

# Informal Probate (With No 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 did not have 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 NO WILL)**

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

1. Determine if the person who died has been dead for less than three years.
2. Determine if a probate or administration proceeding was previously started in Minnesota.
3. Decide if you are an appropriate person to sign and submit the Application. To do this, read the Application and other forms in this packet, it will help you know what the law requires.
4. Complete the Application. It is very important that the Application be completed thoroughly and accurately. You must accurately list all of the heirs of the person who died. (NOTE: You may also need to obtain signed nominations for appointment of a personal representative from heirs who have an equal or greater priority to serve as personal representative.)
5. Complete the following documents. (NOTE: Leave the dates and time of the hearing and signatures blank. These will be filled in by the Court Administrator when you file the papers with the Probate Court.):
  - Order of Informal Appointment of Personal Representative (Intestate)
  - Notice of Informal Appointment of Personal Representative and Notice to Creditors (Intestate)
  - Acceptance of Appointment and Oath by Individual (a court deputy can notarize your signature when you come to court)
  - Letters of General Administration
6. Make a copy of the completed forms for your own records.
7. Call the Registrar at **(651) 266-8148** to arrange an appointment.

### **What to do when you come to court:**

1. Bring the original of the following documents to the Probate Court for filing:
  - Application for Informal Appointment of Personal Representative (Intestate)
  - Nominations signed by the heirs (if needed)
  - Order of Informal Appointment of Personal Representative (Intestate)
  - Notice of Informal Appointment of Personal Representative and Notice to Creditors (Intestate)
  - Acceptance of Appointment and Oath by Individual
  - Letters of General Administration

2. The filing fee must be paid at the time of filing. A personal check or credit card will be accepted with proper identification.

3. If all is in order, the Registrar will approve the Application and give (or send) you a copy of the completed Notice of Informal Appointment of Personal Representative and Notice to Creditors (Intestate).

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

1. After the Registrar completes and signs the Notice of Informal Appointment of Personal Representative and Notice to Creditors, you must make copies of it and mail a copy to each of the heirs you listed on your Application.

2. These copies must be mailed to the heirs before the Registrar can issue the Letters of General Administration.

3. Complete the Affidavit of Mailing in this packet and file it with the Probate Court. (Remember to have your signature notarized.)

**Arrange for Publication:**

1. Determine if you or the Court Administrator will make arrangements for publication of the Notice of Informal Appointment of Personal Representative and Notice to Creditors.

2. Publication must be made once a week for two consecutive weeks in a legal newspaper in the county. Proof of Publication or an Affidavit of Publication must be filed with the Court Administrator before the Registrar can issue the Letters of General Administration.

3. You are responsible for paying the newspaper for publication costs.

**What Happens Next:**

1. The Registrar will sign the Letters of General Administration after the Acceptance of Appointment and Oath by Individual, Affidavit of Mailing, and Proof of Publication (or Affidavit of Publication) are filed with the Court Administrator.

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

3. 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 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 application 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 application 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

APPLICATION FOR INFORMAL  
APPOINTMENT OF PERSONAL  
REPRESENTATIVE (INTESTATE)

\_\_\_\_\_

**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. Decedent's Social Security number is \_\_\_\_\_.
7. 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 Applicant are:

Name and Mailing Address	Relationship and Interest (list all)	Birthdate of Minors
_____		

(attach separate schedule, if necessary)

8. Negative Allegation Statement (see Minn. Gen. R. Prac. 408(a)):

9. All persons identified as heirs have survived the Decedent by at least 120 hours.

10. (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.

11. 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.

12. 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** \$ \_\_\_\_\_

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

14.  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 a demand for notice.

15. The time limit for informal appointment proceedings as provided by Minnesota law has not expired because three years or less have passed since the Decedent's death.

16. Having conducted a reasonably diligent search, I am unaware of any testamentary instrument under Minnesota law and believe that the Decedent died leaving no will.

17. \_\_\_\_\_ is entitled to priority and appointment as personal representative because:

and is willing to serve and is not disqualified. There are no persons having a prior or equal right to the appointment under Minnesota law except:

\_\_\_\_\_

\_\_\_\_\_

who have either renounced their right for appointment or have joined in nominating:

\_\_\_\_\_.

18. 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.

WHEREFORE, I request the Registrar informally:

1. Enter an order appointing \_\_\_\_\_ as the personal representative of the Estate, with \_\_\_\_\_ bond, in an unsupervised administration;
2. Issue letters testamentary to \_\_\_\_\_; and
3. 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.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

Attorney for Applicant:

Name:

Firm:

Street:

City, State, ZIP:

Attorney License No.:

Telephone:           FAX:

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

\_\_\_\_\_ ,

**Decedent**

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

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

1. My address is:
  
2. I have priority for appointment as the personal representative of this Estate and/or a right to nominate the personal representative of this Estate because:
  
3. I nominate: (name, address)

("Nominee"), as personal representative of the Estate of the Decedent.

4. 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.

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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Attorney for _____ Name: Firm: Street: City, State, ZIP: Attorney License No.: Telephone:           FAX:
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STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

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

**Decedent**

**ORDER OF  
INFORMAL APPOINTMENT OF  
PERSONAL REPRESENTATIVE  
(INTESTATE)**

The Application for the 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. The Application indicates that the applicant has conducted a reasonably diligent search, and is unaware of any unrevoked testamentary instrument. The requested appointment does not relate to any will.
6. Any notice required by Minnesota law has been given.
7. 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.
8. 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.
9. The Application indicates that there is no personal representative appointed in this or another county of Minnesota whose appointment has not been terminated.

10. From the Application it appears that under Minnesota law the heirs and their interests are as follows:

11. All persons indentified as heirs under Minnesota law have survived the Decedent by at least 120 hours

12. (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:

IT IS ORDERED:

1. The Application is granted.

2. \_\_\_\_\_ is informally appointed as the personal representative of the Decedent's Estate, with \_\_\_\_\_ bond.

3. Upon filing any required bond and statement of acceptance and oath, letters of general administration will be issued.

\_\_\_\_\_  
Registrar

\_\_\_\_\_  
Date

NOTE: If Decedent was a non-resident, check Minn. Stat. 524.3-307 for application of 30 day rule.

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

**NOTICE OF INFORMAL APPOINTMENT OF  
PERSONAL REPRESENTATIVE AND  
NOTICE TO CREDITORS (INTESTATE)**

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

Notice is given that an application for informal appointment of personal representative has been filed with the registrar. No will has been presented for probate. 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

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

Attorney for Personal Representative  
Name:  
Firm:  
Street:  
City, State, ZIP:  
Attorney License No.:  
Telephone:                      FAX:

NOTE: If notice to creditors has been previously given, delete the notice to creditors.  
NOTE TO PUBLISHER: Do not publish the text of Notes.



STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

ACCEPTANCE OF APPOINTMENT  
AS PERSONAL REPRESENTATIVE  
AND OATH BY INDIVIDUAL

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

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.:  
Telephone: FAX:

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT  
PROBATE DIVISION  
SECOND JUDICIAL DISTRICT

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

Estate of

\_\_\_\_\_ ,

**Decedent**

**LETTERS  
TESTAMENTARY**  
 **OF GENERAL ADMINISTRATION**

1. The Decedent died on \_\_\_\_\_.

2. \_\_\_\_\_ has been appointed  
Personal Representative of Decedent's Estate in

- an unsupervised
- a supervised 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)

\_\_\_\_\_  
Judge/Registrar Date



