

INSTRUCTIONS

Petition for Discharge of Personal Representative

Forms you may need to close your Formal Probate case:

- *Petition for Discharge of Personal Representative* (PRO1304).

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
- 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 Formal Probate

Visit the [Probate, Wills, and Estates Help Topic](#) 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 do not understand any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

You can use the *Petition for Discharge of Personal Representative (PRO1304)* if:

- You are the current personal representative;
- The Personal Representative in the case has fully administered the estate of the Decedent, or has turned over duties to a court-appointed successor; and
- The final account has been presented to and allowed by the court, the decree or order of distribution has been made, all required taxes have been paid, and proper receipts have been filed.

Step 1

Fill Out the *Petition for Discharge of Personal Representative (PRO1304)*

The Caption

State of Minnesota County of: A	Judicial District: B Court File Number: _____ Case Type: Probate
In Re the Estate of: _____ Decedent (Deceased person) C	Petition for Discharge of Personal Representative

The caption is at the top of page 1. Print or type the following information:

- A. The **county** where the Probate case was filed.
- B. The **judicial district** number (each county is located in one of ten judicial districts: <http://www.mncourts.gov/Find-Courts.aspx>), and the **court file number** (this usually starts with a two-digit number, followed by letters and numbers. For example, 15-PR - 20-0001).

C. The full name of the decedent (person who died).

Information about the Petitioner:

1 My name is _____.

2 I am an interested person as defined by Minnesota law because I am:

Personal Representative

Other: _____

1. Include your full name at #1.
2. Check the appropriate box. If you are not the Personal Representative, then list how you are an interested person on the line next to "Other."

3 The Personal Representative has:

a fully administered the estate of the Decedent, and has paid all expenses, debts, and charges owed by the estate, or

b turned over the duties of the Personal Representative and all assets of the Estate to a court-appointed successor.

3. What is the status of this probate case?
 - a. If the Personal Representative has fully administered the estate of the Decedent (meaning there is nothing left for the Personal Representative to do), check the first box.
 - b. If the Personal Representative has turned everything over to a court-appointed **successor**, check the second box.
4. You do not have to check anything at #4, but the statement must be true in order to use the *Petition for Discharge of Personal Representative* (PRO1304).
5. You do not have to check anything at #5, but the statement must be true in order to use the *Petition for Discharge of Personal Representative* (PRO1304).

6 I have made all distributions, and as proof I have filed (check all that apply):

Receipts for Assets by Distributee (PRO916).

Other proof that distributions have been made.

6. Check any boxes that apply to explain what kind of proof you have filed that all distributions have been made.

Based on the above, I ask the Court to enter an order formally:

1. Discharging the Personal Representative and releasing and discharging any sureties on the Personal Representative's bond.
2. Granting such other relief as may be proper.

The second part of the form is where your requests are stated. By using this form, you are asking the court to discharge the Personal Representative, and to release and discharge any sureties on the Personal Representative's bond.

Date and sign the *Petition for Discharge of Personal Representative* form. When you sign the *Petition*, 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 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 are not represented by an attorney, check the box for "Self-Represented." Print your name, address, email, and phone number.

<input type="checkbox"/> Attorney for Personal Representative:
OR
<input type="checkbox"/> Self-Represented:
Name: _____
Firm: _____
Address: _____
Attorney License No.: _____
Email: _____
Telephone: _____

Step 2

File the *Petition for Discharge of Personal Representative* with the Court

File your completed *Petition for Discharge of Personal Representative* with the Court. There is no fee due when you file this petition. Once you have filed your petition, it will be sent to the judicial officer for review without a hearing. If the court approves your petition, an *Order Discharging Personal Representative* will be issued that formally discharges you from serving as the personal representative.

If there was a bond in your case, you will need to get a certified copy of the *Order Discharging Personal Representative* to provide to the bonding company.