

**INSTRUCTIONS FOR AFFIDAVIT IN SUPPORT OF SEARCH OF
DECEDENT – LESSEE’S SAFE DEPOSIT BOX
Minnesota Statutes § 55.10**

**USE THIS FORM AND INSTRUCTIONS ONLY IF THE FOLLOWING
FACTORS APPLY TO YOUR SITUATION:**

- You are related to a person who died or you have a legal interest in the person’s property.
- You believe the person who died may have left a will, codicil, deed to a burial lot or a document containing burial instructions in a safe deposit box.
- You want to search the safe deposit box for these documents.

**WHEN CAN YOU USE AN AFFIDAVIT IN SUPPORT OF SEARCH OF
DECEDENT – LESSEE’S SAFE DEPOSIT BOX?**

1. You must make sure that no personal representative of the decedent’s estate has been appointed.
2. You must make sure that there is no surviving joint tenant listed on the safe deposit box.
3. You must have legal standing to submit an affidavit to the banking institution where the safe deposit box is located. One of the following factors must apply to you.
 - a) You are named as personal representative in a purported will of the decedent (lessee) -- the person who owned the safe deposit box
 - b) The person who immediately prior to the death of the decedent (lessee) of the safe deposit box had the right of access to the box as deputy.
 - c) You are the surviving spouse of the decedent (lessee) of the safe deposit box.
 - d) You are a devisee under the will of the decedent. You are listed in the decedent’s will to receive property.
 - e) You are a heir of the decedent (lessee).
 - f) A person who was designated by the decedent (lessee) in writing filed with the bank before death.

WHAT TO DO AFTER YOU HAVE COMPLETED THE AFFIDAVIT:

- Bring this affidavit to the banking institution where the safe deposit box is located.

Note: This affidavit cannot be used if there is a surviving joint tenant on the safe deposit box. The bank may not open the safe deposit box if it has received a copy of letters of office of the representative of the deceased lessee’s estate or other applicable court order. The bank need not open the box if the box has already been opened under Minn. Stat. § 55.10, if it has received notice of an objection from any person or has reason to believe there would be an objection, or if the lessee’s key or combination is not available.

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 651-296-2775.