

STATE OF MINNESOTA

COUNTY OF _____

JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. _____

Estate of

_____ ,

Decedent

**NOTICE TO SPOUSE AND CHILDREN
AND AFFIDAVIT OF MAILING**

TO: Surviving spouse and 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 children of the Decedent, may have some or all of the rights summarized below.

Surviving Spouse:

1. The right to take an elective share equal to the value of the elective-share percentage of the "augmented estate" determined by the length of the marriage which is provided under Minnesota Statutes sections 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 prior to your marriage to the Decedent, the right to choose the intestate share of the Estate under Minnesota Statutes section 524.2-301. This right has some limitations and exceptions.
3. The right, under Minnesota Statutes section 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 Minnesota Statutes section 524.2-403, which permits 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 Minnesota Statutes section 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 Minnesota Statutes section 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 Decedent:

6. If the Decedent had an obligation to support you, the right to a family allowance from the Estate under Minnesota Statutes section 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 Decedent, the right to family allowance from the Estate under Minnesota Statutes section 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 a surviving spouse, the descendants of the Decedent (by right of representation) have the right of to a remainder interest in the Decedent's homestead under Minnesota Statutes section 524.2-402(a)(2).
9. If there is no surviving spouse, the right to allowances under Minnesota Statutes section 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 section 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 Minnesota Statutes sections 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 any questions regarding interpretation of these statutes or the effect of these or other rights, please consult with an attorney of your own choice or the attorney for the Personal Representative. Copies of the statutes can be obtained at the local county law library or from the Personal Representative.

Dated: _____

Personal Representative

Attorney for Personal Representative

Name _____
Firm _____
Street _____
City, State ZIP _____
Attorney License No: _____
Telephone: _____
FAX: _____
Email: _____

SAMPLE DOCUMENT

STATE OF MINNESOTA

COUNTY OF _____

} ss.

AFFIDAVIT OF MAILING

I, _____, being first duly sworn on oath state that on _____ (date), at _____, MN (city, state), I mailed a copy of the attached notice to each person or entity named below by mailing a copy in a sealed envelope, postage prepaid, with the U.S. Postal Service as follows:

Name

Mailing Address

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

Dated: _____

Affiant