

Notice to Spouse and/or Children

To the Surviving Spouse and/or Children of the Decedent:

This Notice is to advise you of your rights regarding the Estate of _____.
Under Minnesota law, you (as surviving spouse or child of the Decedent) may have some or all of the rights summarized below.

Surviving Spouse:

1. The right to elect a percentage of the “augmented estate,” which is provided under Minn. Stat. §§ 524.2-201 through 524.2-214. This right to elect is personal to the surviving spouse and must be made within 9 months after the date of the Decedent's death; except that for property subject to probate, the election may be made within 6 months after the probate of the Decedent's Will; even if the 9 month period has already expired.
2. *If the Decedent's Will was made before your marriage to the Decedent:* The right to choose the intestate share of the Estate under Minn. Stat. § 524.2-301. This right has some limitations and exceptions.
3. The right, under Minn. Stat. § 524.2-402 to the entire homestead if the Decedent did not leave any surviving descendants, or the right to a life estate if the Decedent left surviving descendants.
4. The right to allowances under Minn. Stat. § 524.2-403, which allows the surviving spouse the right to select:
 - a. Household furniture, furnishings, appliances, and personal effects not exceeding \$15,000, net of security interests, but subject to an award of sentimental value property under Minn. Stat. § 525.152; provided, however, if the encumbered property and the value in excess of security interests, plus that of other exempt property, is less than \$15,000, or if there is not \$15,000 worth of exempt property in the Estate, the surviving spouse is entitled to other personal property of the Estate, if any, to the extent necessary to make up the \$15,000 value; and
 - b. One automobile, if any, without regard to value.
5. The right to a family allowance from the Estate under Minn. Stat. § 524.2-404 of up to \$2,300 per month (or more if authorized by the court) for one year if the Estate is insolvent, or for 18 months if the Estate is solvent.

Minor Children of the Decedent:

6. *If the Decedent had an obligation to support you:* The right to a family allowance from the Estate under Minn. Stat. § 524.2-404 of up to \$2,300 per month (or more if authorized by the court) for one year if the Estate is insolvent, or for 18 months if the Estate is solvent.

Adult Children of Decedent:

7. *If you were being supported by the Decedent:* The right to a family allowance from the Estate under Minn. Stat. § 524.2-404 of up to \$2,300 (or more if authorized by the court) per month for one year if the Estate is insolvent or for 18 months if the Estate is solvent.

Minor and Adult Children of Decedent:

8. *If there is no surviving spouse:* The right to allowances under Minn. Stat. § 524.2-403:

- a. Household furniture, furnishings, appliances, and personal effects not exceeding \$15,000, net of security interests, but subject to an award of sentimental value property under Minnesota Statutes 525.152; provided, however, if the encumbered property and the value in excess of security interests, plus that of other exempt property, is less than \$15,000, or if there is not \$15,000 worth of exempt property in the Estate, the children are entitled to other personal property of the Estate, if any, to the extent necessary to make up the \$15,000 value; and
- b. One automobile, if any, without regard to value; *however, for Adult Children of the Decedent*, these allowances shall NOT have precedence over a claim under Minn. Stat. §§ 246.53, 256B.15, 256D.16, 261.04 or 524.3-805, paragraph (a), clause (1), (2), or (3), nor shall a child have this allowance if the child has been intentionally omitted from Decedent’s Will.

If you have questions about what these statutes or rights mean, please talk to an attorney of your choice or the attorney for the Personal Representative (if any). You can get copies of the Minnesota statutes from any of the following:

- The Personal Representative (see contact information below),
- Office of the Revisor of Statutes’ website (<https://www.revisor.mn.gov/pubs/>), and
- Local county law library (<https://mn.gov/law-library/research-links/county-law-libraries.jsp>).

Dated

Applicant / Personal Representative

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