

STATE OF MINNESOTA

COUNTY OF _____

JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. _____

Estate of _____,
Decedent

**PETITION FOR FORMAL ADJUDICATION OF
INTESTACY, DETERMINATION OF HEIRS AND
APPOINTMENT OF PERSONAL
REPRESENTATIVE**

I, _____, state:

1. My address is: _____.
2. I am an interested person as defined by Minnesota law because I am: _____.
3. Decedent was born on _____, at (city, state) _____.
4. Decedent died on _____, at (city, state) _____ and
no more than 3 years (except as permitted by Minnesota Statutes section 524.3-108) have elapsed since
Decedent's death.
5. Decedent's domicile at the time of death was in _____ County, State of
_____ at (address): _____.
6. The names and addresses of Decedent's spouse, children, heirs and other persons interested in this
proceeding so far as known or ascertainable with reasonable diligence by the Petitioner are:

Name and Mailing Address	Familial Relationship AND Legal Interest (List all)	Birthdate Of Minors
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(Attach separate schedule, if necessary)

7. Negative Allegation Statement (*see* MINN. GEN. R. PRAC. 409(a)):
 - ☐ Only the Spouse Survive Decedent
Decedent left no surviving descendants (including adopted descendants); and was not in the process of
adopting an individual at the time of the decedent's death.
 - ☐ Only children Survived Decedent
The Decedent left surviving no spouse; no children, (including adopted children), other than herein
named; and no descendants of any deceased children.
 - ☐ Spouse and Children Survived Decedent

The Decedent left surviving no children (including adopted children), other than herein named and no descendants of any deceased children; and was not in the process of adopting an individual at the time of the decedent's death.

☐ Only Brothers or Sisters Survived Decedent

The Decedent left surviving no spouse; descendants; parents; brothers or sisters other than herein named; and no descendants of deceased brothers or sisters.

☐ Only First Cousins Survived Decedent

The Decedent left surviving no spouse; descendants; parents; brothers or sisters or descendants thereof, grandparents; aunts or uncles; and no first cousins other than herein named.

8. All persons identified as heirs have survived the Decedent by at least 120 hours, except for: _____.

9. (Check appropriate boxes):

- ☐ Decedent left no surviving spouse.
- ☐ Decedent left no surviving descendants.
- ☐ All descendants of Decedent are descendants of Decedent's surviving spouse.
- ☐ There are descendants of the Decedent that are not descendants of the surviving spouse.
- ☐ There are descendants of the surviving spouse who are not descendants of the Decedent.

10. Venue for this proceeding is in this County of the State of Minnesota because:

☐ The Decedent was domiciled in this County at the time of death and was the owner of property located in the State of Minnesota.

or

☐ Though not domiciled in the State of Minnesota, the Decedent was the owner of property located in this County at the time of death.

11. I estimate the Decedent's assets and indebtedness are as follows: (complete all blanks, even if zero)

Probate Assets

Homestead \$ _____
Other Real Estate \$ _____
Cash \$ _____
Securities \$ _____
Other \$ _____

Non-Probate Assets

Joint Tenancy \$ _____
Insurance \$ _____
Other \$ _____

Approximate Indebtedness \$ _____

12. There is no Personal Representative of the Decedent appointed in Minnesota or elsewhere whose appointment has not been terminated.

13. ☐ 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 who have filed a demand for notice.

14. Having conducted a reasonably diligent search, I am unaware of any unrevoked testamentary instrument relating to property having a situs in Minnesota and believe that the Decedent died leaving no Will.

15. _____ is entitled to priority and appointment as Personal Representative under Minnesota Statutes section 524.3-203 because _____.
There are no other persons having a prior or equal right to the appointment under Minnesota law except _____.
who have either renounced their right for appointment or have joined in nominating _____.
_____.

SAMPLE
DOCUMENT

WHEREFORE, I request the Court fix a time and place for a hearing on the Petition and enter an order formally:

1. Finding the Decedent is dead;
2. Finding venue is proper;
3. Finding the proceeding was commenced within the time limitations prescribed by Minnesota law;
4. Determining Decedent's domicile at death;
5. Finding Decedent left no Will and therefore died intestate;
6. Determining Decedent's heirs;
7. Appointing _____ as Personal Representative of the Estate with \$ _____ bond, in ☐ an unsupervised ☐ a supervised administration;
8. Authorizing issuance of letters of general administration upon qualification and acceptance; and
9. 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: _____

Petitioner

Attorney for Petitioner

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