, with no bond, in an unsupervised administration;
3. Issue Letters Testamentary to \_\_\_\_\_; and
4. 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.

Dated: \_\_\_\_\_  
Applicant

Attorney for Applicant:

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Attorney License No.: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_



STATE OF MINNESOTA

SECOND JUDICIAL DISTRICT

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION

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

Estate of

**RENUNCIATION OF PRIORITY FOR  
APPOINTMENT, NOMINATION OF PERSONAL  
REPRESENTATIVE, AND BOND**

\_\_\_\_\_,  
Decedent

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

My address is: \_\_\_\_\_.

I have priority under Minn. Stat. 524.3-203 for appointment as the Personal Representative of this estate and/or a right to nominate the Personal Representative of this estate and/or a right to request bond because I am:

\_\_\_\_\_  
\_\_\_\_\_.

**RENUNCIATION:**

Subject to the Nominee's acceptance and qualification, I renounce priority for appointment, if any, as Personal Representative. I reserve my priority, if any, if the Nominee fails to qualify or ceases to act as Personal Representative; or

I reserve my priority for appointment.

**NOMINATION:**

I nominate (name and address): \_\_\_\_\_

\_\_\_\_\_  
("Nominee") as Personal Representative of the estate of the decedent; or

I decline to nominate a Personal Representative.

**BOND:**

A bond protects the beneficiaries of the estate against the Personal Representative's wrongful acts. The undersigned is an interested person in this estate with an apparent interest in excess of \$1,000.00. I am aware that any bond filed in this estate is to cover damages in the event of mismanagement or misappropriation of funds by the Personal Representative. I request that:

bond be required in the amount of \$ \_\_\_\_\_; or

no bond

be required of \_\_\_\_\_, the nominated or appointed Personal Representative of this estate.

Note that the cost of the bond will be paid out of the assets of the estate and could ultimately reduce your distribution.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Attorney for \_\_\_\_\_:  
Name: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Attorney License No.: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

**STATEMENT OF INFORMAL PROBATE  
OF WILL AND ORDER OF  
INFORMAL APPOINTMENT OF  
PERSONAL REPRESENTATIVE**

\_\_\_\_\_,'

**Decedent**

The Application for the Informal Probate of Will and Informal Appointment of Personal Representative, signed by \_\_\_\_\_, came before the Registrar on \_\_\_\_\_. The Registrar, having considered the Application, determines the following:

1. The Application is complete.
2. The Applicant has declared or affirmed that the representations contained in the Application are true to the best of Applicant's knowledge or belief.
3. The Applicant appears from the Application to be an interested person as defined by Minnesota law.
4. On the basis of the statements in the Application, venue in this County is proper.
5. Any notice required by Minnesota law has been given.
6. Decedent's Will is comprised of the following:
  - Last will dated \_\_\_\_\_.
  - Codicil(s) dated \_\_\_\_\_.
  - Separate writing(s) under Minn. Stat. 524.2-513 dated \_\_\_\_\_.
  - (check if applicable) The Will refers to a separate writing, but none has been found.
7. The documents comprising the Will:
  - are in the Registrar's possession.
  - have been probated elsewhere, and an authenticated copy of the Will and statement or order probating the same accompany this Statement.
8. Decedent died on \_\_\_\_\_ and at least 120 hours, but not more than 3 years, (except as permitted by Minn. Stat. 524.3-108) have elapsed since the Decedent's death.

9. (Check appropriate boxes)
- 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. From the statements in the Application, the person appointed below has priority and is entitled to be appointed personal representative, and is not disqualified to serve as personal representative.
11. The Will specifies:
- |   |   |
|---|---|
| Bond: <input type="checkbox"/> No bond<br><input type="checkbox"/> Minimum bond<br><input type="checkbox"/> \$ _____ bond<br><input type="checkbox"/> Unspecified | Administration: <input type="checkbox"/> Undesignated<br><input type="checkbox"/> Unsupervised<br><input type="checkbox"/> Supervised |
|---|---|
12. The Application indicates that there is no personal representative appointed in this or another county of Minnesota whose appointment has not been terminated.

IT IS ORDERED:

1. The Application is granted.
2. The Will is informally probated.
3. \_\_\_\_\_ is informally appointed as the personal representative of the Decedent's Estate, with \_\_\_\_\_ bond.
4. Upon filing any required bond and statement of acceptance and oath, letters testamentary will be issued.

\_\_\_\_\_  
Registrar

\_\_\_\_\_  
Date

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

**NOTICE OF INFORMAL PROBATE OF WILL  
AND APPOINTMENT OF PERSONAL  
REPRESENTATIVE AND  
NOTICE TO CREDITORS**

\_\_\_\_\_,  
**Decedent**

Notice is given that an application for informal probate of the Decedent's will dated \_\_\_\_\_, and codicil(s) to the will, dated \_\_\_\_\_, and separate writing(s) under Minn. Stat. 524.2-513 dated \_\_\_\_\_ ("Will"), has been filed with the Registrar. The application has been granted.

Notice is also given that the Registrar has informally appointed \_\_\_\_\_, whose address is:

as personal representative of the Estate of the Decedent. Any heir, devisee or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative. Unless objections are filed with the Court (pursuant to Minn. Stat. 524.3-607) and the Court otherwise orders, the personal representative has full power to administer the Estate including, after 30 days from the date of issuance of letters, the power to sell, encumber, lease or distribute real estate.

Any objections to the probate of the will or appointment of the Personal Representative must be filed with this Court and will be heard by the Court after the filing of an appropriate petition and proper notice of hearing.

Notice is also given that (subject to Minn. Stat. 524.3-801) all creditors having claims against the Estate are required to present the claims to the personal representative or to the Court Administrator within four months after the date of this Notice or the claims will be barred.

\_\_\_\_\_  
Registrar Date

\_\_\_\_\_  
Deputy Court Administrator Date

Attorney for Applicant:
Name:
Firm:
Street:
City, State, Zip:
Attorney License No.:
Email:
Telephone:                      Fax:

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
PROBATE COURT DIVISION

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

In the Matter of the Estate of

AFFIDAVIT OF MAILING

\_\_\_\_\_,  
Decedent

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

} ss

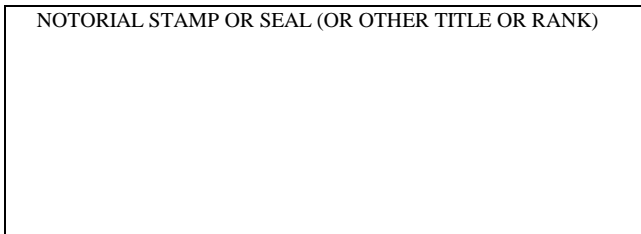
I, \_\_\_\_\_, being first duly sworn on oath, state that on \_\_\_\_\_ (date),  
at \_\_\_\_\_ (city and state where mailing), I mailed a copy of the attached  
**Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors** to  
each person or entity named below by mailing a copy in a sealed envelope, postage prepaid, with the U.S. Postal  
Service as follows:

NAME & MAILING ADDRESS:

\_\_\_\_\_  
Affiant Date  
Signed and sworn to (or affirmed) before me on  
(date) \_\_\_\_\_ by  
(name of affiant) \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTORIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

\_\_\_\_\_,  
Decedent

ACCEPTANCE OF APPOINTMENT  
AS PERSONAL REPRESENTATIVE  
AND OATH BY INDIVIDUAL

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

} ss

I, \_\_\_\_\_,  
residing at:

as a condition to receiving letters as Personal Representative in this Estate, (1) accept the duties of the office, (2) agree to be bound by the provisions of the statutes relating to the office, (3) submit to the jurisdiction of the Court in any proceeding relating to this Estate, and (4) swear that I will faithfully perform all duties of the office that I now assume to the best of my ability.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

\_\_\_\_\_  
Signature Date  
Signed and sworn to (or affirmed) before me on  
(date) \_\_\_\_\_ by  
(name) \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Attorney for \_\_\_\_\_:  
Name:  
Firm:  
Street:  
City, State, Zip:  
Attorney License No.:  
Email:  
Telephone:                      Fax:

**STATE OF MINNESOTA**

**COUNTY OF RAMSEY**

**DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT**

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

**Estate of**

\_\_\_\_\_ ,

**Decedent**

**LETTERS TESTAMENTARY**

- 
1. The Decedent died on \_\_\_\_\_.
  2. \_\_\_\_\_ has been appointed Personal Representative of Decedent's Estate in an unsupervised administration and is now qualified to act as Personal Representative of the Estate and has authority to administer the Estate according to law.

(COURT SEAL)

\_\_\_\_\_  
Registrar

\_\_\_\_\_  
Date



STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

\_\_\_\_\_

**Decedent**

**UNSUPERVISED  
PERSONAL REPRESENTATIVE'S  
STATEMENT TO CLOSE ESTATE**

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

}

ss

I, \_\_\_\_\_, the  
Personal Representative of the Estate, state that I (or a prior Personal Representative whom I have succeeded) have:

1. Published notice to creditors. The date of the notice was more than four months prior to the date of this statement.
2. Fully administered this Estate by making payment, settlement or other disposition of all claims which were presented, expenses of administration, estate and other taxes, except as specified in this statement.
3. Inventoried the assets of the Estate and distributed them to the persons entitled to them. Listed below are all unpaid claims, expenses or taxes which remain undischarged (If none, so state; otherwise state in detail other arrangements which have been made to accommodate all outstanding liabilities.):

4. Sent a copy of this statement to all distributees of this Estate and to all creditors or other claimants whose claims are neither paid nor barred and have furnished a full account in writing of this administration to the distributees whose interests are affected by the administration of this Estate.

This statement is filed for the purpose of closing this Estate and terminating my appointment as Personal Representative of the Estate.

\_\_\_\_\_  
Personal Representative

\_\_\_\_\_  
Date

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

Signed and sworn to (or affirmed) before me on

(date) \_\_\_\_\_ by

(name) \_\_\_\_\_,  
Personal Representative.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Attorney for Personal Representative:

Name:

Firm:

Street:

City, State, Zip:

Attorney License No.:

Email:

Telephone:

Fax:

NOTE: Appointment of the personal representative terminates one year following the filing of this statement with the court. Letters of appointment remain in full force and effect during that year.

STATE OF MINNESOTA  
COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

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

Estate of

**NOTICE TO COMMISSIONER OF HUMAN  
SERVICES REGARDING POSSIBLE CLAIMS  
UNDER MINN. STAT. §§ 246.53, 256B.15, 256D.16  
OR 261.04**

\_\_\_\_\_,  
**Decedent**

**TO THE COMMISSIONER OF HUMAN SERVICES:**

1. Attached and served upon you pursuant to Minn. Stat. § 524.3-801, is a copy of the **Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors** which has been or will be published according to law in the above referenced matter.

(Instructions: Include all aliases and former names of the decedent and spouse(s) in paragraphs 2 and 3 and attach a copy of the Notice to Creditors).

2. Decedent's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

3. Decedent was married to the following spouse(s) who predeceased decedent:  
Predeceased Spouse(s)'s Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

4. This Notice is given pursuant to Minn. Stat. § 524.3-801 in case the decedent or a predeceased spouse of decedent might have received assistance for which a claim could be filed under one or more of the following Minnesota Statutes: § 246.53, 256B.15, 256D.16 or 261.04.

**NOTE: Redact the Social Security numbers if filing this form with the County Recorder or Registrar of Titles.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Personal Representative

Attorney for Personal Representative:  
Name: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Attorney License No.: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_



STATE OF MINNESOTA

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

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

Estate of

NOTICE TO SPOUSE AND CHILDREN  
AND AFFIDAVIT OF MAILING

\_\_\_\_\_,  
Decedent

**TO: Surviving spouse and children of the Decedent.**

This Notice is to advise you of your rights regarding the Estate of \_\_\_\_\_. Under Minnesota law you, as surviving spouse or children of the Decedent, may have some or all of the rights summarized below.

**Surviving Spouse:**

1. The right to elect a percentage of the "augmented estate" which is provided under Minnesota Statutes 524.2-201 through 524.2-214. This right to elect is personal to the surviving spouse and must be made within 9 months after the date of the Decedent's death; except that for property subject to probate the election may be made within 6 months after the probate of the Decedent's Will; even if the 9 month period has already expired.
2. If the Decedent's Will was made prior to your marriage to the Decedent, the right to choose the intestate share of the Estate under Minnesota Statutes 524.2-301. This right has some limitations and exceptions.
3. The right, under Minnesota Statutes 524.2-402 to the entire homestead if the Decedent did not leave any surviving descendants or the right to a life estate if the Decedent left surviving descendants.
4. The right to allowances under Minnesota Statutes 524.2-403, which permits the surviving spouse the right to select:
  - a. Household furniture, furnishings, appliances, and personal effects not exceeding \$10,000, net of security interests, but subject to an award of sentimental value property under Minnesota Statutes 525.152; provided, however, if the encumbered property and the value in excess of security interests, plus that of other exempt property, is less than \$10,000, or if there is not \$10,000 worth of exempt property in the Estate, the surviving spouse is entitled to other personal property of the Estate, if any, to the extent necessary to make up the \$10,000 value; and
  - b. One automobile, if any, without regard to value.
5. The right to a family allowance from the Estate under Minnesota Statutes 524.2-404 of up to \$1,500 per month (or more if authorized by the court) for one year if the estate is insolvent or for 18 months if the Estate is solvent.

**Minor Children of Decedent:**

- 6. If the Decedent had an obligation to support you, the right to a family allowance from the Estate under Minnesota Statutes 524.2-404 of up to \$1,500 per month (or more if authorized by the court) for one year if the Estate is insolvent or for 18 months if the Estate is solvent.

**Adult Children of Decedent:**

- 7. If you were being supported by Decedent, the right to family allowance from the Estate under Minnesota Statutes 524.2-404 of up to \$1,500 (or more if authorized by the court) per month for one year if the Estate is insolvent or for 18 months if the Estate is solvent.

**Minor and Adult Children of Decedent:**

- 8. If there is no surviving spouse, the right to allowances under Minnesota Statutes 524.2-403:
  - a. Household furniture, furnishings, appliances, and personal effects not exceeding \$10,000, net of security interests, but subject to an award of sentimental value property under Minnesota Statutes 525.152; provided, however, if the encumbered property and the value in excess of security interests, plus that of other exempt property, is less than \$10,000, or if there is not \$10,000 worth of exempt property in the Estate, the children are entitled to other personal property of the Estate, if any, to the extent necessary to make up the \$10,000 value; and

- b. One automobile, if any, without regard to value,

however, for Adult Children of the Decedent these allowances shall NOT have precedence over a claim under Minn. Stat. § § 246.53, 256B.15, 256D.16, 261.04 or 524.3-805, paragraph (a), clause (1), (2), or (3), nor shall a child have this allowance if the child has been intentionally omitted from Decedent’s Will.

If you have any questions regarding interpretation of these statutes or the effect of these or other rights, please consult with an attorney of your own choice or the attorney for the Personal Representative. Copies of the statutes can be obtained at the local county law library or from the Personal Representative.

Dated: \_\_\_\_\_  
Personal Representative

Attorney for Personal Representative:  
Name: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Attorney License No.: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

STATE OF MINNESOTA

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

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

Estate of

\_\_\_\_\_,  
Decedent

**AFFIDAVIT OF MAILING**

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

} ss

I, \_\_\_\_\_, being first duly sworn on oath state that on \_\_\_\_\_ (date), at \_\_\_\_\_ (city/state where mailing), I mailed a copy of the attached **Notice to Spouse and Children** to each person or entity named below by mailing a copy in a sealed envelope, postage prepaid, with the U.S. Postal Service as follows:

Name/Mailing Address

\_\_\_\_\_  
Affiant Date  
Signed and sworn to (or affirmed) before me on  
(date) \_\_\_\_\_ by  
(name of affiant) \_\_\_\_\_

NOTORIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL