

STATE OF MINNESOTA

JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

COUNTY OF _____

Court File No. _____

Estate of _____,
Decedent

PETITION FOR FORMAL SUMMARY
ASSIGNMENT OR DISTRIBUTION AND
FORMAL PROBATE OF WILL
(NON-EXEMPT ESTATE EXEMPT ESTATE)

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 (city, state) _____.
4. Decedent died on _____, at (city, state) _____.
5. Decedent's domicile at the time of death was in _____ County, State of _____ at (address): _____.
6. 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 Petitioner are:

Name and Mailing Address	Familial Relationship AND Legal Interest (List all)	Birthdate Of Minors
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(Attach separate schedule, if necessary)

7. Negative Allegation Statement (see Minn. Gen. R. Prac. 409(a)):
8. All persons identified as heirs have survived the Decedent by at least 120 hours, except for: _____.
9. (Check appropriate boxes):
 - Decedent left no surviving spouse.
 - Decedent left no surviving issue.
 - All issue of Decedent are issue of Decedent's surviving spouse.
 - There are issue of the Decedent that are not issue of the surviving spouse.
 - There are issue of the surviving spouse who are not issue of the Decedent.

10. 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.

11. (Check appropriate boxes)

Testate

Decedent's Will is comprised of the following:

Last will dated _____.

Codicil() dated _____

Separate writing() under Minn. Stat. 524.2-513 dated _____.

The Will refers to a separate writing but none has been found.

The Will is in the possession of the Court or accompanies this Petition.

Intestate – 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.

12 No personal representative of the Decedent has been appointed in Minnesota or elsewhere whose appointment has not been terminated.

13. 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.

14. Decedent, at the time of death, was the owner of certain property described and valued at date of death ("Property") as follows:

INSTRUCTIONS for Schedule A:

1. Use legal description. If urban property show street address. If rural property show acreage.
2. Contract for Deed: If Decedent owned the vendor's/seller's interest describe the land on Schedule A, value it at zero and show the remaining contract balance on Schedule B. If Decedent owned the vendee's/buyer's interest, describe the property on Schedule A and value it at its fair market value.

SCHEDULE A – Real Estate

Item Number	Description of Property (specify liens, if any)	County Assessor's Market Value	Fair Market Value
1	Homestead in the County of _____, Minnesota _____ _____ _____ _____ _____	\$ _____	\$ _____
2	Other Real Estate: _____ _____ _____ _____ _____ _____	\$ _____	\$ _____
TOTAL			\$ _____

SCHEDULE B – Personal Property

Item Number	Description of Property (fully describe, specify liens, if any)	Fair Market Value
1	_____	\$ _____
2	_____	\$ _____
3	_____	\$ _____
TOTAL		\$ _____

15. Decedent's spouse is minor child or children are entitled to the following allowances provided for by Minn. Stat. 525.15:

Household goods	\$ _____
Wearing apparel	\$ _____
Other personal property	\$ _____
Automobile (see Minn. Stat. 525.15(2))	\$ _____
Maintenance at \$ _____ per month for _____ months	\$ _____
TOTAL	\$ _____

16. _____ is entitled to reimbursement for the following:

Expenses of Administration:

Court Filing Fee	\$ _____	
Publication Fees	\$ _____	
Appraiser Fees	\$ _____	
Attorney Fees	\$ _____	
Copy & Recording Fees	\$ _____	
Other (Explain)	\$ _____	
		Total \$ _____

Funeral Expenses:

Funeral	\$ _____	
Cemetery	\$ _____	
Other	\$ _____	
		Total \$ _____

Expenses of Last Illness:

Hospital	\$ _____	
Physician	\$ _____	
Medicine	\$ _____	
Other	\$ _____	
		Total \$ _____

Debts Having Preference Under the Laws of the United States:

_____	\$ _____	
_____	\$ _____	
		Total \$ _____

Taxes:

_____	\$ _____	
_____	\$ _____	
		Total \$ _____

Other Debts Paid:

_____	\$ _____	
_____	\$ _____	
_____	\$ _____	
		Total \$ _____

TOTAL \$ _____

17. Other debts of Decedent remaining unpaid in the amount of \$_____ are listed on a separate schedule attached to this Petition.
or
 There are no other debts of Decedent remaining unpaid.
18. There is no unsatisfied claim against Decedent's Estate for state hospital care or medical assistance benefits described in Minn. Stat. 524.2-402(c).
19. (Check if appropriate).
 There is no need for the appointment of a Personal Representative.
20. Decedent's Estate consists solely of the Property described in this Petition. It should be summarily assigned or distributed to the persons entitled to the Property because: (check appropriate boxes)
 All Property is exempt from all debts and charges.
 The sum of all allowances under Paragraph 16 and reimbursements under Paragraph 17 exceed the total value of all the Property other than Decedent's exempt homestead.
 The total value of all Property, other than Decedent's exempt homestead, is \$30,000 or less and there are no unpaid debts of Decedent.

WHEREFORE, I request the Court:

1. Fix a time and place for a hearing on this Petition;
2. (Check if applicable) Enter an Order probating the Decedent's Will;
3. Determine the amount of a bond, if any, required by Minn. Stat. 524.3-1203, subd. 4 or 5;
4. Enter its decree summarily assigning and distributing the Property to all persons entitled to the Property according to law;
5. Grant such other and further 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.

Dated: _____

Petitioner

Attorney for Petitioner

Name _____

Firm _____

Street _____

City, State, ZIP _____

Attorney License No: _____

Telephone: _____

FAX: _____

Email: _____

NOTE: Before using a Summary Procedure in a NON-EXEMPT estate, review Minn. Stat. 524.3-1203. Practitioners should also consider whether procedures under Minn. Stat. 524.3-1201 would be available and preferable when the estate is exempt and under \$20,000.

NOTE: If formal probate of will is not desired, modify the title.