

# INSTRUCTIONS

## Starting a Case: Informal Probate with a Will

Forms you may need to start your Informal Probate case:

- *Application for Informal Probate of Will and for Informal Appointment of Personal Representative* (PRO802);
- *Acceptance of Appointment as Personal Representative and Oath by Individual* (PRO902);
- *Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond* (PRO901).

### Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit <http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx>

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

## General Information About Informal Probate

Visit the [Probate, Wills, and Estates Help Topic \(http://mncourts.gov/Help-Topics/Probate-Wills-and-Estates.aspx\)](http://mncourts.gov/Help-Topics/Probate-Wills-and-Estates.aspx) for more detailed information about probate, the difference between informal and formal probate, and read some Frequently Asked Questions (FAQs) about the process.

If you are not sure what type of probate you need to file, or if you need to file at all, you should talk with an attorney. The information in these Instructions is not meant to be legal advice, but is a general guide to explain the legal process and steps for filing an Application for Informal Probate.

If you do not understand any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

### Do I need to go through probate?

Generally, filing a probate case with the court is **not necessary** if the person who died:

- Did not own any real estate in their name alone, and
- Owned personal property in their name alone with a total value less than \$75,000.

If you do not need to go through probate, you may be able to collect personal property (such as money in a bank account) or transfer title to motor vehicles owned by the person who died using an *Affidavit for Collection of Personal Property*. Visit <http://www.mncourts.gov/GetForms.aspx?c=31&p=88> for more information about this process.

### Definitions you may find helpful as you complete the forms:

- **Codicil** – A legal document that is used to make changes to an existing Will. Generally, codicils add to or supplement a Will rather than replace a Will.
- **Creditor** – Any person or business that has a financial claim against (is owed money by) the estate.
- **Decedent** – The person who has died.
- **Demandant** – A person who demands that they receive notice in a probate proceeding by filing a document called a "Demand for Notice" with the court.
- **Descendant or Issue** – A blood or legally adopted relative directly descended from a person, including children, grandchildren, great-grandchildren, etc.
- **Devisee** – Any person designated (named) in a Will to receive real estate or personal property.
- **Heir** – A person who is entitled to the property of a person who died intestate.
- **Interested Person** – A term that includes:
  - heirs of the decedent;
  - devisees of the decedent;
  - children of the decedent;

- spouse of the decedent;
  - creditors of the decedent;
  - demandants of the decedent;
  - beneficiaries;
  - anyone with priority for appointment as a personal representative;
  - anyone else having a property right in or claim against the decedent's estate that may be affected by a probate proceeding, or the fiduciary representing someone who does, such as a guardian, conservator, or trustee; and
  - other individuals as determined by the court.
- **Intestate** – When a person has not made a valid Will before dying, they are said to have “died intestate.”
  - **Personal Representative** – Formerly known in MN as the “executor,” a person who is appointed by the court in a probate case to administer the estate of a person who has died.
  - **Separate writing gifting personal property** – A document that lists what the testator wants to have happen to specific items of tangible personal property (other than cash, coin collections, or property used in a trade/business) that are not specifically addressed in the Will.
  - **Testate** – When a person has made a valid Will before dying, they are said to have “died testate.”
  - **Will** – A legal document describing how a person wants their property distributed after they have died.

**Information needed to complete the Application:**

- The birth date and location of the person who died, as well as the death date and location.
- The permanent residence address of the person who died at the time of their death.
- The names and addresses of any spouse, children, heirs, and devisees of the person who died, as well as the names and addresses of any other interested parties.
- An estimate of the value of any assets and debts of the person who died.
- The original versions of the Will, codicil(s), and any separate writing(s) left by the person who died.
- The county and judicial district number where case will be filed.

**Step 1**

**Fill out *Application for Informal Probate of Will and for Informal Appointment of Personal Representative (PRO802)***

**Section 1A: The Caption**

The top part of the first page is where you will find the case caption. It looks like this:

<p><b>State of Minnesota</b></p> <p>County of: <span style="border: 1px solid black; padding: 2px 20px; display: inline-block;">1</span></p>	<p style="text-align: right;"><b>District Court</b></p> <p>Judicial District: <span style="border: 1px solid black; padding: 2px 20px; display: inline-block;">2</span></p> <p>Court File Number: _____</p> <p>Case Type: Probate</p>
<p>Estate of: <span style="border: 1px solid black; padding: 2px 20px; display: inline-block;">3</span></p> <p>_____ Decedent (Deceased person)</p>	<p><b>APPLICATION FOR INFORMAL PROBATE OF WILL AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE</b></p>

1A

1. List the county where you will be filing your Informal Probate case. Probate cases are typically filed in the county where the Decedent was living when they died, or if they were not a MN resident, in the MN county where they owned property. If you are not sure where you should file, please talk to an attorney. Court staff cannot tell you where to file your case.
2. List the Judicial District. Each county belongs in one of ten judicial districts. If you do not know the Judicial District, you can find a map with all of the Judicial Districts at <http://www.mncourts.gov/Find-Courts.aspx>.
3. Write in the full legal name of the person who died (first, middle, and last). Include all names the person may have been known by, especially if those names are listed on the Will, death certificate, or assets.

**Section 1B: Information about the Applicant**

4. Write your name as the person applying for Informal Probate. Check all boxes that apply to describe your relationship to the person who died.

<p><b>4</b></p>	<p><b>Information about the Applicant:</b></p> <p>1. My name is _____</p> <p>My legal interest to the Decedent is: (Check all that apply)</p> <p><input type="checkbox"/> Nominated Personal Representative</p> <p><input type="checkbox"/> Spouse</p> <p><input type="checkbox"/> Child</p> <p><input type="checkbox"/> Other family member: _____</p> <p><input type="checkbox"/> Devisee (beneficiary of the Will)</p> <p><input type="checkbox"/> Heir</p> <p><input type="checkbox"/> Creditor</p> <p><input type="checkbox"/> Other: _____</p>
-----------------	--

1B

**Section 1C: Information about the Decedent**

**Information about the Decedent:**

2. Decedent was born on 5 in the city of \_\_\_\_\_, and state of \_\_\_\_\_.

3. Decedent died on 6 in the city of \_\_\_\_\_ and state of \_\_\_\_\_.

4. At least 120 hours, but not more than 3 years (except as allowed by Minn. Stat. § 524.3-108) have passed, since Decedent's death.

5. Domicile (address of legal residence) of Decedent at the time of death:  
 Street Address: 7  
 City, State, and Zip Code: \_\_\_\_\_  
 County: \_\_\_\_\_

6. Did Decedent live in MN at the time of death?  Yes  No  
 If No, did Decedent own property in MN at the time of death?  Yes  8  
 If Yes, what county? \_\_\_\_\_

5. Fill in the date and location of the birth of the person who died.
6. Fill in the date and location of the death of the person who died.
7. Fill in the street address, city, state, zip code, and county of the legal residence of the person who died at the time of their death. If you are not sure what would be considered the legal residence, you should speak with an attorney.
8. Check either "yes" or "no" to answer whether the person lived in MN when they died. If they did not live in MN, you should also check "yes" or "no" to answer whether the person owned property in MN when they died. If they did, list the county where the property was located.

9

7. Decedent's assets and indebtedness, to the best of my knowledge, at the time of death are as follows:

9. Estimate the value of any assets the person who died had at the time of their death and write the amounts next to each type. Then, estimate the total amount of debt the person who died had at the time of their death. If you do not know the answers to these questions because you do not have access to the records of the person who died yet, list the assets and debts to the best of your knowledge.

If you think the estate may owe more debt than the assets are worth, you may want to look into this issue before continuing. If the estate owes more than it has, Formal probate may be required. For more information, visit the Probate, Wills & Estates Help Topic (<http://mncourts.gov/Help-Topics/Probate-Wills-and-Estates.aspx>) or speak with an attorney (<http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx>).

If there is no real property, then the value of the personal property in the estate should be over \$75,000 for Informal Probate. If the value of these assets is less than \$75,000 and there is no real property, you will not need to go through probate. Visit the Probate, Wills & Estates Help Topic for more information.

**Section 1D: Information about the Will and the Personal Representative**



8. The Decedent left:  
 (check all that apply; **10** where each checked document can be found **11**)

Document:	Located:
<input type="checkbox"/> A Will dated _____	<input type="checkbox"/> Filed with this Application <input type="checkbox"/> In possession of the Court <input type="checkbox"/> Probated elsewhere*
<input type="checkbox"/> Codicil(s) (amendments) dated _____	<input type="checkbox"/> Filed with this Application <input type="checkbox"/> In possession of the Court <input type="checkbox"/> Probated elsewhere*
<input type="checkbox"/> Separate writing(s) gifting personal property under Minn. Stat. § 524.2 -513 dated _____	<input type="checkbox"/> Filed with this Application <input type="checkbox"/> In possession of the Court <input type="checkbox"/> Probated elsewhere*
<input type="checkbox"/> A separate writing referred to in the Will, but not found or attached to the Will	

*\*If probated somewhere else, then I have included an authenticated copy of the Will and statement or order probating the Will with this Application.*

10. Fill in the dates for any documents the Decedent (person who died) had, checking all of the boxes that may apply.

- A Will is a document describing what a person wants to happen to their property after they have died.
- A codicil is a document that is used to make changes to an existing Will. Rather than replacing a Will with a whole new document, a codicil is an additional document used to explain or change an existing Will.
- A separate writing gifting personal property is a document that lists what the testator wants to have happen to specific items of tangible personal property (other than cash, coin collections, or property used in a trade/business) that are not specifically addressed in the Will.

**Submit any and all of the originals of these documents that you may have. If you only have copies and not the original documents, you will need to go through the Formal Probate process.**

11. Check the boxes that describe where the Will, codicil (if any), and separate writing (if any) can be found, checking all that may apply.

**12** 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:  
 \_\_\_\_\_ (interest to Decedent), and is willing to serve and is not disqualified.

12. Fill in the name of the person who was nominated by the Will to serve as personal representative of the estate. Then, check one of the boxes describing whether the nominated personal representative is willing and able to serve in this role.

If the person who was nominated is not willing or can't serve, fill in the name of a person who has priority, is willing to serve as the personal representative, and is not disqualified.

- Minnesota law contains a list stating who can serve as the personal representative of an estate, in order of priority (see Minn. Stat. § 524.3-203). Persons who are not disqualified to serve as a personal representative have priority in the following order:
  1. The person named in a Will as the one that should serve as the personal representative.
  2. The surviving spouse, if they are entitled to receive property according to the Will.
  3. Other people who are entitled to receive property under the Will.
  4. The surviving spouse, if they are not entitled to receive property according to the Will or there is not a Will.
  5. Other heirs, if there is not a Will.
  6. Any creditor, as long as 45 days has passed since the time of death.
  7. A conservator that has not been discharged, as long as 90 days have passed since the time of death and no probate case has already been opened with the court.

If you are not sure who should be listed as a personal representative or whether they are disqualified, you should talk with an attorney.

- People named in numbers 2-5 in the list above may have the right to nominate someone else to serve in their place or may waive their right to nominate someone to serve in their place. To do this, use the *Renunciation of Priority for Appointment, Nomination of Personal Representative, and Bond* (PRO901) form discussed in more detail later in these instructions.

13. Check a box to say whether the Will states that there should be no bond, the minimum bond, or a specific amount of bond (if this is the case, write in the amount). If the Will did not say anything about a bond, check "unspecified."

<p><b>13</b> The Will states:</p> <p><input type="checkbox"/> No bond    <input type="checkbox"/> Minimum bond    <input type="checkbox"/> \$ _____ bond    <input type="checkbox"/> Unspecified</p>
--

**14** 14. The Will also states:

Informal / unsupervised administration

Supervised administration (if so, STOP; you will need to file for *formal* probate instead)

Administration not specified

**15** 15. Check one:

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 or entities who have filed a demand for notice.

14. Check a box to say whether the Will states that the estate should go through informal/unsupervised administration (Informal Probate), supervised administration (Formal Probate), or administration was not specified (the Will did not specifically say what kind of probate process should be used).

If the Will states that the estate should go through supervised administration, this packet of forms for Informal Probate is the wrong paperwork and you should file a formal probate case instead.

15. Check a box to say whether you have received any demands for notice, and if you have, whether you have given proper notice to anyone who has filed a demand for notice.
- o A demand for notice is a document typically filed by a creditor (any person or business that is owed money or property by the estate) asking that they be given notice when a probate case is opened, when documents are filed into the case, and when orders are issued.
  - o Check with the court to see whether any demands for notice have been filed. If any demands for notice have been filed, you must serve a *Notice of Intent to File* (PRO907) at least 14 days *before* filing the Application with the court, and the demandants who submitted the forms must be listed as interested parties later in the application. If you have questions, check with the Probate Registrar.

**Section 1E: Information about Decedent’s family and/or interested persons:**

1E

**Information about Decedent’s Family and/or Interested Persons (if any):**

**16** Check all that apply:

Decedent left no surviving spouse.

Decedent left no surviving issue (generally, children by blood or adoption; for other examples, see Instructions or get legal advice).

All issue of Decedent are issue of Decedent’s surviving spouse.

There are issue of Decedent that are not issue of the surviving spouse.

There are issue of the surviving spouse who are not issue of the Decedent.

Carefully read through the Instructions for definitions and examples of who needs to be included as an interested party below. Not including all interested persons may delay the probate.



16. Check all of the boxes that apply to describe the family situation of the person who died.

- Decedent left no surviving spouse: Check this box if the person who died was never married, was married but their spouse died first, or was divorced and was not remarried at the time they died.
- Decedent left no surviving issue: Check this box if the person who died did not have any living issue at the time they died. "Issue" means direct lineal descendants, such as children, grandchildren, great-grandchildren, etc., whether by blood or by adoption.
- All issue of Decedent are issue of Decedent's surviving spouse: Check this box if the person who died never had children (by blood or adoption) with someone other than the spouse they were married to at the time they died, so that all children, grandchildren, great-grandchildren, etc. of the person who died are also related to the surviving spouse.
- There are issue of Decedent that are not issue of the surviving spouse: Check this box if the person who died had children (by blood or adoption) with someone other than the spouse they were married to at the time they died, so that some of the children, grandchildren, great-grandchildren, etc. of the person who died are not related to the surviving spouse.
- There are issue of the surviving spouse who are not issue of the Decedent: Check this box if the surviving spouse of the person who died ever had children (by blood or adoption) with someone other than the person who died, so that some of the children, grandchildren, great-grandchildren, etc. of the surviving spouse are not related to the person who died.

17. For this question, you will need to gather information about all of the interested parties for the probate case. For each interested party, you will need the party's:

- Full name
- Mailing address
- Relationship to the person who died
- Legal interest in the probate case
- Birth date (if the party is a minor) or date of death (if the party is deceased)

**17** The names and addresses of Decedent's spouse, children, heirs, devisees, and other persons interested in this proceeding so far as known or found with reasonable diligence by the Applicant are:

Name and Mailing Address (one name per box)	Familial Relationship	Legal Interest (check all that apply)	Birth Date of Minor; Date of Death of deceased Heir or Devisee
	<input type="checkbox"/> Spouse <input type="checkbox"/> Child (minor or adult) <input type="checkbox"/> Other family member: (relation)	<input type="checkbox"/> Devisee (beneficiary of the Will) <input type="checkbox"/> Heir (next of kin who would inherit without a Will) <input type="checkbox"/> Nominated Personal Representative <input type="checkbox"/> Creditor <input type="checkbox"/> Other:	

List the spouse of the decedent first, if there is one. Repeat this for each interested party until all are listed.

For the familial relationship and legal interest section, see pages 2 and 3 of these Instructions for definitions of devisee, heir, personal representative, and creditor. The “Other” section can be used to add relationships and interests that do not fit in the other boxes, including (but not limited to):

- Attorney General – If the person who died included any charities as devisees, the attorney general is considered an interested person that must be listed.
- Demandant – If any creditors have submitted a Demand for Notice, they are considered interested persons that must be listed.
- Fiduciary – If a person is a guardian, conservator, attorney-in-fact, trustee, or personal representative for one of the other interested persons, that fiduciary must be listed.
- Foreign Consulate – If the person who died or any of the heirs or devisees was born in a foreign country, the Consulate of that country is considered an interested person that must be listed.
- Parent of a minor interested person – If one of the interested persons is a minor, the parent of that person must be listed.

If you are not sure whether to list a person or entity as an interested person, or you are not sure whether you have included all of the interested persons, it is a good idea to get some legal advice.

18. Check a box to say whether all of the people you listed as heirs in Question #17 lived at least 120 hours longer than the date the Decedent died. If any of the heirs died during that time, list that person’s name.

**18** Have all interested persons listed as heirs lived longer than at least 120 hours after Decedent’s date of death?  Yes  No  
If No, list the name of the heir: \_\_\_\_\_

**19** Statement specifically eliminating all heirs or devisees other than listed [see Minn. Gen. R. Prac. 408(a)]:

**Start at (1) and check all boxes that apply moving down the list. Stop when directed.**

The Decedent left:

(1)  I have listed all Devisees in # 17.

(2)  If Decedent has a living spouse, I have listed the spouse in # 17.

(3)  If Decedent has children, I have listed them all at # 17 (this includes adopted children but not step-children).

(4)  If Decedent has deceased children, I have listed all of the deceased child’s children at # 17.

19. The answers you give to this question will create what is called a “negative allegation statement,” which specifically tells the court that there are no other heirs or devisees other than the ones listed in your application. Only check the boxes that apply to your situation.

- (1) – Check this box to say that you have listed all of the devisees of the person who died.
- (2) – Check this box to say that you have listed the spouse of the person who died, if they had a living spouse.
- (3) – Check this box to say that you have listed all of the children of the person who died, including all adopted children, but not step-children.
- (4) Check this box to say that if the person who died had any children that died before them, you have listed all of that deceased child’s children (grandchildren of the person who died that had the deceased child as a parent).

If you checked box (3) and/or box (4), you do not need to continue with the rest of this question. If you did not check either of those boxes, continue to box (5).

- (5) – Check this box to say that you have listed the parents of the person who died if the person who died had no descendants (blood relatives directly descended from them, including children, grandchildren, great-grandchildren, etc.)
  - (5)(a) – If the person who died had no living parents, check this box to say that you have listed all of the siblings of the person who died instead.
  - (5)(b) – This box is used if you checked (5)(a) to say that you listed all of the siblings of the person who died because they had no living parents, but one or more of these siblings has died. Check this box to say that you have listed all of the descendants of any deceased siblings (these would be nieces, nephews, grandnieces, grandnephews, etc. of the Decedent).

If you checked box (5), you do not need to continue with the rest of this question. If you did not check box (5), continue to box (6).

- (6) – Check this box to say that you have listed the grandparents [on both their mother’s side (maternal) and their father’s side (paternal)] of the person who died, if the person who died did not have any siblings.
- (7) – Maternal Grandparents
  - (7)(a) – If neither of the Decedent’s maternal grandparents are living, check this box to say that you have listed the siblings of the Decedent’s mother (these would be aunts and uncles of the person who died).
  - (7)(b) – If any of the aunts or uncles listed in box (7)(a) have died, check this box to say that you have listed all of their children (these would be 1<sup>st</sup> cousins of the Decedent).
  - (7)(c) – If none of the 1<sup>st</sup> cousins listed in (7)(b) are living, check this box to say that you have listed any living children of these 1<sup>st</sup> cousins.
- (8) – Paternal Grandparents
  - (8)(a) – If neither of the Decedent’s paternal grandparents are living, check this box to say that you have listed the siblings of the Decedent’s mother (these would be aunts and uncles of the person who died).

- (8)(b) – If any of the aunts or uncles listed in box (8)(a) have died, check this box to say that you have listed all of their children (these would be 1<sup>st</sup> cousins of the Decedent).
- (8)(c) – If none of the 1<sup>st</sup> cousins listed in (8)(b) are living, check this box to say that you have listed any living children of these 1<sup>st</sup> cousins.

If you checked any of the boxes for (6)-(8), you should make sure that all of the people you named are also listed as interested persons in question 17. You should also attach a family tree to your Application.

**Section 1F: Requests for the Registrar**

**1F**

**Based on the above, I ask the Registrar to:**

1. Enter a statement for informal probate of the Will;
2. Enter an order appointing \_\_\_\_\_ as Personal Representative of the Estate, with \$ **20** \_\_\_\_\_ bond, in an unsupervised administration;
3. Issue Letters Testamentary to **21** \_\_\_\_\_; and
4. Grant such other relief as may be proper.

20. Fill in the name of the person you are asking to have appointed as the personal representative, along with the bond amount (if any). If you are not sure whether to request a bond, you can talk about this issue with the Probate Registrar.

21. Fill in the name of the person you are asking to have appointed as the personal representative.

**Step 2**

**Sign the *Application for Informal Probate of Will and for Informal Appointment of Personal Representative* (PRO802)**

Sign the *Application for Informal Probate of Will and for Informal Appointment of Personal Representative* form. Fill in the rest of the information. When you sign the *Application*, you are signing under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something

I declare under penalty of perjury that everything I have stated in this document is true and correct.  
Minn. Stat. § 358.116.

Dated	Signature of Applicant
County and state where signed	Name: _____
	Address: _____
	City/State/Zip: _____
	Telephone: _____
	Email: _____

in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

If you do not have an attorney, check the box for “Self-Represented.” If you are an attorney representing the applicant, check the attorney box and include your attorney license number, firm name and address, etc.

**Step 3 (Optional)**  
**Fill out the *Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond* (PRO901)**

This form is only needed if the person who has priority to serve as the personal representative is not willing or is not able to do that job. If this fits your situation, the *Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond* form will be filled out and signed by the person who is giving up their priority to be the personal representative. They can nominate someone else to serve in that role, but they do not have to.

**Section 3A: The Caption**

<p><b>State of Minnesota</b> County _____</p> <p>In Re the Estate of _____</p> <p>Decedent (Deceased Person) _____</p>	<p style="text-align: right;"><b>District Co</b> <span style="border: 1px solid black; padding: 2px;"><b>3A</b></span></p> <p>Judicial District: _____ Court File Number: _____ Case Type: <u>Informal Probate</u></p> <p style="text-align: center;"><b>Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond</b></p>
--	--

1. Fill out the caption the same way as in *Step 1A*, above.

**Section 3B: Description of Priority**

<p><b>B</b></p> <p>I, _____, state: My address is _____</p> <p>Under Minn. Stat. § 524.3-203, I have the following:</p> <ul style="list-style-type: none"><li>• Priority for appointment as the personal representative of this Estate;</li><li>• A right to nominate the personal representative of this Estate; and/or</li><li>• A right to request bond;</li></ul> <p>because I am: _____</p>	<p><b>2</b></p>
--	-----------------

2. Fill in your name and address, then explain why you have priority under Minn. Stat. § 524.3-203 to serve as the personal representative and the right to nominate another personal representative. See Question #12 of Section 1D above for more information about who has priority under the law.

**Section 3C: Nomination**

**C**

- 3. If you would like to nominate someone else to serve as the personal representative, check the first box and fill out the person’s full name and address. If you do not want to nominate a personal representative, check the second box.

**NOMINATION**

I nominate the following "Nominee" as personal representative of the Estate of Decedent (person who has died):

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

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

OR

I am not nominating a personal representative of the Estate of Decedent.

**3**

**Section 3D: Renunciation**

**D**

**RENUNCIATION (GIVING UP PRIORITY)**

I do not want to serve as the personal representative even if I have priority to serve in this role.

**4** OR

I do not want to serve as the personal representative even if I have priority, as long as the person I have nominated to serve as the personal representative accepts this role. If the person I have nominated does not act or stops acting as the personal representative, then I reserve my priority, if any.

- 4. Check the first box if you would like to renounce (give up) your priority to serve as the personal representative. By checking this box, you would only be giving up your priority as long as the person you nominated qualifies to serve as the personal representative and continues to act in that role.

Check the second box if you would like to reserve your priority to serve as the personal representative.

**Section 3E: Bond**

- 5. A bond protects the beneficiaries of the estate against any wrongdoing by the personal representative (for example, poor management or stealing of funds). If you would like to request a bond, check the first box and fill out the amount of the bond you would like. Check the second box if you do not want a bond to be required.

**BOND**

A bond protects the beneficiaries of the estate against the Personal Representative’s wrongful acts. 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:

A bond be required in the amount of \$ \_\_\_\_\_; OR

No bond be required of the nominated or appointed Personal Representative of this Estate.

NOTE: the cost of the bond will be paid out of the assets of the Estate and could ultimately reduce your distribution.

**E**

**5**

**Section 3F: The Signature Block**

- 6. The *Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond* form will be signed by the person who filled it out. They should date and sign the form, then print their name, address, phone number, and email address.

**Step 4**

**Fill out the *Acceptance of Appointment as Personal Representative and Oath by Individual* (PRO902)**

<p><b>State of Minnesota</b></p> <p>County _____ <b>1</b></p> <p>In Re the Estate of _____</p> <p>Decedent (Deceased Person)</p> <p>I, _____ <b>2</b>, residing at _____, as a</p> <p>condition to receiving letters as Personal Representative in this Estate,</p> <p>(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.</p>	<p style="text-align: right;"><b>District Court</b> <b>4</b></p> <p>Judicial District: _____          Court File Number: _____          Case Type: Probate / Mental Health</p> <p style="text-align: center;"><b>Acceptance of Appointment as Personal Representative and Oath by Individual</b></p>
--	--

1. Fill out the caption like you did in *Step 1A*, above.
2. Fill in your name and address.
3. Date and sign the form, then fill in the rest of the information.

I declare under penalty of perjury that everything I have stated in this document is true and correct.  
Minn. Stat. § 358.116.

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

County and State with \_\_\_\_\_ Name: \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_

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

E-mail address: \_\_\_\_\_

**3**

**Step 5**

**Make a Copy of Completed Forms and Schedule an Appointment with the Probate Registrar**

Make a copy of the *Application for Informal Probate of Will and for Informal Appointment of Personal Representative* (PRO802), *Acceptance of Appointment and Oath by Individual* (PRO902), and *Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond* (PRO901) (if you completed this form) for your own records.

Contact your local court administration to make an appointment to meet with the Probate Registrar. Contact information for court administration is available at <http://www.mncourts.gov/Find-Courts.aspx>.

## Step 6

### Meet with the Probate Registrar

You must attend your scheduled meeting with the Probate Registrar and bring along the following documents:

- *Application for Informal Probate of Will and for Informal Appointment of Personal Representative;*
- *Nomination of Personal Representative and/or Renunciation of Priority for Appointment, and Bond;*
- *Acceptance of Appointment and Oath by Individual;*
- The original Will; and
- The death certificate of the decedent and of any heirs or devisees that died before the decedent.

The original signed forms will be filed with the court and a [filing fee](#) will be due at the time of your meeting.

If the Probate Registrar finds that all of your documents are in order and approves them, the Registrar will issue you a copy of a *Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors*. The Registrar will let you know if there is anything else you need to do before they can issue Letters to you.

## Step 7

### Mail and Publish Notice of the Informal Probate for Interested Parties and Creditors

Make copies of the completed *Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors* and mail one to each of the heirs, devisees, and all other interested parties you listed in the *Application*. Complete a separate *Affidavit of Mailing* (PRO803) for each party you mailed the *Notice* to and file the affidavits with the court.

Publish the *Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors* once a week for two consecutive weeks in a legal newspaper (<https://www.sos.state.mn.us/business-liens/business-help/legal-newspaper-list/>) in the county



where the case was filed. You will be responsible for paying the costs of publication. File the *Affidavit of Publication* given to you by the newspaper with the court.

### Step 8

**Fill out the *Notice to Commissioner of Human Services Regarding Possible Claims* (PRO905) and Mail a Copy to the Commissioner**

Complete the *Notice to Commissioner of Human Services Regarding Possible Claims* (PRO905) and make a copy of the document to keep for your own records. Send the following documents to the Commissioner:

- *Notice to Commissioner of Human Services Regarding Possible Claims*; and
- Copy of the *Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors*.

The address for mailing this notice is: Commissioner of Human Services, Attn: Special Recovery Unit/Estate Notice, P.O. Box 64995, St. Paul, MN 55164-0995.

You do not need to have someone else mail this notice to the Commissioner—you can be the one to mail it. After you have mailed the notice:

1. Complete an *Affidavit of Mailing of Notice to the Commissioner of Human Services Regarding Possible Claims* (PRO903), and
2. File the *Affidavit of Mailing* with the court.

You need to file the ***Affidavit of Mailing*** with the court, but NOT the *Notice* form.

Do not file the *Notice* with the court (it is for the Commissioner of Human Services only).

NOTE: **If real estate is involved**, for certain real estate transactions, you may have to take additional steps with the county recorder's office in the county where the real estate is located. Court staff cannot answer questions about real estate transactions. If you have any questions, talk to an attorney.

### Step 9 (If Applicable)

**Fill out the *Notice to Spouse and/or Children* (PRO906) and Mail Copies to Any Surviving Spouse and/or Children**

You will only need to complete this step if the person who died had a surviving spouse and/or any surviving children.

Complete the *Notice to Spouse and/or Children*. Make one copy to keep for your own records, and one copy for any surviving spouse and/or each of the surviving children of the person who died, if any.

You do not need to have someone else mail these notices—you can be the one to mail them. After you have mailed these notices, if any:

1. Complete an *Affidavit of Mailing – Informal Probate, with a Will* (PRO803) that lists who was served, and what papers were sent, and then
2. File the *Affidavit of Mailing* with the court.

You need to file the ***Affidavits of Mailing*** with the court, but NOT the *Notice* forms.

Do not file the *Notices* with the court (they are for the surviving spouse and/or children only).

## Step 10

### Get Certified Copies of the Letters Testamentary

You will need to file your *Affidavits of Mailing* and the *Affidavit of Publication* before the Probate Registrar can issue *Letters Testamentary* (the document that gives the personal representative the authority to settle the estate). After the *Letters Testamentary* have been issued, you can get certified copies from court administration. There will be a [charge](#) for each certified copy.

Certified copies of the *Letters Testamentary* may be needed for certain tasks, including but not limited to:

- presentation to banks and other financial institutions to close the accounts of the person who died or to open an estate bank account, if necessary;
- transferring title to estate real estate;
- presentation to the Department of Motor Vehicles to transfer title to a vehicle.

## Step 11

### Administer and Close the Estate

After you have been appointed as the personal representative by the *Letters Testamentary*, you will need to administer the estate of the person who died. Administering the estate includes, but is not limited to:

- Collection, inventory, and appraisal of assets.
- Paying the taxes and debts of the person who died.

- Distributing remaining assets to the proper parties as specified by law.
- Preparing a Final Account and closing the estate.

The estate cannot be closed until it has been at least 4 months from the date the *Notice to Creditors* was published. If you have questions about how to administer and close the estate, it is a good idea to talk to an attorney.