

AFFIDAVITS OF MAILING FOR INFORMAL PROBATE

Hennepin County

After approval of the Application for Informal Probate, the Attorney is responsible for all notice preparation and distribution. Proof is provided to the court by means of filing an Affidavit of Mailing.

1. Affidavit of Mailing Notice of Informal Probate

Must include names and addresses of all parties from the Interested Party List in the application unless a Waiver of Notice has been previously filed.

E-filed affidavit of mailing should consist of:

- Affidavit
- Interested Party List
- Copy of the Notice of Informal Probate

The e-filing of the Notice of Informal Probate as a separate document does NOT make it a part of the affidavit of mailing.

2. Notice to Spouse always required. Notice to Children determined by the Registrar on a case by case basis. If required the e-filed affidavit of mailing should consist of:

- Affidavit
- Interested Party List
- Copies of the statutes; be sure to use the statutes that applied at the time of the decedent's death. The court wants to see specifically what statutes you sent out.

You do NOT have to file the Notice to Spouse & Children as a separate document only as an attachment to the affidavit.

Hennepin always requires the statutes to be sent to the surviving spouse even if they are the sole distribute pursuant to Rule 408 (d) Trust and Probate Court Rules.

3. Affidavit of Service to the Commissioner of Human Services

Note: No requirement that this affidavit be filed with court. The affidavit can be prepared and retained by the attorney until someone asks for it. This document has NO impact on the issuance of letters.

If the Affidavit of Service to the Commissioner is filed it must consist of:

- Affidavit
- Copy of the Notice to the Commissioner
- Copy of the Notice of Informal Probate

DO NOT PUT SOCIAL SECURITY NUMBERS ON THE NOTICE IF FILING THE NOTICE WITH THE COURT.

References: Trust and Probate Court Rule 408

Minnesota Statutes 524.3-306; 524.3-310