

Probate In Common Form

Inside this issue:

Article	Page
Procedural Changes	1-2
Publication	2
Hot tip	3



Descents, Summaries, Specials

Court Review

Beginning January 2, 2009 the Court will undertake a change in its review of incoming probate petitions to streamline its processes and to place the responsibility for the contents of the petition with the petitioner and their attorney. The following case types will be affected:

- **Decrees of Descent**
- **Summary Administrations**

Currently, court staff review the petitions for filing when they are presented either at the counter or through the mail. If court staff find serious defects in the petition(s), they contact the attorney for the necessary corrections prior to acceptance of the petition. One week before the hearing a second review is undertaken in preparation for the hearing noting any problems or deficiencies in the filings for the hearing officer. Court staff

work to ensure that the proposed orders are in the proper format for signing the day of the hearing if all questions and concerns have been dealt with to the satisfaction of the Court.

As you can see, this is a time consuming process on the part of the Court staff. Working under the current budget constraints and continuing to focus on our essential core functions, we have concluded that the following new process will take place the beginning of 2009.

The initial review by the Court staff for the above mentioned petitions will be for the following:

The initial review by the Court staff for the above mentioned petitions will be for the following:

- **Date of death of the decedent to ensure use of appropriate petition**
- **Verification of case caption for Jurisdiction**
- **Original signature of petitioner**

Descents, Summaries, Specials

The second more comprehensive audit report for the Court will focus on:

- Ensuring that notice requirements have been met
- Proposed order (s) are complete and correct for signing

The second significant impact of this procedural change has to do with going **PAPERLESS**.

The aforementioned cases types, Decrees of Descent, Summary Administrations and Special Administrations will become paperless on January 2, 2009.

The Court staff will scan the documents into the computer system at the time of filing and NO separate file folder will be created.

How does this impact you?

As with the informal probate process, you will not be able to go to the counter in the file room and ask to see the file. The review of the file will be on the computer terminal in the file room.

Personal note: Having worked on descent and summary petitions for many years, I know that many of you have come to rely on the Court to catch errors and omissions in your petitions. In light of these new procedures, it is going to be absolutely essential that the petitioner and their attorney proof read the petition **before** filing.

As always if you have questions on either of these formal procedures do not hesitate to call me or send an e-mail and I will try to assist you in any way that I can prior to the filing.

PUBLICATION

Notice Preparation for Decrees of Descent, Summary Administrations, Special Administrations

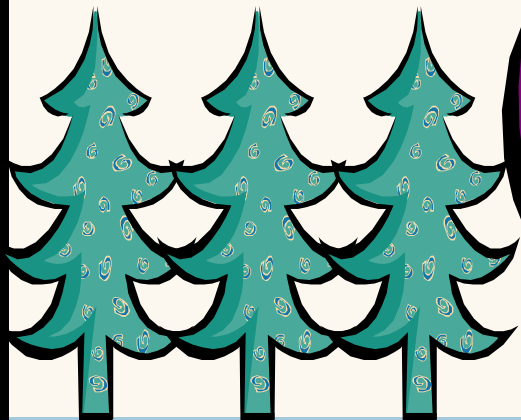
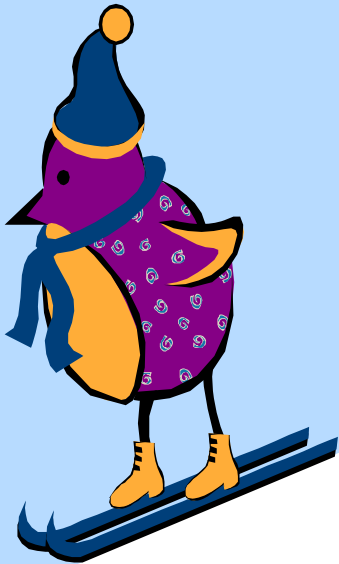
Preparation of the Notice and Order for Hearing and the publication of the notice pursuant to the statute will be the responsibility of the petitioner and/or their attorney.

After the filing of the petition, a Court staff person will contact your office to set up the date and time of the hearing. Upon receiving this information the following steps should be taken:

- Complete the notice and order for hearing
- Contact the publisher of your choice for publication of the notice
- E-mail, fax or mail a copy of the notice and order for hearing to the Court
 - E-mail the notice to the person who set the hearing for you.
- Send a copy of the notice and order for hearing to all the interested parties
- File an Affidavit of Mailing the notice and order for hearing with the Court

DO NOT SEND THE NOTICE AND ORDER FOR HEARING TO THE COURT FOR THESE THREE CASE TYPES.

Happy Holidays?



HENNEPIN COUNTY DISTRICT COURT
FOURTH JUDICIAL DISTRICT



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Fax: 612-348-2130

<http://www.courts.state.mn.us/districts/fourth/>

TO:



Reminder: File a Medical Assistance Clearance for all Decrees of Descent.

Special Administrations are primarily ex parte matters. The aforementioned procedures for publication will apply in the event a hearing is required on a special administration petition.

These new procedures are the beginning of our move to "Paperless" for all case types heard by the Court. In the not too distant future the hearing officers will have computer monitors on the bench and will be viewing the court file via this means.