



Probate In Common Form

SPECIAL EDITION

Breaking News . . . Formal Unsupervised Administrations



Decree or No Decree?

Our statistics show that most probates in Hennepin County are filed informally. The applicant/PR does not see the need for any court orders or court supervision. There are occasions when the Registrar will deny an informal application or an attorney/PR will want to commence a probate formally asking for an unsupervised administration. A good example of this is the case of a lost will. Once the issue of the lost will is taken care of at the initial hearing there is no need for ongoing court supervision.

A formal unsupervised administration is most often closed by filing an **Informal Personal Representative's Statement to Close Estate**. (No accounting, no decree, no formal discharge)

It appears that we are receiving a number of petitions for formal settlement of estates and issuance of decrees of distribution in cases where there is no need for a decree. Petitioners feel that because the word "formal" is part of the title of the es-

tate administration that they have to obtain a decree from the court.

That is incorrect.

When might you want to obtain a decree in a formal unsupervised administration?

- If you have real property on hand for distribution in a county that requires a court order to transfer title to real property; (That is not the case in Hennepin County.)
- In order to obtain a formal discharge of the personal representative to discharge a bond;
- Estate turns out to be insolvent

You would not obtain a decree if:

- Assets have already been distributed
- Only cash on hand

HENNEPIN COUNTY DISTRICT COURT
FOURTH JUDICIAL DISTRICT



Hennepin County Government Center

300 South 6th Street, C300

Phone: 612-348-3244

Fax: 612-348-2130

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

TO:



OUR NEW HOME

REMINDER— We have moved in to our new home. We look forward to serving you in our temporary location and showing off the new courtrooms and office space.

Address changes should be made to mail and notices and orders for hearing: C-300.

As you get off the elevators and face the atrium the file room is located to your right and the public counter to your left.

The public window is divided: on the left facing the counter the Probate section and to your right the Mental Health section