

State of Minnesota

District Court

County of:

Judicial District:	_____
Court File Number:	_____
Case Type:	Probate

In Re the Estate of:

_____,
Decedent (Deceased person)

**PETITION FOR
DETERMINATION OF
DESCENT**

Information about the Petitioner:

1. My name is _____. My legal interest to the
Decedent is: (Check all that apply)

- Spouse
- Child
- Other family member: _____
- Devisee (beneficiary of the Will)
- Heir
- Creditor
- Other: _____

Information about the Decedent:

2. Decedent was born on _____ in the city of
_____, and state of _____.

3. Decedent died on _____, which is more than three years ago, in
the city of _____, and state of _____.

4. Domicile (address of legal residence) of Decedent at the time of death:

Street Address: _____

City, State, and Zip Code: _____

County: _____

5. 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 No

If yes, what county? _____

Information about the Will and Personal Representative:

6. I have made a reasonable, diligent search for any Will. The Decedent: (check all that apply)

Died intestate (without a Will).

Died testate (with a Will). The Decedent's Will is made up of the following:

A Will dated: _____

Codicil(s) (amendments) dated: _____

Separate writing(s) gifting personal property under Minn. Stat. § 524.2 -513 dated: _____

A separate writing referred to in Will but not found or attached to Will

The original documents checked above are: (check all that apply)

Filed with this Petition.

In possession of the Court.

Have been mailed to the Court separately.

Probated elsewhere and an authenticated copy of the Will and statement or order probating the Will are filed with this Application.

Unavailable, but:

a copy of the Will is attached to the Statement of Contents of Lost, Destroyed or Otherwise Unavailable Will that accompanies this Petition.

Other:

To the best of my knowledge and belief, these documents have been validly executed.

After a reasonable diligent search, I am unaware of any document revoking the Will, and I believe this is the last Will of Decedent.

7. There is no personal representative of the Decedent appointed in Minnesota or elsewhere whose appointment has not been terminated.

8. 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.

Information about Decedent’s family and/or interested persons:

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.

9. 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.

10. 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	Birth Date of Minor / Date of Death if deceased Heir or Divisee
	<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: _____	

Name and Mailing Address (one name per box)	Familial Relationship	Legal Interest	Birth Date of Minor / Date of Death if deceased Heir or Divisee
	<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: _____	
	<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: _____	
	<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: _____	
	<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: _____	

Use another sheet of paper if you need more space for #10.

11. 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 - _____

12. 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.
- (2) If Decedent has a living spouse, I have listed the spouse.
- (3) If Decedent has children, I have listed them all (this includes adopted children but not step-children).
- (4) If Decedent has deceased children, I have listed all of the deceased child's children.

STOP: If boxes 3 or 4 are checked you do not have to continue. If not checked, move to box 5. Be sure all names of those included above are listed as interested persons in 18.

- (5) If Decedent has no descendants, I have listed Decedent's parents.
- a. If Decedent has no living parents, I have listed all Decedent's siblings.
- b. If Decedent has deceased siblings, I have listed all the deceased siblings' descendants (nieces, nephews, grandnieces, grandnephews, etc.)

STOP: If box 5 is checked you do not have to continue. If not checked, move to box 6. Be sure all names of those included above are listed as interested persons in 18.

- (6) If Decedent's parents have no descendants, I have listed Decedent's grandparents (both maternal and paternal).

(7) Maternal Grandparents

- a. If both of Decedent's maternal grandparents are deceased, I have listed Decedent's mother's siblings (Aunts and Uncles).
- b. If Decedent's mother has deceased siblings, I have listed all of her deceased sibling's children (1st cousins).

- c. If Decedent has no living maternal cousins, I have listed the surviving children of cousins.

(8) Paternal Grandparents

- a. If both of Decedent's paternal grandparents are deceased, I have listed Decedent's father's siblings (Aunts and Uncles).
- b. If Decedent's father has deceased siblings, I have listed all of his deceased sibling's children (1st cousins).
- c. If Decedent has no living paternal cousins, I have listed the surviving children of cousins.

STOP: If any boxes 6-8 are checked, be sure all names of those included above are listed as interested persons in 18. Attach a family tree to this Application.

- (9) Other (attach family tree and list as interested persons in 18).

Other than specifically listed above, there are no other heirs or devisees.

Information about Decedent's Property:

- 13. More than three years have passed since the Decedent's death and there has been no probate proceeding or administration proceeding started in Minnesota.
- 14. At the time of death, Decedent was the owner of certain property described and valued at the date of death as detailed in Attachments A and B.
- 15. The property on hand for distribution is as listed in this document and should be distributed to the following persons in the following proportions or parts:

Name	Proportion

- 16. The Decedent's property:

- Has already been claimed or occupied, according to the Will, by the devisee or the devisee's successors and assigns.
- Has already been claimed or occupied, according to the intestacy laws that were in place at the time of Decedent's death, by the heirs or successors and assigns.
- Was not claimed or occupied by anyone during the time period for testacy proceedings (three years).

17. Check box if the property described involves descent through multiple decedents.

Based on the above, I ask the Court to schedule a hearing on this Petition and enter an order formally:

1. Finding that venue is proper.
2. Finding that the Decedent died more than three years ago.
3. Determining Decedent's domicile at death.
4. Determining Decedent's testacy status.
5. Determining Decedent's heirs.
or
 Probating the valid and unrevoked Will of Decedent.
6. Issuing a decree of distribution assigning the Estate to the persons entitled to the Estate.
7. Granting such other relief as may be proper.

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

Dated

County and state where signed

Signature of Petitioner

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email: _____

<input type="checkbox"/> Attorney for Personal Representative: Name: _____ Firm: _____
--

Address: _____ _____ Attorney License No.: _____ Email: _____ Telephone: _____
--

Attachment A: Real Estate

Fill out "Attachment A" even if the Decedent did not own any real estate in Minnesota.

There are _____ pieces of real estate in Minnesota that are part of the Estate. For each piece of real estate in Decedent's Estate, I am providing the following information:

	Description of Property	County Assessor's Market Value	Fair Market Value
1	Homestead in _____ County Legal Description:	\$	\$
2	Other real estate in _____ County Legal Description:	\$	\$
Attachment A: Real Estate		Total: \$	

Use another sheet of paper if you need more room to write.

Attachment B: Personal Property

	Description of Property	A Number of Units	B Fair Market of Value of Each Unit	Total Fair Market Value
1			\$	\$ (A x B)
Attachment B: Personal Property			Total: \$	

Use another sheet of paper if you need more room to write.