

GLOSSARY OF PROBATE TERMS

Affidavit of Collection	Document used to collect small sized estates with no involvement of the courts.
Ancillary Proceeding	Probate proceedings that takes place in a state or county where the decedent owned property, not where the decedent resided.
Claim	A liability of the decedent before death and/or a liability of the estate after the decedent's death (e.g., funeral costs, costs of administration).
Codicil	A legal instrument that modifies a Will.
Creditor	A person or party to whom a debt is owed.
Decedent	A person who has died.
Descendant	All of the decedent's descendants of all generations.
Demand	A document filed by a claimant, or someone with an interest, demanding notice of the filing of an estate; may be submitted before or after an estate case has been filed.
Determination/Decree of Descent	When a decedent has been dead for more than three years and no prior proceedings exist, statutes require the estate to be processed through Determination of Descent proceedings.
Devise	Disposition of property by Will.
Devisee	Person or organization designated by Will to receive property.
Distributee	Person, other than a creditor or a purchaser, who receives property of a decedent from the personal representative.
Elective Share	The amount a spouse is entitled to regardless of what a Will says.
Estate	The total of assets and liabilities of a decedent.
Family Allowance	An amount exempt from creditors and devises that is paid to spouse and children.
Fiduciary	Includes personal representative, guardian, conservator and trustee.
Foreign Personal Representative	A personal representative of another jurisdiction.

Formal Proceedings	Proceedings conducted before a referee or judge.
Heirs	Persons entitled to the property of the decedent under law absent a Will.
Informal Proceedings	Unsupervised proceedings conducted before the probate registrar.
Interested Person	A person whose rights or property interests may be affected in probate proceedings; including heirs, devisees, children, spouse, creditors, and any others having a property right or claim to the decedent's estate.
Intestate/Testate	An estate where a decedent left no Will is intestate; an estate with a Will is testate.
Issue	A person's children or other lineal descendants such as grandchildren and great-grandchildren.
Letters of General Administration	Document issued by the probate registrar or judicial officer giving a person the authority to administer the estate of a decedent who made no Will.
Letters Testamentary	Document issued by the probate registrar or judicial officer giving a person the authority to administer the estate of a decedent who made a Will.
Non-Probate Assets	Assets owned by the decedent not requiring probate to affect a transfer of ownership (i.e., assets held in a trust, assets naming a beneficiary, and/or assets held as joint tenants).
Non-Resident Decedent	A decedent who was domiciled in another jurisdiction at the time of death.
Personal Property	Physical possessions of the decedent; not money or real estate. A certain amount of personal property and money is exempt from creditors.
Personal Representative	A party (individual, organization, or other legal entity), appointed by a judicial officer or probate registrar to administer an estate.
Per Stirpes or by Representation	Share is split evenly among the descendants of the same generation. If a member of a generation predeceases, that share is split among the deceased's descendants of the next generation.
Petition	A written request to the court for an order after notice.

Probate	The legal process of settling an estate after a person dies. It often includes processes to: (1) prove the validity of a decedent's Will, (2) determine heirs, and (3) appoint a personal representative.
Probate Assets	Assets owned solely by the decedent in the decedent's individual name.
Probate Document	Minnesota courts maintain certain estate-related documents as a probate document for safekeeping when a person is still living and when no petition or application has been filed after a person is deceased. The probate documents are indexed in a manner that permits court administration to ensure that the document is made part of an estate file when and if it is initiated.
Property	Includes both real and personal property or any interest therein and means anything that may be the subject of ownership.
Pro Se	Acting without legal counsel.
Registrar	The official of the court who administers informal probate proceedings.
Separate Writing	Documents or lists, as referenced in a Will, that dispose of tangible personal property.
Special Administration	Legal appointment of an administrator to take care of a particular need for the estate but short of the powers of a Personal Representative and no ability to make distributions to beneficiaries.
Successor Personal Representative	A person who is appointed to succeed a previously appointed personal representative.
Summary Administration	If the gross probate assets of an estate do not exceed the amount and conditions set in Minn. Stat. § 524.3-1203, the estate may qualify for a Summary Administration.
Will	A written, legally executed declaration of how a person wishes his or her possessions to be disposed of after death.